

Office of the Inspector General

Kenneth S. Apfel
Commissioner of Social Security

Acting Inspector General

Survey Results for Identification of Fugitives Receiving Benefits

Attached is a copy of our final management advisory report entitled, "Survey Results for Identification of Fugitives Receiving Benefits" (A-01-98-63002). The objective of our review was to determine whether the Social Security Administration is receiving all available computerized fugitive data for use in computer matching.

You may wish to comment on any further actions taken or contemplated. If you choose to offer comments, please provide them within the next 60 days. If you wish to discuss the final report, please call me or have your staff contact Pamela J. Gardiner, Assistant Inspector General for Audit, at (410) 965-9700.

James G. House, Jr.

Attachment

CC:
OIG/ES
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SSA/OIG/OA/RRUSTIGIAN/clh 7-14-98 98-63002-FNL
Report File

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Survey Results for Identification of Fugitives Receiving Benefits

This management advisory report presents the results of our survey of the 50 States, the District of Columbia, and the U.S. Marshals Service to identify fugitive files that are not currently provided to the Social Security Administration (SSA). The objective of our review was to determine whether SSA is receiving all available computerized fugitive data for use in computer matching.

Computerized fugitive data files, that are not currently provided to SSA, are available and could be used to suspend payments to Retirement, Survivors, and Disability Insurance (RSDI) and Supplemental Security Income (SSI) recipients. Specifically, we found that 48 States,¹ plus the District of Columbia and the U.S. Marshals Service, have computerized files with fugitive data and have stated an initial interest in providing this data to SSA for computer matching. For the remaining two States, one has expressed caution in its willingness to enter into a computer matching agreement, and the other State does not have a statewide fugitive system because it includes all fugitive data in the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) Wanted Person's file.

Our survey of State fugitive data sources was the first phase of our audit work. We will continue our work by entering into computer matching agreements with approximately 10 States and matching their fugitive files with SSA's records to determine whether SSA is paying benefits to fugitives who would not have been identified through SSA's current matching process. The Office of the Inspector General's (OIG) Office of Investigations (OI) will also coordinate with Federal, State, and local law enforcement authorities regarding potential criminal violations.

¹ One State contains a combination of computerized and paper records.

The results of our computer matching of fugitive data will be detailed in a separate audit report.

SSA did not have any formal comments regarding the information contained in this report.

BACKGROUND

SSA is responsible for implementing the RSDI and SSI programs. RSDI is designed to provide retirement benefits to insured individuals who have reached the minimum retirement age, survivors' benefits to dependents of insured wage earners in the event the family wage earner dies, and to disabled wage earners and their families. SSI provides income and disability coverage to financially needy individuals who are aged, blind, or disabled.

Title XVI of the Social Security Act (the Act)² specifically prohibits SSI benefit payments to fugitives. In this regard, section 1611(e) of the Act was amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law (P.L.) 104-193) to prohibit SSI benefit payments for any month during which an individual is: (1) fleeing to avoid prosecution for a crime which is a felony; (2) fleeing to avoid custody or confinement after conviction for a crime which is a felony; or (3) violating a condition of probation or parole imposed under Federal or State law.

The changes made to title XVI of the Act regarding the suspension of benefits to individuals who flee to avoid prosecution, or custody, or confinement after conviction have not been specifically adopted for RSDI benefits. However, section 202(x)(1) of the Act prohibits the payment of RSDI benefits to prisoners. Under the RSDI program, SSA considers individuals to continue to be prisoners³ until they are released from prison. Individuals who escape from prison or fail to appear for sentencing are still considered prisoners and prohibited from receiving RSDI benefits.⁴

Currently, the Act allows SSA to suspend SSI benefit payments to fugitives wanted for a felony, as well as for parole and probation violations. Fugitives wanted for a misdemeanor are not directly addressed by the Act. However, a parole or probation violation may be classified as either a felony or misdemeanor.

² Section 1611(e)(1)(A) of the Social Security Act.

³ Individuals who have been convicted of an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed).

⁴ Code of Federal Regulations 20 C.F.R. 404.468(c); Program Operations Manual System, section GN02607.001(C)(1)(a).

A felony is a serious offense that is usually punishable by imprisonment for more than 1 year; whereas a misdemeanor is a less serious violation of the criminal law.

SCOPE AND METHODOLOGY

In conducting our review, we contacted agencies in all 50 States, the District of Columbia, and the U.S. Marshals Service to identify computerized files containing fugitive information and to explore the possibility of computer matching. When contacting officials in each State, we determined whether fugitive data files were centralized for the entire State; available in computerized format; comprised of both felonies and misdemeanors; and entered into the FBI's NCIC Wanted Person's file. We also obtained the approximate number of fugitive records (if known).

Our telephone survey was conducted by our office in Boston, Massachusetts, between January and March 1998.

We plan to perform computer matching with approximately 10 States to: (1) identify fugitives who are receiving benefits; (2) calculate the savings associated with suspending their benefits, as well as document any overpayments; and (3) coordinate with Federal, State, and local law enforcement agencies regarding potential criminal violations. We will issue the results of our computer matching under a separate report once it is completed.

RESULTS OF REVIEW

Availability of State Fugitive Data

Computerized fugitive data, which could be used by SSA to suspend payments to RSDI and SSI recipients, is available from the individual States, the District of Columbia, and the U.S. Marshals Service. Specifically, we found that:

- Forty-eight States, plus the District of Columbia and the U.S. Marshals Service, have computerized files with fugitive data that are not currently provided to SSA. The individual we interviewed in each of these States initially expressed an interest in entering into a computer matching agreement with SSA. However, the individual interviewed may not be the same official who would be required to sign such an agreement. In the next phase of our audit, we will request that 10 States actually sign and provide fugitive data under computer matching agreements.
- Missouri has a computerized fugitive file, but has expressed caution in its willingness to enter into a computer matching agreement. This State is

currently at an impasse with another Federal agency over the interpretation of the law on sharing information regarding a similar computer match pertaining to the Food Stamp program.

- Kansas does not have a separate statewide fugitive system because all of its data is entered into NCIC.
- Thirty-two of the 52 agencies contacted were able to provide the approximate number of records in their fugitive files. The number of records ranged from 2,300 for 1 State to over 2 million records for another State. These files include individuals wanted for felony and/or misdemeanor charges.
- One State informed us that a misdemeanor warrant is issued if a person does not appear in court on a felony charge. In this State, even though the original charge is a felony, the person would be wanted on a misdemeanor warrant for failing to appear in court and/or contempt of court. On the State's computerized warrants system, the original felony charge would not be shown. The law enforcement agency that entered the data into the system, however, would have this information.
- Five States are in the process of updating their fugitive information systems and would prefer to delay computer matching until the changes are completed.
- Six States which expressed an initial interest in computer matching indicated that they normally only release their data to other law enforcement or criminal justice agencies.

See Appendix A for detailed survey results.

Federal Sources of Fugitive Information

SSA and OIG/OI are in the process of working to identify fugitives through the use of the FBI's NCIC Wanted Person's file. This file contains warrant information, supplied from Federal and State law enforcement agencies, for individuals who have active felony and serious misdemeanor warrants. However, our telephone survey revealed that State fugitive files contain information not included in NCIC's Wanted Person's file. The majority of States indicated that they maintain data on individuals wanted on felony and misdemeanor warrants which are not entered into NCIC.

As of February 3, 1998, NCIC's Wanted Person's file contained 448,154 records in the United States and the District of Columbia. This is only a portion of the fugitives from justice. Of the 52 agencies surveyed, 32 agencies were able to provide the approximate number of individuals wanted on outstanding warrants. This data totaled over 5.9 million records, but contains both felonies and misdemeanors, since many States could not easily provide a separate count including only fugitives wanted for felonies. Under P. L. 104-193, SSA can only suspend SSI benefits to fugitives wanted for felony charges. Hence, SSA is only interested in fugitive files from law enforcement agencies for felony charges.

Seven States indicated that all or most of their fugitive data pertaining to felony warrants is entered into NCIC. However, many States indicated that only a portion of their warrants are entered into the NCIC system, and nine States segregate their fugitive files (with both felony and misdemeanor information) to contain only data that is not included in NCIC's Wanted Person's file. For example, 1 State has a fugitive file that contains between 300,000 and 500,000 records for individuals wanted on both felony and misdemeanor warrants which are not included in NCIC's file. This State recently conducted a match with the State's Welfare Department which resulted in 20,000 matches. Of the 20,000, 2,800 were violent felons and assigned to the State's Violent Fugitive Arrest Squad; and 600 of the 2,800 violent fugitives were apprehended.

NCIC made a policy change effective May 1998 to accept felony warrants without an extradition⁵ requirement. This policy applies to felony warrants only. Nonfelony warrants still require an indication that the originating agency will extradite. Most States indicated, at the time of our survey, that they usually only submit extraditable felony warrants to NCIC (as opposed to nonextraditable felony or misdemeanor warrants). Only one State informed us that it does not have its own wanted person's file, but instead includes all of its warrants in NCIC's file. The other States and the District of Columbia each maintain their own wanted person's files, which include warrant information that is not included in NCIC. To illustrate, 1 State has 13,927 fugitive records and estimates that between 10 and 25 percent of these records (e.g., between 1,393 and 3,482) involve felony charges. However, the State indicated that only 700 of its records were also entered into NCIC.

Other SSA Initiatives

⁵ An extraditable warrant is used in the surrender of a fugitive from justice by one State or authority to another; and a nonextraditable warrant is used when a State is not willing or able to retrieve a fugitive located in another State.

In addition to pursuing a computer match with NCIC's Wanted Person's file, SSA and OIG's OI have also initiated a joint project with State law enforcement agencies. This Fugitive Felon Project includes contacting State law enforcement officials to allow for referral of fugitive felons to OI investigators. When a referral is made from a law enforcement agency, OI staff query SSA's records to determine whether the fugitive felon is receiving SSI benefits. If the fugitive is found to be receiving SSI benefits, the OI investigator will coordinate with the law enforcement agency to confirm the details of the warrant and attempt to apprehend the fugitive.⁶ The investigators will also notify SSA field office personnel about the case so that appropriate administrative action can be taken. This joint project between SSA and OIG's OI currently relies on paper referrals from law enforcement agencies and requires manual querying of SSA's benefit records. While this project has helped SSA to identify fugitives receiving SSI benefits, computer matching on a routine basis with State law enforcement agencies should identify additional fugitives receiving SSI benefits in a more cost-effective manner.

CONCLUSION

Based on our survey of State fugitive data sources, SSA's planned match with NCIC's Wanted Person's file and its ongoing Fugitive Felon Project may not identify all fugitives receiving SSI benefits. As a result, we will proceed with further audit work to determine whether additional fugitive felons would be identified through computer matches with State law enforcement agencies. Specifically, we will: (1) secure computer matching agreements with 10 States; (2) obtain fugitive files from those 10 States; and (3) identify those fugitive felons receiving SSI benefits who would not be identified through SSA's planned match with NCIC's Wanted Person's file.

James G. House, Jr.

⁶ To ensure the security of SSA employees, OIG's OI will coordinate with law enforcement agencies to avoid the apprehension of fugitives at SSA offices.

APPENDICES

SURVEY RESULTS

State and Organization Contacted	Is State Interested in Computer Matching?	Approximate Number of Records (If Known)	Portion of Records on NCIC (If Known)	Felonies and/or Misdemeanors in File
Alabama Criminal Justice Information Center	Yes	90,000		Felonies & major misdemeanors
Alaska Department of Public Safety	Yes			Felonies & misdemeanors
Arizona Department of Public Safety	Yes	100,000		Felonies & misdemeanors
Arkansas Criminal Information Center	Yes ^(a)		0% ^(a)	Felonies & misdemeanors
California Department of Justice and the Los Angeles County Sheriff's Department	Yes	2.1 million	25% ^(b)	Felonies & misdemeanors
Colorado Department of Public Safety's Bureau of Investigation	Yes	20,000 felonies and 170,000 misdemeanors		Felonies & misdemeanors
Connecticut State Police	Yes	10,000	20%	Felonies & misdemeanors
Delaware Criminal Justice Division	Yes			mostly misdemeanors ^(c)
District of Columbia Metropolitan Police Department	Yes	14,000		Felonies & misdemeanors
Florida Department of Law Enforcement's Office of Statewide Intelligence	Yes			Felonies & misdemeanors
Georgia Bureau of Investigation	Yes			Felonies & misdemeanors

State and Organization Contacted	Is State Interested in Computer Matching?	Approximate Number of Records (If Known)	Portion of Records on NCIC (If Known)	Felonies and/or Misdemeanors in File
Hawaii Department of Public Safety	Yes	several thousand		felonies & misdemeanors
Idaho Police Services Division's Criminal Investigation Bureau	Yes	19,000		felonies & misdemeanors
Illinois State Police	Yes			felonies & misdemeanors
Indiana State Police	Yes	in excess of 100,000		felonies & misdemeanors
Iowa Department of Public Safety	Yes ^(k)	35,000-37,000	10%	felonies & misdemeanors
Kansas Bureau of Investigation	No ^(d)			
Kentucky Department of Corrections	Yes			felonies & misdemeanors
Louisiana State Police	Yes ^(e)			felonies & misdemeanors
Maine State Police	Yes			felonies & misdemeanors
Maryland Baltimore County Police Department	Yes ^(e)	131,000-141,000		felonies & misdemeanors
Massachusetts State Police	Yes	300,000-500,000	0% ^(a)	felonies & misdemeanors
Michigan State Police	Yes	400,000		felonies & misdemeanors
Minnesota Bureau of Criminal Apprehension	Yes	10,000		felonies & misdemeanors
Mississippi Department of Public Safety's Criminal Investigation Service	Yes ^(e)			
Missouri Department of Public Safety's Criminal Records Center	No ^(f)			misdemeanors ^(c)
Montana Criminal Justice Department	Yes	13,927 ^(g)	5%	felonies & misdemeanors

State and Organization Contacted	Is State Interested in Computer Matching?	Approximate Number of Records (If Known)	Portion of Records on NCIC (If Known)	Felonies and/or Misdemeanors in File
Nebraska State Patrol	Yes			mostly misdemeanors
Nevada State Highway Patrol's Records & Identification Services Bureau	Yes	60,000	0% ^(a)	felonies & misdemeanors
New Hampshire State Police	Yes	5,000		felonies & misdemeanors
New Jersey Department of Law & Public Safety's Division of State Police	Yes	26,000		high misdemeanors & misdemeanors
New Mexico Department of Public Safety's Crime Information Center	Yes	40,000	0% ^(a)	felonies & misdemeanors
New York New York City Police Department and the New York State Criminal Justice Department	Yes	1,069,000		felonies & misdemeanors
North Carolina State Bureau of Investigations	Yes ^(e)	6,300		felonies & misdemeanors
North Dakota Bureau of Criminal Investigation	Yes	13,300	0% ^(a)	mostly misdemeanors
Ohio Buckeye Sheriff's Association	Yes	117,000		felonies & misdemeanors
Oklahoma ^(f) various County Sheriffs Departments and the State Bureau of Investigation	Yes	more than 13,024		felonies & misdemeanors
Oregon State Department of Police	Yes	50,000-70,000	10% - 20%	felonies & misdemeanors

State and Organization Contacted	Is State Interested in Computer Matching?	Approximate Number of Records (If Known)	Portion of Records on NCIC (If Known)	Felonies and/or Misdemeanors in File
Pennsylvania State Police and the Philadelphia Bureau of Criminal Identification	Yes	148,000 ⁽ⁱ⁾	0% ^(a)	Felonies & misdemeanors
Rhode Island Fugitive Task Force	Yes			Felonies & misdemeanors
South Carolina State Law Enforcement Division	Yes ^(k)	2,300	0% ^(a)	Felonies & misdemeanors
South Dakota Division of Criminal Investigation	Yes	20,000	0% ^(a)	Mostly misdemeanors
Tennessee Bureau of Investigation	Yes		0% ^(a)	Felonies & misdemeanors
Texas Department of Public Safety's Texas Crime Information Center	Yes	174,000	29%	Felonies & misdemeanors
Utah Department of Public Safety's Bureau of Criminal Identification	Yes ^(l)			Felonies & misdemeanors
Vermont Department of Public Safety's Remote Crime Information Center	Yes	5,000		Felonies & misdemeanors
Virginia State Police	Yes			Felonies & misdemeanors
Washington State Patrol's Crime Records Division	Yes ^(k)	530,000		Felonies & misdemeanors
West Virginia Criminal Identification Bureau	Yes ^(k)			Felonies and misdemeanors
Wisconsin Department of Justice's Crime Information Bureau	Yes ^(e)	148,000	4%	Felonies & misdemeanors

State and Organization Contacted	Is State Interested in Computer Matching?	Approximate Number of Records (If Known)	Portion of Records on NCIC (If Known)	Felonies and/or Misdemeanors in File
Wyoming Division of Criminal Investigation	Yes			Misdemeanors
United States Marshals Service	Yes	22,000	100%	Felonies
TOTALS	50 Yes 2 No	5,961,851^(l)		

Notes

- (a) None of the records in the State's file are included in the National Crime Information Center (NCIC) Wanted Person's file.
- (b) California Department of Justice file contains approximately 700,000 records, of which 25 percent (or 175,000) are on NCIC. Los Angeles County has a separate misdemeanor file that contains approximately 1.4 million records.
- (c) File contains felonies, but all felonies are also included in NCIC. Therefore, the only additional data to be obtained from a match with the State will be fugitives wanted on misdemeanor charges.
- (d) All warrants are entered into NCIC. There is no separate statewide system in Kansas.
- (e) State is in the process of changing its fugitive data system. State would prefer to delay computer matching until its system changes are completed. Projected completion dates are: Louisiana - March 1998, Maryland - summer 1998, Mississippi and North Carolina - a year or two from our initial contact in January through March 1998, Wisconsin - May 1998.
- (f) Missouri has a centralized computerized warrant system, but has expressed caution over computer matching due to its interpretation of the law on sharing of information. The State is at an impasse with another Federal agency over a similar matching program for Food Stamps. File contains both felonies and misdemeanors; however, all felonies are also entered into NCIC.
- (g) Montana estimates that between 10 and 25 percent of records are felonies.
- (h) Oklahoma does not have a centralized fugitive file. Each county has its own information. Some counties have computerized data while others have paper records.
- (i) The number of records in the statewide fugitive file, which only includes felony warrants, was not known. However, the State's file does not include Philadelphia, Pennsylvania. Philadelphia has a separate fugitive file that contains 148,000 felony and misdemeanor records.
- (j) To be conservative, if a State provided a range of records (e.g., between 300,000 and 500,000), we used the low end of the range (e.g., 300,000) in calculating the total for all the States. Also, we did not include the State of Hawaii in our total since a specific number of records was not provided.
- (k) State expressed interest in computer matching, but indicated that it normally only releases its data to other law enforcement or criminal justice agencies.

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For additional copies of this report, please contact the Office of the Inspector General's Public Affairs Specialist at (410) 966-9135. Refer to Common Identification Number A-01-98-63002.

APPENDIX C

SSA ORGANIZATIONAL CHART
