



post-gazette**NOW**
Pittsburgh Post-Gazette
News

Program lets fugitives surrender safely in church

Some places of worship double as court

Sunday, September 23, 2007

By Ann Belser, Pittsburgh Post-Gazette

Over the last two years, thousands of fugitives in four states have lined up outside of churches, waiting for a chance to turn themselves in.

The program is called Fugitive Safe Surrender. For four days, a local church is turned into a full-fledged court, complete with judges, public defenders, prosecutors and identification equipment such as fingerprinting.

It's a program of the U.S. Marshals Service, which works with local law enforcement and the courts to take the desperation away from the process of catching criminals. Thomas Fitzgerald, the U.S. Marshal in Pittsburgh, said it may be open here in a year or two.

In the first five cities that tried Fugitive Safe Surrender, 4,000 people turned themselves in. That is continuing in a Memphis, Tenn., church where the safe surrender program opened this week. In the first two days, 560 people voluntarily stopped running from the law. When the doors opened the first morning, there was a line of 80 people waiting to come in.

The program was started in Cleveland by the U.S. Marshal there, Pete Elliott.

Mr. Elliott said he was inspired to start the program after the death of Wayne A. Leon, a Cleveland police officer who was killed by a fugitive six years ago.

It was Officer Leon's death, he said, that made him realize "desperate people commit desperate acts with tragic consequences."

He started to think of a place where fugitives, who were fearful of the law, would feel safe and where they might turn themselves in.

"We're trying to take that desperateness out of the situation," he said.

Then he hit on the idea of a church, a place where he has gone every week of his own life and where he has always felt safe. People who don't want to go to a court or police station will go to a church.

The trust problem, in part, comes from law enforcement's own tactics of tricking criminals. Officers send out letters saying someone has won football tickets, then, when he shows his identification, they arrest him on outstanding warrants. They hold graffiti contests to catch the perpetrators. They go undercover, convincing drug dealers that they are not police officers.

Then, when it comes time for wanted criminals to turn themselves in, they don't trust the police.

But they do trust the church.

"Churches give hope," Mr. Elliott said.

So far the program has been rolled out in six cities. While Fugitive Safe Surrender is designed for nonviolent, low-level offenders, people accused of violent offenses and of being high-level drug offenders have used it.

"Most say they turn themselves in because they are tired of running," said Dan Flannery, a criminal justice professor and director of the Institute for the Study and Prevention of Violence at Kent State University. "They're tired of being worried every time a police car pulls up behind them."

Mr. Flannery has been studying Fugitive Safe Surrender and keeping the statistics on the program. Of the people who show up, two-thirds are accompanied by family or a friend, and 85 percent say it's important or very important that they could turn themselves into a church. Mr. Flannery said they are afraid of what would happen if they surrendered at a police station.

When the fugitives reach the door of the church, about 20 percent of them say "I think I'm going to be arrested and go to jail."

In reality, he said, about 6 percent of the fugitives are jailed. The rest are processed, meet with a defense attorney and are seen by a judge. Many receive a new court date.

Many people are in for probation violations, some want to get jobs or go back to school, but they can't because of an outstanding warrant. People who have surrendered ranged in age from 18 to 78, with warrants that are up to a dozen years old.

Asa Tyus, 26, of Memphis, turned himself in on Thursday to deal with charges of bouncing a check in one incident and speeding in another. He didn't see the judge, because he had an exam to take for a class at the University of Memphis, where he is a political science major.

He said he had gone to court four times, but the case had not been resolved. So when he moved to Georgia, he just ignored it. But now he is back in Tennessee and wants to get rid of the warrant.

"I'm trying to do the right thing. I'm in college. I don't want to be worried about people coming and pulling me out of my class," he said Friday when he was back at the church waiting to see a judge.

Mr. Tyus has gone to prison before. In 2002 he was released after serving two years for his part in an aggravated robbery and car jacking.

The recent charge of bouncing a check was for a dryer he purchased for an ex-girlfriend.

Now, he said, "I don't have her, the dryer or anything," and he wants the charges to be eliminated from his life, too.

Using the church as an extension of the courts does not work in every jurisdiction. U.S. Marshal James Plousis tried to set the program up last year in a Baptist church in Camden, N.J., but was blocked by that state's chief justice, Deborah T. Poritz, who cited the separation of church and state. She also said the program created the appearance that the court was no longer neutral but was instead siding with the prosecution.

So far the program has been run in Arizona, Indiana, Ohio and Tennessee without court objections.

While the program is heavily advertised on billboards, in newspapers and on radio and television, 75 percent answer that they learned about it on television.

One interesting statistic is that 25 percent of the people who show up to surrender do not have warrants out for their arrest. Mr. Flannery said some of them might have run from a police confrontation, possibly endangering others, because they mistakenly believed they were wanted.

Grace Leon, the widow of Officer Leon, is a big fan of the program. Her husband was killed when their children were 2, 4 and 5 years old.

Officer Leon, his wife said, was the type of involved father who would have coached his children's soccer teams.

"I know what it was like to sit down and tell my kids that daddy isn't coming home. It was such a horrific experience." That's why the program is so important to her -- so that another mother doesn't have to tell her children that their father won't be home.

"As a mother, it haunts me still," she said. "The look that my 5-year-old had in his eyes when I told him this. His innocence was stripped away, and it's never coming back."

Marshal Elliot said that for each fugitive who turns himself in "that's one less dangerous confrontation our law enforcement officers have to have."

Some safe surrender programs have added drivers license bureaus to reduce the likelihood of police chases that occur when people don't want to be stopped when they have suspended licenses.

Mr. Flannery said it has been interesting watching the relationships among the fugitives, the justice system, the churches and the volunteers who are on hand to help.

"You're dealing with an offender whom you have to deal with differently than you normally

do," he said. "It takes a lot of courage for somebody to turn themselves in when they think they are going to jail and they've got kids and a job and they're worried about what they're going to do."

First published on September 23, 2007 at 12:00 am

Ann Belser can be reached at abelser@post-gazette.com or 412-263-1699.