



AGENDA



- What are Warrants?
 - The Warrant “Problem”
 - Relationship of Warrants to DWLS
 - Efforts To Find Solutions
 - Options for Decreasing DWLS
-
- Summary
 - Contact Information

WHAT ARE WARRANTS?



- Court orders directing/permitting law enforcement to act
- Court tool providing incentive for those charged with offenses to appear in court

IMPORTANCE OF WARRANTS



- Courts do not have an enforcement arm
 - *The court is dependent on law enforcement (the executive) to enforce court orders.*
- Warrants toll speedy trial requirements
 - *Prosecutors are required to bring cases to trial within specified time periods. The time period does not run while a warrant is outstanding.*

OUTSTANDING WARRANTS



- In 2000 there were 276,428 active, unserved warrants
- Approximately 60% of all warrants were for criminal traffic (DUI, DWLS, Reckless etc.)
- Approximately 35% of warrants were for DWLS
- 17,516 outstanding warrants were over 10 years old
- Numbers of active warrants have increased since 2000

WHY WARRANTS ARE NOT SERVED



- Law enforcement priorities
- Not enough officers to serve them
- Jail space
- Issuing jurisdiction refuses to pick the person up

SO WHAT?



- Citizens lose respect for courts and government generally
- Courts are less able to resolve disputes; courts cannot enforce their orders
- Without fear of repercussions, voluntary compliance declines
- Lost revenue

APPROXIMATELY 35% OF WARRANTS ARE FOR DWLS



- DWLS makes up 58% of all criminal traffic cases
 - *DWLS percentage of criminal traffic ranges from 40% to 80% across the state*
- If DWLS drivers do not appear in court or fail to make payments, a warrant is issued

WHY ARE LICENSES SUSPENDED?



- Failure to appear or pay court penalties – 75%
- DUI conviction – 12%
- No liability insurance – 5%
- Non-alcohol offenses – 2%
- Other – 6% (driver skill problems, failure to pay child-support etc.)

DOL 1998

WHO ARE DWLS 3RD DRIVERS?



- Drivers charged with DWLS 3rd average 5.9 prior offenses or infractions
- For one-third, the most serious prior is a traffic infraction
- Over half have a more serious prior (felony, criminal traffic, other misdemeanor)

WHO ARE DWLS 3RD DRIVERS?



- 91% of drivers cited for DWLS have pre-existing unpaid legal financial obligations
- Over half (53%) owe more than \$1,000.

AOC Research 12/99

EFFORTS TO FIND SOLUTIONS



- BJA Project 2001, Warrants Resolution Subcommittee
- Warrants Pilot Project, SHB 2279, 2000 Session
- DMCJA Warrants Committee
- DWLS 3 Discussion

BJA PROJECT 2001— RECOMMENDATION



- 6. Enforcement and Payment of Judgments and Warrants
 - 6.1 Electronic access for payment of court-ordered fines and penalties should be pursued as a priority of the Judicial Information System. “One-stop shopping”, or universal cashiering, as it is often called, should include the ability of a court to receipt a payment ordered by another court using the Judicial Information System (JIS).

BJA PROJECT 2001-- RECOMMENDATIONS (Cont.)



- 6.2 The OAC should establish statewide protocol for collection of delinquent court ordered financial obligations. A committee including court managers and judges should provide oversight.

BJA PROJECT 2001-- RECOMMENDATIONS (Cont.)



- **6.3 Courts of limited jurisdiction are encouraged to establish community license reinstatement programs, with voluntary participation by individual jurisdictions. The Office of the Administrator for the Courts should serve as a repository for information, and provide guidance and assistance to jurisdictions in developing programs.**

SUBSTITUTE HOUSE BILL 2799 (2000)



- **Warrants Pilot Project**
 - *District courts, municipal courts, and municipal departments “participating in the program established by the office of the administrator for the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.”*
- **At least 2 other states have centralized collections through a state agency.**

WARRANTS PILOT—THORNY ISSUES



- Limits on what a processing court can do
 - *Process the warrant*
 - Lift the warrant and advise the person to show up in the issuing court
 - *Adjudicate the case—Trial/plea/sentencing*
 - Availability of sufficient information to adjudicate
 - Issuing court prosecutor or judge may have reasons for not wanting someone else to handle the case
 - Counsel appointed in issuing jurisdiction—do they need to be involved in the processing jurisdiction?
 - Obligate issuing jurisdiction resources
 - Receipting funds

DMCJA WARRANTS COMMITTEE



- Recommendations--Legislative:
 - *Increase Criminal Justice Funding*
 - *Decriminalize Selected Misdemeanors*
 - *Create a Statewide Release Policy*
 - *Mandate Court Appearances For Serious Offenses*
 - *Require Sureties to Return Defendants to Issuing Jurisdiction*

DMCJA WARRANTS COMMITTEE (Cont.)



- Recommendations—Court/Prosecutor
 - *License Restoration Programs*

DMCJA WARRANTS COMMITTEE (Cont.)



- Recommendations—Court
 - *Require out of jurisdiction warrant compliance as a condition of local release*
 - *Request amendment of Criminal Rules for courts of Limited Jurisdiction, Rule 3.2 to allow cash-only bail*
 - *Use alternatives to pre and post trial incarceration*
 - *Warrant reduction policy (Triage)*

DMCJA WARRANTS COMMITTEE--TRIAGE



WASHINGTON
COURTS

- Issue warrants with less than 3 year default period
- Designate categories of warrants for in-jurisdiction service only
- Limit re-issue of warrants to serious misdemeanors
- Refer failure to pay to collections
- Issue *de minimus* amount warrants to toll speedy trial, but that have no extradition requirement

DMCJA WARRANTS COMMITTEE (Cont.)



WASHINGTON
COURTS

- Recommendations--Court/Law Enforcement
 - *Warrant Fests (Amnesty)*
 - *Publicity*

DMCJA WARRANTS COMMITTEE (Cont.)



■ Recommendations—Executive

- *Coordinate and participate in transport of defendants*
- *DOL/court communication over removal of warrants from driving records*

MINIMIZING THE IMPACT OF DWLS



■ Decriminalize DWLS 3rd – make it an infraction

Pros:

- *Reduce the # of outstanding warrants*
- *Reduce the drain on court system resources required for DWLS calendars*

Cons:

- *Remove sanction for FTA and non-payment of penalties – increase “scoff” behavior*
- *Potential drop in revenue to state and local gov’t*

■ BJA did reject this recommendation made by the Project 2001 Warrants Subcommittee

MINIMIZING THE IMPACT OF DWLS (Cont.)



WASHINGTON
COURTS

- Suspend license for FTA or non-payment only at time of license renewal

Pros:

- *Reduce (or only delay?) # of drivers who are suspended = fewer warrants for DWLS*
- *Reduce the drain on court system resources required for DWLS calendars*

Cons:

- *Possible delay in collecting penalties – reduced revenue to state and local gov't*
- *Increased “scoff” behavior*

MINIMIZING THE IMPACT OF DWLS (Cont.)



WASHINGTON
COURTS

- Suspend license upon 3rd FTA or FTP.
Aggressively use collections strategy.

Pro:

- *Reduce # of license suspensions by using time pay and collections efforts = reduced warrants for DWLS*

Con:

- *Remove sanction for FTA and non-payment of penalties – increase “scoff” behavior*

AND A CREATIVE SOLUTION



- Town passes hat to bring back fugitives Wed Jul 23, 10:53 AM ET
- LITTLE ROCK, Arkansas (Reuters) - When a lack of money shortened the long arm of the law, some residents of a small Arkansas community pitched in to lengthen it by bankrolling the extradition of two people charged in a child custody battle. The people of Shannon Hills, a small community of about 2,000 people just outside Little Rock passed the hat around to collect the \$1,100 needed to bring two fugitives caught in Idaho back to Arkansas. The fugitives would have likely been released in Idaho if money was not raised for the extradition. Shannon Hills couple Richard and Maggie Howe, fled Arkansas on May 9 with the woman's 8-year-old daughter before a custody hearing. Shannon Hills, with a small municipal budget, will only allocate money for extradition in cases involving violent crimes. The Howes were arrested and held by police on July 17 in Boise, Idaho and the girl returned to her biological father. "The citizens really stepped up, and I'm so very proud of them," said Robert Herzfeld, the prosecuting attorney for Saline County, said on Tuesday.

ADDITIONAL READING



- BJA Project 2001 Final Report
 - <http://www.courts.wa.gov/committee/pdf/finaltoleg.pdf>
- Van de Veer, Hon. Philip J., *No Bond, No Body, and No Return of Service: The Failure to Honor Misdemeanor and Gross Misdemeanor Warrants in the State of Washington*, 26 Seattle U. L. Rev. 847 (2003).
 - <http://www.co.pend-orielle.wa.us/courts.html>

WARRANTS



- Warrants, including those for DWLS 3, are a huge, and growing, problem for Washington limited jurisdiction courts
- Courts do not enforce warrants and have little ability to influence their enforcement
- Courts have implemented programs intended to provide some relief and continue to work on the warrant problem
- Courts cannot resolve the warrants problem without input and cooperation from other branches of government



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