

**Mayor’s Office of Criminal Justice
Local Law 25 of 2018 Report
February 1, 2021**

I. Introduction and Reporting

This report is submitted by the Mayor’s Office of Criminal Justice (MOCJ) in accordance with Local Law 25 of 2018, which provides that we will use “best efforts” to “seek the accuracy of records regarding outstanding criminal warrants,” “facilitate the reduction of outstanding criminal warrants” and “seek access to efficient processes for members of the public to rectify inaccurate criminal warrants.”

As of January 12, 2021, there were 1,308,681 outstanding criminal warrants in the City of New York, as set forth below.

Court	Outstanding Warrants	Percent of All Outstanding Warrants
Summons	826,029	63%
Criminal	430,114	33%
Supreme	52,538	4%

This represents an approximate 1% reduction from the 2019 total (as of January 16, 2020).

II. Background

Individuals charged with crimes who miss court appearances may be issued criminal warrants, known as bench warrants, for their failure to appear. These warrants can subject individuals to arrest and unnecessary periods of incarceration. Notably, recent policy changes at both the City and State level are likely to have a long-term impact on the number of bench warrants issued in New York City.

In June 2017, the Criminal Justice Reform Act (CJRA), legislation passed by the City Council and signed by the Mayor, went into effect. CJRA gives law enforcement the option to issue civil summonses instead of criminal summonses for a group of common low-level offenses such as open container, public urination, and littering. In the year following implementation of the CJRA, criminal summonses for CJRA-eligible offenses declined by 89% while criminal summonses for non-CJRA-eligible offenses declined by 23%.¹ In addition, warrants for failure-to-appear on CJRA-eligible offenses declined by 94% in the year following implementation.²

In addition, in April 2019, the New York State Legislature passed a series of bills to reform the State’s bail system as well as several other aspects of the State’s criminal procedures. Among other reforms, the new law prohibits courts from issuing a warrant for 48 hours whenever a defendant fails to appear, unless the defendant is charged with a new crime or there is evidence

¹ MOCJ NYC. “Summons Reform: One Year After Legislation (CJRA)” 5 Sept. 2018, https://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/09/summons_ref_factsheet_v3.pdf

² *Id.*

of a “willful” failure to appear. During the 48-hour period, the defense attorney can contact the defendant and encourage a voluntary return. As discussed in further detail below, changes to court operations during the COVID-19 public health emergency have meant that the impact of these reforms could not be properly evaluated and quantified during this reporting period.

III. 2020 Updates

The COVID-19 public health emergency impacted every aspect of daily life in New York City, including the operation of the criminal justice and court systems. In relevance to this report, courts modified their practices with respect to the issuance of warrants for failure to appear: in the Criminal Court summons part, for example, appearances on most cases have been adjourned since March 17, 2020; consequently, with the exception of a limited number of individual cases, no warrants for failure to appear have been issued in the summons part since that date. In other Criminal Court parts in New York City, with some individual exceptions, warrants for failure to appear were not issued while the courts suspended most in-person appearances, from March 17, 2020 till September. Criminal parts in Supreme Courts in each of the five boroughs likewise issued very few warrants for failure to appear while in-person operations were limited. As a result of these modifications, the failure to appear rate for non-incarcerated defendants dipped from a rate of 23.9% from January to March, 2020, to a rate of 16.1% between April and December.

The limitations to in-person operations also had an impact on court-based service providers. Relevant to this report, the New York Criminal Justice Agency (CJA), which ordinarily sends out notifications via live calls and robotext to remind defendants of upcoming court appearances, had to suspend its court-based operations between March 19, 2020 and July, meaning it could no longer send out notifications based on case-level information. CJA resumed its live call and robotext reminders to individuals on July 12, 2020, adding letter notifications to the suite of reminders on August 3, 2020. Starting November 25, 2020, CJA expanded its operations by also sending out live calls, robotexts, and letter notifications to defendants to inform them that their court appearances will not be in-person and that they should contact their lawyers to get the latest case status.

Notably, limitations on public gatherings and in-person operations also resulted in the cancellation of several district attorney-led warrant clearing events, including a planned event in Manhattan and an annual event in Stated Island.

In sum, the unanticipated and catastrophic events of the past year made 2020 an anomalous year for purposes of reporting trends on warrant issuance and clearance. Over the course of the next year, and as the easing of the public health emergency allows, we will continue to make best efforts and work with our criminal justice partners to seek the accuracy of records regarding outstanding criminal warrants, facilitate the reduction of outstanding criminal warrants, and seek access to efficient processes for members of the public to rectify inaccurate criminal warrants in furtherance of Local Law 25.