



FUGITIVE SAFE SURRENDER

WASHINGTON, D.C.

MEMORANDUM OF PARTICIPATION



“For every fugitive who voluntarily surrenders, law enforcement officers and residents face one less potentially dangerous confrontation on the streets.”

Community partnerships are among of the most powerful forces at work in America to address critical societal challenges such as public safety, jail overcrowding and community re-entry.

Thousands of fugitives are present in every major city across America, many wanted for violent crimes, but a far larger number sought by law enforcement for lower-level, non-violent offenses.

Federal, state and local law enforcement officials are in constant pursuit of these individuals and apprehend large numbers of them each year through regular investigative efforts and fugitive sweeps. These duties are among the most dangerous faced by U.S. Marshals, police and sheriffs: not only to themselves, but to neighborhoods where fugitives hide, and to fugitives, as well.

The U.S. Marshals Service 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 agencies combined.

Fugitive Safe Surrender (FSS) is a new initiative led by the U.S. Marshals Service that encourages fugitives - through coordinated media and community outreach efforts - to surrender voluntarily to authorities at faith-based and other neutral settings and, where law and justice allow, proceed to final adjudication the same day.

Fugitive Safe Surrender has no religious requirement whatsoever and does not offer amnesty in exchange for surrender; rather, it offers favorable consideration from prosecutors and courts for individuals who accept responsibility for their actions.

Fugitive Safe Surrender's four surrender days are immediately followed by large-scale fugitive sweeps that partner federal, state and local law enforcement and which offer no special consideration to captured individuals.

The U.S. Marshals Service leads the nationwide implementation of this promising new strategy and recognizes the successful 2005 pilot in Cleveland, and subsequent efforts in Phoenix and Indianapolis.

Core Partner Responsibilities

The pastor's primary responsibilities include but are not limited to:

1. Serving as one of the spokespersons for FSS in the media - including television and radio PSAs;
2. Assisting in organizing a group of approximately 100 volunteers who will spread the FSS message at the grass roots level and serve as support staff during the four surrender days at the church; and
3. Making sure the selected church is open and operational all day for the four-day period (Wednesday to Saturday) during which fugitives may surrender.

The District of Columbia Superior Court agrees to:

1. When considering case dispositions, take into favorable consideration, among other relevant facts, that the fugitive surrendered voluntarily and peacefully;
2. Concur with the program's general premise that fugitives: (1) with no history of violence; (2) who are wanted for nonviolent, non-domestic violence offenses; and (3) who do not have extensive criminal records will – consistent with the law and the court's discretion – be processed and released from the church the same day they surrender;
3. Participate on-site at the church during all four days of the surrender period; and
4. Assign Superior Court Panel attorneys to represent fugitives with matters being prosecuted by the Office of the Attorney General for the District of Columbia.

The United States Parole Commission's primary responsibilities include but are not limited to:

1. Concurring with the program's general premise that fugitives with: (1) no history of violence; (2) who are wanted for nonviolent offenses; and (3) who do not have extensive criminal records will - consistent with the law and the Commission's discretion - be processed and released from the church on the day of surrender;
2. Treating voluntary and peaceful surrender as a mitigating factor when exercising its discretion in a case involving a fugitive who is taking part in the program; and
3. Participating on-site at the church during all four days of the surrender period.

The Office of the United States Attorney for the District of Columbia agrees that:

1. When exercising its discretion whether and to what extent to offer a negotiated disposition in any pending matter, it will take into favorable consideration, among all other relevant circumstances, the fact that the fugitive surrendered voluntarily and peacefully;
2. It concurs with the program's general premise that fugitives who: (1) are wanted in connection with warrants arising out of Non-Domestic Violence misdemeanors (2) have no history of violence; and (3) do **not have extensive criminal** records will - consistent with the law and the exercise of prosecutorial discretion - be processed and released from the church on the day of surrender;
3. Participate on-site at the church during all four days of the surrender period.

The Office of the Attorney General's primary responsibilities include but are not limited to:

1. Concurring with the program's general premise that fugitives who surrender voluntarily and peacefully will be afforded "favorable consideration" for doing so during plea negotiations;
2. Concurring with the program's general premise that fugitives with: (1) no history of violence; (2) who are wanted for nonviolent offenses; and (3) who do **not** have extensive criminal records will - consistent with the law and the exercise of prosecutorial discretion - be processed and released from the church on the day of surrender;
3. Participating on-site at the church during all four days of the surrender period.

The District of Columbia Public Defender Service's primary responsibility is to:

1. Provide on-site legal representation during the four surrender days to all individuals with Parole violations, U.S. misdemeanor or felony charges who qualify.

The Metropolitan Police Department's primary responsibilities are to:

1. Positively identify, as applicable, each surrendering individual;
2. Run record checks on each surrendering individual; and
3. Provide logistical support for the project.

The United States Marshal's Service's primary responsibilities are to:

1. Ensure the security of the surrender site(s) and the safety of all participants;

2. Arrest and transport surrendering individuals whose criminal history and/or warrant justify arrest and
3. Perform fugitive sweeps immediately after the surrender period.

The Court Services and Offender Supervision Agency and Pretrial Services Agency's primary responsibilities are to:

1. Participate on-site at the church during all four days of the surrender period; and,
2. Provide operational and logistical support to assist in the surrender process for both the Court and the USPC during the surrender period.

Miscellaneous Provisions

This Memorandum will become effective upon the date of the signature of the last of the principals. This Memorandum of Participation creates no rights, substantive, procedural or otherwise, and may not be relied upon by any fugitive in an effort to secure either release or a desired disposition in any manner.

Controlling Regulations and Laws

Each Party understands and agrees that the provisions of this Memorandum are subject to the laws and regulations of the United States and the District of Columbia including, but not limited to, the Crime Victims' Rights Act, 18 U.S.C., Section 3371.

Liability/Indemnification

Each Party shall be responsible for any liability arising from its own conduct and retain immunity and all defenses available to it pursuant to federal and District of Columbia law. No Party agrees to insure, defend, or indemnify another.

Anti-Deficiency Act

Nothing contained herein shall be construed to obligate any Agency or organization to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.

Jointly Drafted

This Memorandum shall be deemed to have been drafted by the Parties and, in the event of a dispute, shall not be construed on that basis against any Party.

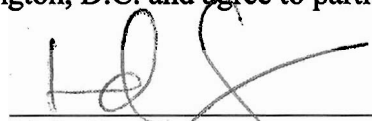
Authority to Execute

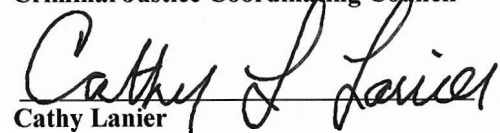
Each of the undersigned individuals represents and warrants that he or she is expressly and duly authorized to execute this Memorandum and to legally bind each Party as set forth in this Memorandum.

This Memorandum shall not and is not intended to benefit or to grant any right or remedy to any person or entity that is not a party to this Memorandum. Specifically, this Memorandum creates no rights, substantive, procedural, or otherwise, and may not be relied upon by any fugitive in an effort to secure either release or a desired disposition in any matter.

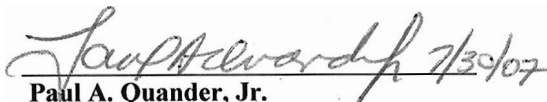
ACCORDINGLY, we the undersigned join together in support of the U.S. Marshals Service Fugitive Safe Surrender initiative in Washington, D.C. and agree to participate as partners in its development and implementation.



Nancy Ware
Executive Director
Criminal Justice Coordinating Council



Linda Singer
Attorney General, DC

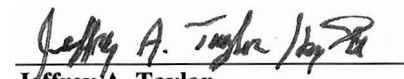

Cathy Lanier
Chief, Metropolitan Police

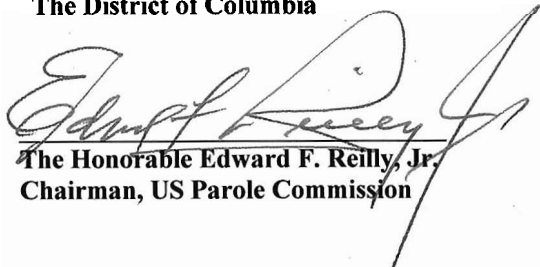

Susan Shaffer
Director
Pretrial Services Agency

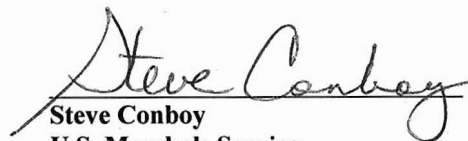

Paul A. Quander, Jr.
Director, Court Services and
Offender Supervision Agency


Avis Buchanan
Director
Public Defender Service


The Honorable Rufus G. King, III
Chief Judge Superior of
The District of Columbia


Jeffrey A. Taylor
United States Attorney for the
District of Columbia


The Honorable Edward F. Reilly, Jr.
Chairman, US Parole Commission


Steve Conboy
U.S. Marshals Service