



Department of Justice

STATEMENT OF
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ACTING UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

BEFORE THE
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UNITED STATES SENATE

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“EXPLORING FEDERAL SOLUTIONS TO THE STATE AND LOCAL
FUGITIVE CRISIS”

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ACTING UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF
PENNSYLVANIA
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Good morning, Chairman Specter and Members of the Subcommittee. My name is John Patrignani, Acting U.S. Marshal for the Eastern District of Pennsylvania (E/PA). I am pleased to appear before you today as a representative of the United States Marshals Service (USMS) to discuss the issue of fugitive apprehension and what can be done by the Marshals Service to assist in the apprehension and extradition of dangerous state and local fugitive felons.

As you know, the Marshals Service has a long and rich history, with fugitive apprehension as one of its core missions. The Marshals Service is charged with assisting state and local law enforcement in apprehending their most violent felons and is responsible for tracking down and apprehending individuals wanted for federal parole and probation violations and for escaping from federal prison. In 2006, Congress gave the Marshals Service the added responsibility of investigating sex offender registration violations, apprehending non-compliant sex offenders, and assisting state and local jurisdictions in their investigations of fugitive sexual predators under the Adam Walsh Child Protection and Safety Act.

The success of the Marshals Service's fugitive apprehension program is unmatched in federal law enforcement. In FY 2009, the USMS arrested more than 127,200 felony fugitives, including over 90,800 state and local fugitives, and apprehended more than 10,000 sex offenders as mandated by the Adam Walsh Act. In the Commonwealth of Pennsylvania, the USMS and its state and local partners arrested more than 3,700 fugitives during FY 2009, including over 1,500 in the Eastern District alone. We expect these statistics to be surpassed in this fiscal year.

The USMS is the Federal Government's primary agency for conducting fugitive investigations. It is also the most successful, and the bulk of that success results from the Agency's vast and well-developed network of both district-based and regional fugitive task forces, supplemented by our international investigative capabilities. Partnerships with federal, state, local, and international agencies provide the knowledge, resources, and expertise necessary to take the "worst of the worst" fugitives off the streets and help make our communities safer.

USMS Fugitive Task Forces

The Marshals Service's network of district, regional, and international criminal investigators provides the critical element in a successful fugitive investigation, since these cases rarely involve just one jurisdiction, agency, or department. This network provides a "force multiplier" effect that lets criminals know that they can run, they can hide, but the U.S. Marshals will track them down.

The U.S. Marshals lead seven Regional Fugitive Task Forces (RFTFs) and 75 district fugitive task forces that support state and local investigative efforts in apprehending violent felony fugitives. The task forces combine the efforts of federal, state and local law enforcement agencies to locate and arrest the most dangerous fugitives. In addition to multi-jurisdictional investigative guidance and expertise, the USMS provides its law enforcement partners with overtime compensation, equipment, vehicles, technical assistance, financial and electronic surveillance, international investigative support and capability, and training that would not otherwise be available to them. In all, 39 federal and 793 state and local agencies participate in the RFTFs and district task forces.

Coordination with state and local law enforcement is essential to the success of the task forces. In FY 2009, 90,806 of the USMS' 127,200 fugitive arrests (71%) were state or local fugitives. Of those 127,200 fugitives arrested, there were 10,019 sex offenders, 3,628 homicide suspects, and 3,664 gang members. The task forces have significantly enhanced the fugitive apprehension program of the U.S. Marshals and created an investigative network that crosses the globe, resulting in fewer safe havens for violent felons.

In the E/PA, the Violent Crimes Fugitive Task Force (VCFTF) leads the hunt for fugitives. The VCFTF was established in 1983 and was the first USMS task force of its kind. Originally intended as a six-month endeavor, the VCFTF was so successful in finding and arresting violent criminals that its mission was extended, and it became the model for all other USMS-led fugitive apprehension task forces. Using resources and management coordination supplied by the Marshals Service, the VCFTF focuses on apprehending federal, state, and local felony fugitives wanted for violent criminal offenses. Over the past 27 years, more than 30 federal, state, and local law enforcement agencies have participated in the VCFTF's operations; currently there are four federal and five state and local agency partners. The VCFTF has arrested over 23,400 fugitive felons since its inception.

The individuals arrested by the Task Force frequently are among the participating agencies' "Most Wanted" fugitives. In FY 2009, the E/PA arrested over 1,500 fugitives, including 114 sex offenders, five gang members, and 93 persons wanted for homicide. Investigators also seized 26 firearms, over \$23,800 in U.S. currency, and nearly a kilogram of narcotics.

Fugitive Apprehension and Extradition

By definition and nature, fugitives are mobile and opportunistic, preying on innocent citizens by committing crimes against persons and property. Fugitives are as diverse as our society - transcending gender, ethnicity, religion, age, background, and every other demographic parameter. They are highly recidivist criminals and frequently finance their continued flight from justice by robbing, stealing, and defrauding the public and by selling controlled substances. Unable to hold down jobs and live normal, productive lives, fugitives support their existence through the commission of additional crimes, leaving more victims in their wake. Among the more than 127,200 fugitives apprehended by the USMS in FY 2009, most averaged more than four prior arrests each – for crimes like assault, robbery, narcotics possession, or weapons offenses.

The Marshals Service's mandate under both the Presidential Threat Protection Act and the Adam Walsh Act is to provide assistance to state and local law enforcement agencies in the apprehension of their dangerous fugitive felons and non-compliant sex offenders, and this is a mandate that the Agency takes very seriously. In addition to the investigative assistance that the USMS provides in locating and arresting violent fugitives, the task forces also provide their state and local law enforcement partners with electronic, air, and financial surveillance resources, training, equipment, overtime, and assistance in transportation and extraditions of fugitives from outside their local jurisdictions. Extradition assistance is particularly important to our state and local partners because not all of them are financially able to extradite the fugitives who are located and arrested outside their jurisdiction, thus limiting the geographic scope of enforcing felony warrants. Unfortunately, we have learned anecdotally from our state and local partners that this is not an unusual problem.

Operation FALCON

In June 2009, the United States Marshals Service partnered with thousands of law enforcement officers from hundreds of federal, state, and local agencies to engage in a record-breaking operation named Operation FALCON 2009 (Federal And Local Cops Organized Nationally). This initiative represented the sixth effort in a continuing series of historically successful national fugitive apprehension missions, which have resulted in the collective capture of more than 91,000 dangerous fugitive felons.

As in prior operations, an emphasis was placed on the apprehension of violent criminals, gang members, and sexual offenders. During Operation FALCON 2009, the Marshals Service and its federal, state, and local law enforcement partners arrested 35,190 fugitives, including 433 persons wanted for homicide, 900 gang members, and 2,356 sexual offenders. FALCON investigators also seized 582 weapons, approximately 2,232.816 kilograms of assorted narcotics, and more than \$342,100 in U.S. currency.

In the E/PA, Deputy U.S. Marshals teamed with their federal, state and local law enforcement partners to arrest 333 fugitives, including four persons wanted for homicide and 23 sexual offenders over the course of the operation. In addition to the arrests, investigators seized five firearms, \$5,000 in cash, and a quantity of narcotics.

An example of the success of the interagency cooperation during Operation FALCON 2009 in the E/PA is the arrests of Lawrence Peel and Dwayne Robinson. On June 13, 2009, Philadelphia Police Officers Ashley Hoggard and Michael Alexander were on patrol when they heard numerous gunshots. They observed a large crowd in front of a bar near their location. The officers exited their vehicle, and as they were responding to the area, several more shots were fired. Officer Hoggard was struck in the left side of the chest and was transported to Temple

University Hospital where he was admitted in stable condition. Three other individuals in the area were also struck by the gunfire. All were transported to a local hospital and survived their injuries. On June 13, the VCFTF was asked by the Philadelphia Police Department to assist in the apprehension of Lawrence Peel, who was wanted for the domestic abuse of his ex-girlfriend and was also a suspect in the shooting of Officer Hoggard. Peel has an arrest record that goes back 10 years. Investigators learned of a possible location for Peel and responded to the residence, where they arrested Peel on June 16. After Peel's arrest, the VCFTF continued its investigation of the June 13 bar shooting and determined that Dwayne Robinson was also involved. Task Force officers subsequently arrested Robinson on June 17 for his role in the bar shooting. Both Peel and Robinson have been charged with attempted murder, aggravated assault, and weapons offenses related to the June 13 shootings.

Asset Forfeiture

The U.S. Marshals Service administers the Department of Justice's Asset Forfeiture Program by managing and disposing of properties seized and forfeited by federal law enforcement agencies and U.S. Attorneys nationwide. The proceeds from the sale of forfeited assets are deposited into the Asset Forfeiture Fund (AFF) and subsequently used to further law enforcement initiatives. Under the Equitable Sharing Program, the USMS shares these proceeds with the state and local law enforcement agencies based upon their involvement in law enforcement actions that led to the forfeiture of the assets. This sharing of resources fosters increased cooperation between federal, state, and local law enforcement agencies, and provides additional resources to the participating state and local agencies.

The USMS shared nearly \$432 million with state and local law enforcement agencies nationwide in FY 2009; Pennsylvania received over \$12 million, including more than \$7.5 million here in the Eastern District. In FY 2009, and thus far in FY 2010, the USMS has received \$26 million in asset forfeiture funds to pay overtime costs for state and local task force personnel. Additionally, the USMS used \$31.6 million from the AFF in FY 2009 to purchase and equip 587 vehicles for use by our state and local law enforcement partners.

Fugitive Safe Surrender

Another tool in the fight against crime is the Fugitive Safe Surrender program. Authorized under the Adam Walsh Act, Fugitive Safe Surrender (FSS) is a creative, non-violent and highly-successful approach to fugitive apprehension. The goal is to reduce the risk to law enforcement officers who pursue fugitives, to the neighborhoods in which they hide, and to the fugitives themselves. This program does not provide amnesty; instead, it encourages persons wanted for non-violent felony or misdemeanor crimes to voluntarily surrender in a faith-based or other neutral setting. Partnering with state and local law enforcement, the judiciary, and the religious community, the USMS has undertaken a total of 17 successful FSS operations, including three in the Commonwealth of Pennsylvania. The first FSS was conducted in Philadelphia from September 17-20, 2008, and during this time, 1,248 individuals surrendered. The second FSS took place in Harrisburg from June 10-13, 2009, and 1,282 people surrendered. The latest FSS took place in Chester from September 30-October 3, 2009, during which time 447 individuals self-surrendered. Since the program's inception in 2005, more than 25,000 fugitives across the country have taken advantage of the Fugitive Safe Surrender initiative.

Entry of Warrants into NCIC

The USMS is in a unique position with regard to the entry of warrants into the National Crime Information Center (NCIC), since it serves as the national repository of all federal arrest warrants that have been issued by United States District Courts and the United States Parole Commission. The Marshals Service has statutory responsibility for the apprehension of escaped federal prisoners, bail jumpers, parole violators, probation violators, and non-compliant sex offenders. The USMS also has apprehension authority for fugitives wanted by other Federal agencies, such as the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

The USMS maintains nearly 30,000 wanted person records in the NCIC – more records than any other federal agency. NCIC policy mandates that federal agencies enter these records within 24 hours after receipt of the arrest warrant. Since the majority of violent offenders originate from state and local jurisdictions, the USMS encourages a similar expediency for state and local agencies who participate in our task forces.

Conclusion

Cooperation and coordination with our federal, state and local law enforcement partners is of the utmost importance to the U.S. Marshals. Quite simply, they need us and we need them. Through the expansive network of the task forces and fugitive round-ups such as Operation FALCON, the USMS has proved the efficacy of the cooperative law enforcement model, which seeks to multiply the positive impact of law enforcement at all jurisdictional levels.

Thank you for the opportunity to appear before the subcommittee. I am happy to answer any questions you may have.