

THE PROBLEM

A warrant isn't just a piece of paper. When it is enforced by a cop with a gun, it too often has devastating, and even mortal, consequences.

Our country is in desperate need of warrant reform. Judges issue millions of bench warrants each year. The vast majority of these are issued for low-level offenses usually because a person missed a court date, or did not pay a fine. Bench warrants endow officers with immense power. They authorize armed officers to immediately arrest individuals, creating potentially volatile flashpoints of confrontation between officers and community members. In Minnesota, the discovery of a bench warrant during a routine traffic stop led to the killing of Daunte Wright.

An arrest has significant consequences: individuals can lose jobs, housing, and even custody over their children. Studies suggest that even short periods of detention may make people more likely to become involved with the justice system again. Arrests for low-level warrants take up significant law enforcement resources, not to mention the expenses associated with courts and jails. And like many facets of the criminal legal system, warrants disproportionately affect Black communities and those living below the poverty line.

It's clear we have a bloated and harmful system. We need a comprehensive approach that addresses the backlog of outstanding warrants, and ensures that going forward, warrants are only used when there is a clear public safety need.

THE SOLUTION

We need a comprehensive approach that addresses the backlog of outstanding warrants, and ensures that going forward, warrants are only used when there is a clear public safety need. Our warrant reform statute tackles the problem in a number of ways:

WHAT THE STATUTE DOES

Limits warrants for low-level offenses

The statute ensures warrants are issued only when they are truly necessary (as a summons can often be used instead). It prohibits issuing warrants for low-level offenses and infractions, where public safety doesn't require immediate incarceration as a response. And it prohibits judges from issuing warrants for unpaid fines and fees.

Limits warrants for failure to appear

Warrants are routinely issued without a second thought when individuals fail to appear for court.

But people often miss court dates through no fault of their own — because they lacked proper notice, because their transportation fell through, because they were unable to take time off work, or find someone to watch their kids.

The model statute gives individuals charged with low-level offenses multiple opportunities to appear. It institutes mechanisms—such as grace periods and sign-and-release warrants—to encourage attendance before a bench warrant is issued.

Improving notice and access to courts

The statute also implements reforms to avoid warrants from being issued in the first place by improving notice of upcoming court dates (e.g., using a text reminder system). It also increases access to courts, through after-hours and remote options. And it directs the Office of Court Administration to create an online platform to resolve unpaid fines and fees and automatically reschedule first court dates.

Ensuring warrant database integrity

This model statute addresses bloated warrant databases, and provides courts guidance to purge stale and invalid warrants from the system. It also creates a dedicated warrant phone line so that officers can ensure warrants are valid before arresting someone.

The Policing Project at NYU School of Law partners with communities and policy makers to enhance safety, democratic accountability, and transparency in policing. Our team of attorneys, advocates, and community organizers is ready to help you pass legislation to strengthen police accountability and reduce harm.

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