

Judiciary Interim Committee Meeting

Presentation from Dr. Matthew D. Harris United States Marshal

Chairs Lisonbee and Weiler and committee members, thank you for inviting me to share some information with you today.

My name is Matthew Harris, and I'm the United States Marshal for the District of Utah. My position is appointed by the President of the United States and confirmed by the US Senate. I have nearly 24 years of federal law enforcement experience; serving half of my career in traditional law enforcement and the other part in government oversight and government accountability. I hold a Doctor of Business Administration (Ph.D.), a Masters of Public Administration and have authored several peer-reviewed articles on law enforcement leadership and government accountability.

I'm here to speak with you today about violent fugitives in Utah.

As the United States Marshal, I oversee a task force that consists of 106 state and local officers from 28 different agencies across Utah. The purpose of this task force is to help state and local agencies reduce violent crime in their communities by apprehending the most violent criminals. We are the only federal law enforcement agency whose primary enforcement mission is the apprehension of state and local fugitives.

In Utah, nearly 70 percent of all of our task force arrests are state and local fugitives. This is not a task force where a federal agency absorbs state and local resources to do its work. It's a task force that leverages relationships and comprises state and local officers who help remove violent criminals from their own communities. State and local agencies refer their warrants to our task force, and we serve them collectively.

In the past three years this task force has arrested over 2000 fugitives. While these numbers are impressive, success can't be measured by using arrests as the only performance metric. In our office we strive to measure impact rather than output by putting a greater emphasis on the quality of cases we are working on, rather than the number of arrests. We know, and research tells us, that a small percentage of criminals commit a more significant share of crimes.

Our criteria for case selection are rigid. Roughly 93 percent of our caseload involves fugitives wanted for a crime of violence or who have committed crimes of violence in the past. We put an incredible amount of effort into ensuring our targets for apprehension are the most violent offenders, and we are judicious about the cases we are accepting. Frankly, we don't have the time or the resources to spend on petty crimes or low-level drug dealers. I assure you these are the most violent and most likely to reoffend criminals that we are targeting.

About 12 months ago, I started looking more closely at these cases. After consistently seeing the same names come across our case inventory and then regularly seeing many our "frequent fliers" on the news, I found myself thinking – didn't we arrest this person a few months ago? Even more concerning was an increase in the number of critical incidents (Four officer-involved

shootings) in the last 18 months. All of these fugitives were on the run; all were carrying weapons; all were prohibited persons and prohibited from possessing firearms; all were AP&P fugitives who previously spent time in prison; and this task force had previously arrested all of them.

Why are they out?

Similarly, I saw the same pattern for non-AP&P fugitives. Soon after capture for their existing felony, many were released after a short time in jail.

We deal with the most violent offenders in this state, so if we see a revolving door of justice, what is everyone else seeing?

Looking more closely at our data for this year, we see the average number of prior arrests a fugitive has in 9.4; when it comes to AP&P fugitives, that number jumps to 10.3. Again, this illustrates that our target demographic is violent career criminals. Data for the past ten years reveals that approximately 35 percent of people arrested by this task force have been arrested by us more than once – and that does not include any arrest that may have occurred outside of our task force.

Over the last three years, our task force has arrested nearly 1/3 of AP&P fugitives more than once – and that is just our task force arrests. That doesn't include arrests made by Salt Lake City, West Valley, or any other jurisdiction.

I have become very concerned with the public's safety and the nearly 106 task force officers that work on our team. Critically, I started asking – why are we arresting this person, expending money, resources, time, and safety for an arrest on Tuesday only to have the suspect released by the weekend? As a law enforcement leader, it's my job to ensure the resources our local partners provide are being utilized sensibly. It's also my job to do everything in my power to safeguard these fine men and women to ensure they come home safely to their families each night.

In a recent shooting in Salt Lake City that involved our task force, our fine officers took rounds from inside the house. Of course, once again, these shooters were AP&P fugitives who had been arrested by us many times before. Once again, a spouse, a child, a mom, a dad had to watch on the news wondering if their loved one on scene was safe.

I have several cases that could illustrate this problem, but I'd like to touch on a few that have happened recently.

- In March we arrested a fugitive with two active warrants: an AP&P warrant and a 3rd degree felony fleeing warrant from the 3rd District. The suspect was a former inmate at the state prison who did time for shooting his brother in the head. He was on parole at the time of his arrest. He has over 20 prior arrests and was even convicted in 2018 of an additional felony of assault by a prisoner. He was let out of prison one month early due to COVID in October 2020. Since his release, he has been arrested three additional times. Despite having two active warrants, he was released from jail after only 8 hours. Moreover, he possessed distribution amounts of drugs at the time of his arrest which met

the federal drug prosecution threshold. He was later charged in federal court for distribution. When we attempted to arrest him on this new charge after his release, he fled. He was arrested one week later at a motel in West Valley City after again trying to escape. During this arrest, he again possessed distribution amounts of drugs which again are being screened federally.

- In January, we arrested a man for charges related to rioting. The suspect had a lengthy juvenile history, that included two drive-by shootings and brandishing a firearm. He had previously been charged as an adult for a separate drive-by shooting, but that was reduced to discharging firearms. A few months after being released from jail, he was charged with his 3rd shooting, this time with attempted homicide of a convenience store clerk.
- In January, we arrested a man on an AP&P warrant related to an aggravated assault with a weapons charge. The man had 16 prior arrests and had been screened for ten prior felonies. After our January arrest, he spent 12 days in jail. Since that arrest and release, he has been booked into jail an additional four times, with charges that include violating a protective order and aggravated kidnapping.
- In November, we arrested a man who was a convicted felon with a lengthy criminal history and a former inmate. He had been released from parole six months prior. He was booked into jail on new local charges for the gun and drugs we seized. Several hours after his arrest and booking, he was released from jail. This despite having a violent criminal history and new severe pending felony charges. Only a few days later, he was encountered by a law enforcement officer with another department. During this stop, he possessed two additional firearms and a distribution amount of drugs. He is in federal custody now, awaiting the guns and drug charges.

While these cases are alarming, unfortunately they are also not anomalies. When I look at the data it's disturbing: criminals with 30, 40, and 50 prior arrests are released back into society soon after their apprehension and continue repeating their endless cycle of crime and victimization.

It's become apparent that we are continuing to fight an uphill battle that, at times, seems unwinnable. These career criminals know there are few consequences for their actions. When we arrest them, many laugh at us noting they will be back on the streets in a few days. The current anti-law enforcement climate and rancor have only emboldened many of them.

There are already some, and there may be more, who tell me to stay in my lane. They'll say things like "You worry about getting them off the streets and let the system handle the rest." We can no longer do that, it isn't working. We have finite resources and a profession facing recruitment challenges. We must be more thoughtful about the work we do to ensure it has an optimal impact. Law enforcement's silence on these issues and, at times, refusing to speak truth to power only exacerbates the problem. Fugitive apprehension work is not an easy business. It takes dedication, patience, and persistence – but for us, it can also be frustrating. We put an

incredible amount of effort to ensure our targets for apprehension are the most violent offenders we have. We do our part to bring these victims justice and expect the system to support us.

We have a violent crime problem in Utah.

We also have a catch and release problem that offers minor consequences for career criminals in search of rehabilitation.

These problems are not just local problems. DPS officials can attest to that fact. The shooting they had last month was done by a man from Minnesota who had been in jail for shooting at police there and who was let out early. He then came to Southern Utah and ironically had a shootout with police here.

As people, we believe in forgiveness, rehabilitation, and criminal justice reform that eases re-integrating for former offenders. We understand that society can't arrest its way out of this problem. Still, we also understand we can no longer turn a blind eye to the emergence of violent crime in our community. Equally important is ensuring victims of violent crime receive justice and live in peace knowing that their perpetrator can't hurt them a second time.

We do our part, and we expect the system to do its part. Many times, it fails. The victims of these violent crimes deserve better.

Today the solution on the street, and law enforcement's only option, is to present these cases federally to stop the endless cycle of catch and release. Salt Lake City's recent partnership with federal law enforcement and our "Crime Control Initiative" proves this can work. However, our long-term strategy can't be to go directly to federal court to avoid a failing state criminal justice system.

I don't have all the answers. Today, as requested, my job is to present data that confirms a violent crime and offender problem exists. Public safety is at risk, officer safety is at stake, and I hope my presentation sheds some perspective on how serious the problem is.

