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A Study of Outstanding DWI Warrants

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16. Abstract This final report documents a project on how outstanding warrants are handled for individuals who have been charged or convicted of offenses related to driving while impaired / intoxicated, but who have absconded or defaulted in either court appearances or in fulfilling sanctions. The specific project objectives were to identify the nature and extent of the DWI outstanding warrant problem, including the situations which lead to the issuance of such warrants, and to identify promising strategies that jurisdictions are using to eliminate or minimize this problem in their communities. These objectives were met utilizing focus groups; site studies, including a review of pertinent data; and in-depth reviews of three innovative programs for dealing with outstanding DWI warrants. The main finding was that a widespread lack of resources and data systems able to assess the situation and identify problems make it difficult to quantify the numbers of outstanding warrants related to DWI offenses and devise solutions. The findings, along with conclusions and recommendations, are provided in this report.			
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EXECUTIVE SUMMARY

This report presents findings regarding the handling of outstanding warrants for absconders and persons who have defaulted after having been charged or convicted of offenses related to driving while impaired or intoxicated. This project was not intended to provide a complete picture of the problem of outstanding warrants for DWI and should not be construed as such, but should be viewed as a beginning step in investigating and highlighting this topic. This initial study has attempted to estimate the extent of the problem of outstanding DWI (driving while intoxicated) warrants in various locations across the country.

The specific project objectives were to identify the nature and extent of the outstanding DWI warrant problem, including the situations which lead to the issuance of such warrants; and to identify promising strategies that jurisdictions are using to eliminate or minimize the outstanding DWI warrant problem in their communities. These objectives were to be met utilizing focus groups; site studies, including a review of pertinent data which were made available to project staff; and in-depth reviews of three innovative programs for dealing with outstanding DWI warrants.

Basically, we found that many jurisdictions were not able to easily provide data and could not assess how large a problem may (or may not) exist with FTA (failure to appear) and/or FTC (failure to comply) behavior in their community. When raw data could not be provided (meaning individual arrest and warrant records), and this was the case for the majority of sites, summarized data were gathered, for which accuracy and/or reliability of the information could not be independently verified. Sometimes, records on outstanding warrants are purged from the database when the person contacts the courts, or is arrested. In these cases, it was difficult to determine the true number of FTAs/FTCs and the length of time the majority of warrants were outstanding. Many of the sites reported problems with FTCs after the cases were adjudicated, when those convicted of DWI offenses were not properly monitored to ensure they were complying with court-ordered sanctions.

In addition, fear of being recognized as a site with FTA/FTC problems, with the possibility of bad publicity, hindered our attempts to locate information on outstanding warrants. It is understandable that authorities in jurisdictions would have a concern that the subject errant behavior (FTA/FTC) may increase if the problem is made public and more offenders saw this as a means of avoiding sanctions. However, it is difficult to achieve a solution to a problem that has not been properly identified.

We have talked with individuals in each of the study sites about programs and methods which had been implemented to deal with persons who failed to appear at some point during the adjudication process and/or failed to comply with court-ordered sanctions. In most instances, warrants were issued, but often law enforcement agencies had limited personnel and budgets, which restricted the search for absconders and defaulters. And, most often, warrant squads gave priority to the search for persons accused of "more serious offenses" than DWI charges. We were told that locating persons charged with violent crimes typically required the most efforts by law enforcement officers, which left little or no time or resources for seeking individuals charged or convicted of DWI offenses. Additionally, outstanding warrants for failure to comply with sanctions, usually meaning non-payment of fines, has resulted in such a large backlog of outstanding warrants that alternative solutions are now being explored in some areas. Since these fines owed would otherwise not be

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paid, two alternatives suggested were: to send out a warrant squad specifically targeting those individuals owing large amounts and then paying for the squad with those funds; or privatizing the process by handing those cases over to collection agencies.

Following is a list of the different types of programs or methods involving law enforcement agencies that different jurisdictions which participated in this project have in place to serve warrants.

- **Dedicated Warrant Officer(s).** The sole or primary job description for these individuals is to serve warrants.
- **Special Emphasis Squads or “Stings.”** These teams are organized periodically to locate and serve warrants.
- **Interagency Cooperative Warrant Squads.** Warrant teams are staffed by a number of law enforcement agencies who cooperate to serve warrants. These teams are sometimes organized on a regular basis, and sometimes in response to a large number of outstanding warrants.
- **Part of a Full-Fledged, Anti-DWI Program.** Warrant service is handled routinely as a part of an existing anti-DWI program.
- **Routine Warrant Service by Arresting Officers.** Warrants are handled by the original arresting officer or agency.

Based on this study and other recent related traffic safety projects, the authors believe there is a substantial problem with outstanding warrants for DWI offenses. The difficulties remain in quantifying the problem due to the limited availability of accurate and complete data, and in identifying and implementing appropriate solutions.

Each and every jurisdiction is unique in the laws, the number and types of agencies involved in the apprehension, adjudication, reparation and rehabilitation of DWI offenders, and the policies and procedures of those agencies. It is understood that cost factors are paramount in dealing with this pervasive problem of offenders failing to appear and/or comply. Local agencies can best identify and either provide for these issues or seek outside funding. Because the issue of outstanding warrants is so sensitive, addressing it is most likely a problem which will be identified and dealt with locally. Therefore, most of the recommendations contained in this report are those which could assist local agencies. Each jurisdiction desiring to make a determination as to how large a problem exists regarding outstanding DWI warrants must examine how their local system and the supporting agencies operate and interact. Of utmost importance, is a thorough examination of the data which are recorded by all of the agencies across the jurisdiction. Recommendations to local jurisdictions are as follows:

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- Enlist cooperation from all system participants (i.e., law enforcement agencies, courts, probation agencies, legislators) to identify problems with outstanding warrants by looking at available and potential resources, and identifying system deficiencies and fixes.
- Examine existing available information (e.g., arrest databases compiled by law enforcement agencies, adjudication information recorded by the courts, information on absconders and defaulters provided by courts and probation departments and private treatment agencies, driver license records compiled by state DMVs) to determine if links through common data are possible.
- Determine the types of outstanding warrants (e.g., FTA, FTC, order-ins, wants) and if the reasons for the issuance of the warrants are available. Also, determine if multiple warrants are issued for multiple failures to act for the same DWI offense or if these are combined on one warrant.
- Identify the numbers of recent and past warrants issued for DWI-related offenses.
- A statewide data/record system that enables local data system links would provide the ideal avenue to queries by legal system agencies (i.e., enforcement, adjudication, punitive, rehabilitation and probation agencies). However, recognizing the years required to plan, obtain funding, set up and implement such a data/record system if one is currently not operational, this approach may not be immediately feasible. If a statewide information system is not available, a simplified and fairly inexpensive solution would be for local jurisdictions to implement a localized data system, accessible to all the agencies of a legal system, to track arrestees as they proceed through the adjudication process and through any sanctioning and punitive period.
- Transfer or re-enter all pertinent information into the local system and also enter appropriate warrants into the NCIC (National Crime Information Center) database.
- Provide incentives (funding) to law enforcement agencies (LEAs) to seek absconders and defaulters. As a focus group attendee stated, "The bottom line is dollars. If the department (LEA) got money for every DWI warrant they picked up, they'd be scouring the area for them."
- Keep current with the service of new warrants - then attempt to serve older warrants.
- Encourage courts to take action on FTAs and FTCs, instead of creating a special category separate from a warrant just so that the court has a fewer number of pending cases. This serves to make the court look better at the expense of dealing with the problem.
- If employee shortages among LEAs are a problem, whenever possible, mobilize cadets, interns, community volunteers, and auxiliary personnel to assist with certain functions.

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- Seek methods, other than warrants, to deal with defaulters of minor traffic infractions and/or non-payment of fines.
- Pass legislation to provide for costs incurred by serving warrants and extradition costs.
- Use publicity wisely.

More complete details regarding these recommendations are contained within this report.

The time has come to move the issue of outstanding warrants to the forefront of the public safety agenda. The concern of traffic safety professionals across the entire system should be to properly identify any problem within local jurisdictions and to not allow DWI cases to be pushed to the bottom of the outstanding warrant list, such has been happening. Local agencies should be encouraged to take active measures toward dealing with this issue and should be provided as much assistance as possible from funding organizations.

This study has focused on an area which has previously been given very little scrutiny, and the lack of attention is disturbing. The number of outstanding DWI warrants nationwide is not known, but our findings in several jurisdictions at the state and local levels suggest a figure of several million or more. This means untold numbers of absconders and defaulters are using a large loophole in the adjudication and sanctioning processes in jurisdictions across the country. It certainly seems that many offenders who continue to drive while intoxicated or under the influence of alcohol or other drugs, have simply ignored the system, thereby rendering it less effective in its efforts to safeguard the public. This leaves the door open for abuses and recurring instances of illegal behavior, which are dangerous to everyone on the roadways.

1 - INTRODUCTION

This is the final report of a project which studied outstanding arrest warrants relating to DWI¹ (driving while intoxicated) offenses. Arrest warrants are an order directing a law enforcement agency to seize an individual to answer a complaint. While the vast majority of warrants are issued by courts, other agencies such as parole boards and correction departments are authorized in some states to issue arrest warrants. Bench warrants are usually issued by a judge for persons who fail to appear in court. For less serious offenses, summons or “wants” are sometimes issued instead of arrest warrants. There are other types of warrants (e.g., search warrants, warrants to satisfy judgement) which are outside the scope of this project. For the purposes of clarification, the use of the term “warrant” in this report will apply to an arrest warrant unless otherwise defined.

The project addressed concerns about the number of individuals arrested for DWI who failed to appear (FTA) in court for adjudication and/or sanctioning, resulting in a warrant action. The study also revealed concerns for those offenders with warrants issued for failing to complete or comply (FTC) with court-ordered sanctions. While warrants are typically issued for FTA and/or FTC, locating these absconders² and defaulters³ has often proved unsuccessful for a variety of reasons, thus creating a significant failure of the Traffic Law System in accomplishing both the specific and general deterrence of impaired driving.

The non-appearances of defendants are sometimes a deliberate attempt by guilty persons to avoid receiving or fulfilling sanctions, but other times they are not intentional, but due only to defendants not receiving or understanding instructions about where and when to appear in court. Clearly, deliberate FTAs and FTCs are of more concern from a traffic safety standpoint, but even if non-deliberate, these are also of concern because they are wasteful of time and resources that could be better spent on other anti-DWI related activities. Nationwide, the relative magnitudes of FTAs and FTCs are not known.

A second knowledge gap relates to the kinds of actions that are taken to deal with FTA and/or FTC behavior in jurisdictions where these problems have been identified. Possible actions may be classified as either preventive or remedial. Preventative countermeasures tend to be aimed at the non-deliberate inactions, those caused by system failures. Most FTA / FTC “countermeasures” that we know about fall into the remedial category, centering around court actions (for example, issuing

¹ The acronyms DWI, DUI, OWI and others are used interchangeably throughout this report depending on pertinent state law. All refer to the criminal action of driving a motor vehicle, either 1) while “illegal per se” or 2) while either impaired, under the influence or while intoxicated by either alcohol or drugs.

² An absconder is a person who travels out of the jurisdiction of the court, or conceals him/herself in order to avoid court proceedings.

³ A defaulter is a person who fails to discharge a duty (e.g., fails to fulfill court-ordered sanctions such as payment of fines) or fails to take procedural steps to prohibit the entry of a judgement against him or her (e.g., failure to appear in court).

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an arrest warrant) aimed at catching defendants that have already failed to appear or comply and bringing them back into the system.

OBJECTIVES

This project addresses both of the two major knowledge gaps outlined above. Specifically, the objectives were:

- to identify the nature and extent of the outstanding DWI warrant problem, including the situations which lead to the issuance of such warrants; and
- to identify promising strategies that jurisdictions are using to eliminate or minimize the outstanding DWI warrant problem in their communities.

SCOPE AND APPROACH

This project included collection of DWI warrant data and information from the sites, identification and investigation of three sites which had programs to deal with outstanding warrants, and the performance of two focus groups with knowledgeable individuals in the anti-DWI field.

Project staff attempted to collect DWI warrant information from over 100 sites in order to locate 25 sites which would participate. No formal site selection process was used to choose the sites in connection with this project because data relative to outstanding DWI warrants proved difficult to locate. For this reason, any site with pertinent data willing to participate was included, even if the data were incomplete. It has become quite apparent that many areas have little knowledge of how many warrants for DWI-related offenses are issued or are outstanding at any given point in time. In some areas, it was not known how many outstanding warrants there were (no data collected), and in some of those instances we attempted to locate arrest and disposition data ourselves to make rough estimates. We also note that while more sites with data on outstanding warrants were identified, permission to gain access to this data and/or permission for the sites to participate in the study were denied or delayed until time ran out for the project.

In the end, 19 sites contributed to this project. For the reasons discussed above, we would like to acknowledge the contributions of all individuals and organizations in those sites which agreed to participate in this study and believe they should be commended for providing data whenever possible, general system information, and views on the subject which have helped to shed light on a disturbing problem.

Three sites with promising strategies to eliminate or minimize outstanding warrants in their communities are described in detail. These programs are:

- STOP DWI, Chemung County, New York;
- P.L.E.A.D.D. Multi-Agency Traffic Safety Emphasis Patrols, Pierce County, Washington; and the
- Warrant Officer Program, Hancock County, Indiana.

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Each of these programs is described separately in the three appendices to this report. However, data from these communities are presented and discussed under their corresponding state and county headings in Chapter 3 of this report.

Two focus groups were conducted with knowledgeable anti-DWI system personnel (administrators, prosecutors, judges and law enforcement officers) during a regional impaired driving conference held in Madison, Wisconsin. The focus group findings are presented in Chapter 2 of this report.

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2 - OVERVIEW OF THE PROJECT

This chapter provides an overview of the three project components: focus groups, site study and current programs dealing with outstanding warrants. Findings are also presented, although more detailed findings specific to each project site are described in Chapter 3.

FOCUS GROUPS

Two focus group sessions were conducted in Madison, Wisconsin at a regional impaired driving conference. The nineteen focus group attendees included a city attorney, a program administrator, two representatives from GHSR (Governor's Highway Safety Representatives) offices, judges, and representatives from law enforcement agencies. The participants came from Illinois, Michigan, Minnesota, Ohio, and Wisconsin. They reported that within their communities or jurisdictions, the majority of DWI offenders do make the initial court appearance, especially first-time offenders. It appeared that most of the problems occur at a later court appearance and/or when the person does not fulfill his or her obligation as ordered by the court (e.g., payment of fines, completion of treatment for alcohol abuse or addiction).

Consistent with preliminary project findings, participants confirmed that there are varying degrees of information available on the number of DWI defaulters from one area to another. There were basically four situations experienced by the focus group attendees:

- *No data are readily available on absconders or defaulters.* Reportedly, there are jurisdictions where there is no knowledge of the extent of the problem and these individuals merely drop out of the system. Either no databases exist to track the problem, or authorities do not have the capability to interface or query the systems.
- *Data are available, but no system is in place to connect with law enforcement agencies (LEAs) in a proactive manner.* In some areas where tracking of FTA and compliance with court ordered sanctions occur, warrants for defaulters are not forwarded to any LEA and the offenders drop out of the system until some further point in time, for example, a subsequent traffic stop or arrest, when the defaulter encounters a law enforcement officer who checks a database and realizes the person is wanted. But even this level can take place only if judges issue warrants, which does not always happen. For example, in the case of one state, the state supreme court has perpetuated another category of warrant called an "order in" which merely means the judge wants the person to show up at a later date. This is a type of categorization used for purposes of court reporting. It keeps the court in compliance with time limits on case dispositions. But the "order ins" do not necessarily proceed to a warrant which would go into a data system and possibly to the sheriff's department for service. If a warrant is issued, it means there is still a case pending on the judge's docket. The "order in" clears the docket and the judge gets credit for closing the file. So warrants are sometimes not issued. (However, an officer from another state said their system allows them to check for "wants" which are similar to "order ins" as well as for warrants.)

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- *Data are available to LEAs, but no priority is given to serving warrants.* Most participants reported that when dealing with warrants, and especially for “lower-level” crimes such as DWI where non-payment of fines is pervasive, law enforcement agencies do not have the funds, the time, nor the desire to attempt to locate and arrest individuals on outstanding warrants.
- *Data and connection to LEA are available, some priority given, but legal limitations inhibit serving warrants.* There are jurisdictions where LEAs have warrant squads or special “warrant days” when officers seek absconders. In many areas, it is the responsibility of the sheriff’s department to serve warrants. But many times, the crime dictates which warrants are served and, usually, DWI is not a priority. This is especially true if the warrant is issued for non-payment of a fine (a defaulter). Even in areas where warrants are actively served and the absconders are pursued, there are limitations for “lower level” crimes such as DWI. In addition, some states issue warrants with a radius ranging from county-wide to nationwide, specifying how far authorities may travel to apprehend the absconders. So even if the whereabouts of the persons wanted are known, law enforcement may not bring the individuals back if they are outside of the specified radius. One of the judges mentioned, if he had the cooperation of tax agencies or the welfare department, perhaps he could locate the individuals and possibly seize funds or portions of paychecks if he could find out where the individuals are working.

One attendee stated that the only way to successfully track warrants was to involve each and every agency within a jurisdiction. The focus group attendees believe all warrants should be served. One attendee declared, “...if you’ve got warrants, you serve all of them. What we should be saying is we don’t want to set a precedent where we teach people that if you live far enough away from court you don’t have to show up. Instead, put the money in a special fund, hire a warrants officer and if it costs 29 cents a mile to drive to the other end of the state to pick someone up, do it. If it’s done often enough, people will get the message... If you have an obligation, you have an obligation.”

One attendee believes the non-resident violator compact, an interstate driver records exchange agreement, has cleared up some warrants. However, there is still the issue of boundaries and the lack of obligation to return someone to another state, or even outside a specified radius within the same state, unless a felony has been committed. Another attendee suggested reporting non-payment of fines to credit agencies.

Important strategies offered by focus group participants to deal with the problem of absconders or defaulters and outstanding warrants were as follows.

- *Make funds available to law enforcement agencies (LEAs) to serve warrants.* A couple of focus group attendees pointed out that, to date, “the funding is front-end loaded” and goes to law enforcement to apprehend offenders. While it is often the responsibility of the arresting LEA to bring the offender to court, their obligation ends once the accused is in the system. (The exception is for felony crimes.) But one state police officer stated, “And the reason we don’t go after DUIs who have warrants is strictly money. You are dealing with

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limited resources, limited manpower and right now serving DUI warrants is not a priority. The priority is sex offender registration in our state and community policing. When you are doing community policing, you are not serving warrants.” And another attendee said, “The bottom line is dollars. If the department got money for every DWI warrant they picked up, they’d be scouring the area for them.”

As for this strategy, it is important to find out how much fine money is owed. The amount may surprise people and provide the impetus to locate the defaulters. Some legal steps might have to be taken to divert some of the owed monies into funds to reimburse LEAs or pay for special warrants squads.

- *Set bond amounts high enough to ensure the offender will appear in court.* One judge discussed the merits of setting relatively high bonds to insure future court appearances. “People with lower bonds or own recognizance seem to have a lower rate of showing up (in court) than people with higher bonds.” And he has agreements with other judges not to lower his bond amounts. (Sometimes defendants would appeal to magistrate court to try and have the bond lowered or eliminated.) For DUI offenses, this judge sets bonds according to BAC level and offense (higher bonds for high BACs and repeat offenders). And a higher bond amount will usually involve a bonding company and “they are very interested in getting that person back to court and they hire people to go about doing that.”
- *Get the media involved.* Attendees discussed the interest that newspapers and television and radio stations often show in warrants. One smaller, rural community conducts a public relations warrant round-up every October. They release information to the media including the person’s name, offense, fine owed, etc. He reported that they have a great amount of success because everyone is known in the community. However, even in large urban areas, the media can play an important role in assisting law enforcement in locating defaulters.

It was apparent that among the majority of focus group participants, this discussion of outstanding warrants was a new topic and one which had not been addressed, at least not completely, in their own communities. Based on our focus group invitation, several participants had contacted administrators of databases in their jurisdictions and were surprised to learn they could not easily obtain numbers of outstanding warrants for DWI offenses, and in some cases learned it would not be possible to extract that information from existing systems.

While the focus groups helped our staff explore existing data systems and apprehension policies, we unfortunately learned that the question of if and/or how large a problem outstanding DWI warrants constitute remains relatively unknown in many areas.

PROSPECTIVE SITES

One project goal was to recruit participating sites from as many areas of the country as possible. In an attempt to reach this goal, project staff contacted public safety representatives in all fifty states and Puerto Rico during the course of this project. The process was begun by contacting the National Highway Traffic Safety Administration (NHTSA) Regional offices and all of the GHSR (Governor's Highway Safety Representatives) offices and providing them with a project summary. Their assistance in identifying prospective sites was requested. Contacts in law enforcement agencies, court systems, and various data system managers and administrators from prior research projects were also queried and asked to identify appropriate sites and/or contacts. Periodic searches were conducted on the Internet in attempts to locate prospective sites and programs. Finally, we approached national organizations such as the National Center for State Courts and MADD National Headquarters to ask if they were aware of any innovative programs across the country dealing with outstanding warrants.

It was apparent that the topic of outstanding warrants is fairly new to the majority of communities which were contacted. Although there were exceptions, project staff encountered many obstacles. Due to the sensitivity of the subject, it was often difficult to obtain access to pertinent data. These concerns included confidentiality issues, technical problems with querying data systems, policies not allowing data systems personnel to handle requests outside their agency or state, and concerns over bad publicity if project staff found that outstanding warrants were a problem in a community. Understandably, communities did not want to reveal publicly the extent to which outstanding DWI warrants may have been a problem, although these communities usually claimed not to know if a problem even existed.

We were able with persistence and time to overcome many of these concerns in some areas, but most communities and agencies contacted were unwilling or unable to participate in the project. As of the writing of this report, project staff were still waiting for promised data from many locations which initially agreed to participate.

Project staff found the majority of communities are keeping some form of records. However, many of the larger, formal DWI tracking systems and other court systems begin with the case disposition; therefore, cases which have not reached disposition are not entered into the system. This would include all cases where the person has failed to make a court-ordered appearance at any point along the adjudication process. We also learned, during the course of this project, that actual warrants are not always issued for a non-appearance.

Table 1 displays the project sites by state, community and the type(s) of data provided by each site. Details of each project site are reported in Chapter 3. Basically, the data content varied widely. In some instances, the reasons for the issuance of the warrants could not be determined.

OVERVIEW OF THE PROJECT

Table 1: Project Sites

State	Community	Category of Data Received
California	Merced County	Arrest, Warrant
Colorado	El Paso County	Arrest
Indiana	Hancock County	Arrest, Warrant
Massachusetts	Statewide	Warrant
Massachusetts	Peabody	Warrant
Massachusetts	Lynnfield	Warrant
Nebraska	Douglas County	Arrest, Warrant
Nebraska	Lancaster County	Warrant
New York	Chemung County	Arrest, Warrant
Ohio	Pickaway County	Warrant
Oregon	Deschutes County	Arrest, Warrant
Puerto Rico	Island-wide	Arrest, Disposition
Texas	Austin	Arrest
Utah	Salt Lake City	Arrest, Disposition, Warrant
Utah	Salt Lake County	Arrest, Disposition, Warrant
Utah	Combined Communities	Arrest, Disposition, Warrant
Vermont	Statewide	Arrest, Disposition, Warrant
Vermont	Chittenden County	Warrant
Washington	Pierce County	Arrest, Warrant

PROGRAMS DEALING WITH OUTSTANDING WARRANTS

During efforts to locate sites which could provide data, individuals contacted by project staff were also asked about innovative ideas for dealing with outstanding DWI warrants. This was an attempt to identify any programs designed to deal with individuals who failed to appear during the adjudication process and/or failed to complete court-ordered sanctions. In the vast majority of communities, active methods for dealing with outstanding warrants meant some version of a warrant squad staffed by LEAs (law enforcement agencies). These squads and several other methods of deterring FTA behavior are discussed below. Various programs are detailed under the corresponding site in the next chapter and in the appendices.

Occasionally law enforcement agencies had a special warrants squad but, as stated earlier in this report under the section on focus groups, these squads often must place DWI offenses lower on their list of priorities than other types of offenses such as domestic violence. However there were exceptions, such as in New York State, where each county has a "STOP DWI" program. These are programs, enacted by the New York State legislature in 1981, which are dedicated to locating and stopping impaired drivers. We highlighted one of these programs, Chemung County, New York in Appendix A. As a routine part of this program, outstanding warrants for DWI offenses are sometimes served by law enforcement officers working exclusively on Chemung County's STOP DWI program. When the number of outstanding warrants becomes too great for these officers to handle in addition to their other program-related duties, specific task forces are assembled consisting of officers from the various LEAs operating within Chemung County who are paid overtime with STOP DWI funds.

The community of Pierce County, Washington has a special task force comprised of various LEA members which routinely searches for impaired drivers. On one occasion, those task force resources were used exclusively to search for DWI offenders with outstanding warrants. This special task force is detailed in Appendix B.

Hancock County, Indiana was identified as an example of how the problem of outstanding warrants could be solved by hiring one part-time, dedicated warrants officer. This is a solution which could be replicated in smaller communities. Hancock County's program is featured in Appendix C.

The Deschutes County Sheriff's Office in Oregon maintains a current database of warrants available to all officers who routinely check the database when making traffic stops and arrests, and also try to locate individuals with warrants in between service calls.

In addition to the programs mentioned above which rely heavily on LEA involvement, several sites have reported that names of persons with outstanding warrants for DWI offenses are printed in local newspapers and/or on a website. One location in Colorado said local volunteers attempt to telephone defaulters. Further details are provided in the next chapter.

In some areas, individuals who fail to appear in court are sent a letter notifying them that if they do not contact the court within a certain number of days, the person's driver's license is suspended. There is disagreement among persons we talked with over whether this method of dealing with outstanding warrants is effective.

OVERVIEW OF THE PROJECT

Media participation was cited as a valuable resource for publicizing both active and passive methods of locating defaulters. The various media channels are often asked to report activity by warrant squads and most often have been very cooperative and thorough in the level of coverage provided. While many newspapers and an increasing number of websites publish names of defaulters and sometimes offenses along with other pertinent information, we were also told about several television stations who now routinely cover “wanted” persons during regular segments of their local news programs. Reportedly, these programs are very popular with the public. To our knowledge, no data exists to examine the effectiveness of these methods.

A STUDY OF OUTSTANDING DWI WARRANTS

3 - SITE DESCRIPTIONS AND ANALYSES

This section presents an overview of the project sites and, for each location, includes the site description, a description of the assembled data, and any findings. In addition, programs meant to deal with persons who fail to appear in court and/or complete sanctions are outlined under each associated site. In some instances, data were received for an entire state.

CALIFORNIA - Merced County

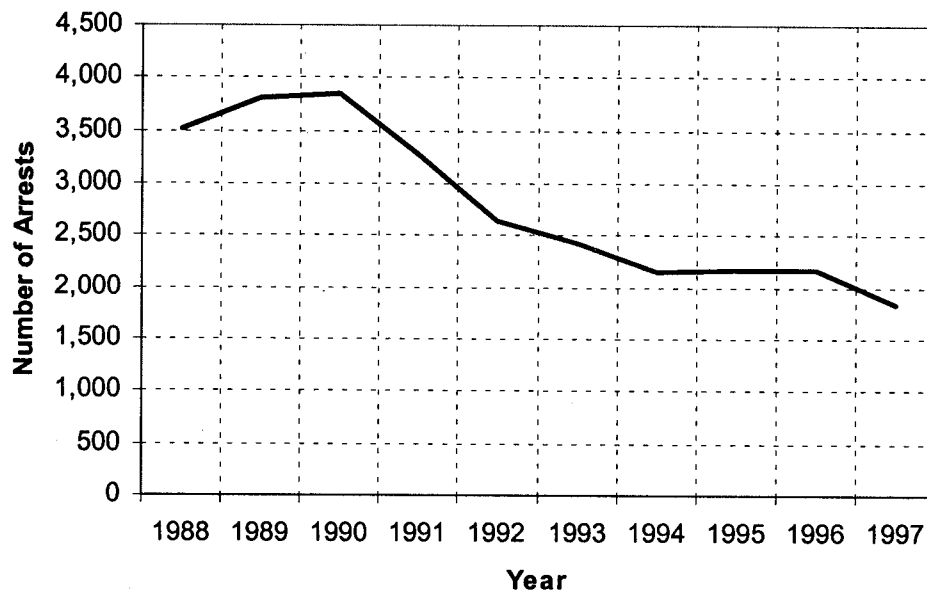
Description

Merced County, located in the central part of California in the heart of the San Joaquin Valley, stretches from the coastal ranges to the foothills of Yosemite National Park. The County covers approximately 2,020 square miles and has a population of approximately 201,000 according to the 1999 U.S. Census Bureau estimate. Merced, the largest city (population 62,000), is also the County seat. Agricultural related industries are a major source of employment along with food processing, retailing, and light manufacturing. The 1993 median household income, as reported by the Census Bureau, was \$26,203.

Data and Findings

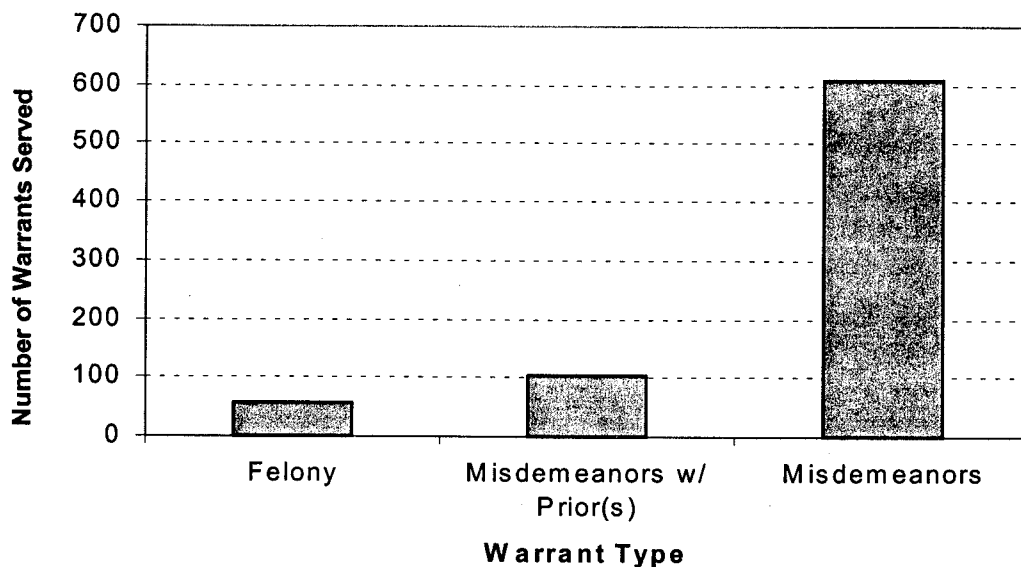
Marshals in Merced County serve in California courts and have been well aware of problems with DUI offenders failing to appear in court, not completing their sentences, and not paying their fines as dictated by State law. In addition, there is a danger of warrants becoming eligible for dismissal because of a law relating to the lack of due diligence (i.e., no attempted service). In fact, on July 1, 1999, the Marshal's Office reported that there were 3,695 active DUI warrants up to three years old in Merced County. Over a one year period, 730 of these cases were dismissed for lack of due diligence. Of the remaining total of 2,965 outstanding DUI warrants, 454 were for repeat offenses. There were 139 individuals with outstanding felony DUI warrants, 48 of whom were repeat offenders. The Merced County Marshal's Office proposed to the California Office of Traffic Safety (OTS) to increase service of arrest warrants relating to DUI offenses. OTS responded favorably and awarded a grant beginning in June of 1999. As a part of the project, television and radio public service announcements were broadcast in both English and Spanish languages, during which a hot line telephone number was displayed to enable citizens to report the locations of persons with known DUI warrants. The increased warrant service activity was accomplished by using overtime funds to pay for DUI warrant service teams. The Marshals had proposed that increasing warrant service could, in turn, reduce alcohol-involved collisions, as well as total fatal and injury collisions in Merced County, because a large percentage of DUI offenders would be brought into compliance or would be jailed and off the streets if wanted on a felony warrant or if the person were a multiple DUI offender. The Marshal's Office deputies are tracking the numbers of fatal and injury collisions; however, it is too soon after the start of the project for these numbers to be calculated.

Figure 1: Merced County, California DUI Arrests 1988-1997



The program is described in more detail under the next section. Despite the decline in DUI-related arrests in Merced County (**Figure 1**), the numbers of outstanding warrants for DUI offenses grew steadily. The warrant service program funding year begins in June. From June, 1999 through June, 2000, the first year of operation, there were 770 DUI warrants served; the breakdown by warrant type is shown below in **Figure 2**.

Figure 2: Breakdown of DUI Warrants, Merced County June 1999-June 2000



SITE DESCRIPTIONS AND ANALYSES

Felony warrants are typically issued for DUI cases involving death or injury. The category of misdemeanors with priors include drivers with prior DUI convictions, and misdemeanors are first-time DUI offenders. Of these 770 warrants served, 372 were cleared by arrest and 398 were cleared by issuing citations (no additional fees or fines assessed). These figures included 186 warrants served to persons outside of Merced County. The service of out-of-county warrants was accomplished through cooperation of the Merced County Sheriff's Office, with the Sheriff agreeing to transport the absconders at no cost to the program or to the Marshal's Office. Of the total 770 DUI warrants served, 59 or 7% were returned to warrant status.

In addition to serving outstanding warrants for DUI offenses, which is the primary mission of this warrant service program, 531 outstanding warrants also were served for driving on a suspended license. In fact, a total of 2,409 warrants were served under this program during the first year of operation. In addition to the DUI warrants served, warrants were also served for wide-ranging types of offenses (e.g., spousal abuse, brandishing weapons, burglary, theft, welfare fraud, and failure to pay family support). Please note, the ability to serve these additional warrants was an additional benefit of the program. These individuals were also wanted on outstanding DUI warrants, or they were in the company of individuals wanted for DUI-related offenses who had been targeted by the Deputy Marshals.

The Marshal's office reports 3,483 unsuccessful warrant service attempts during the first year. During the second year of operation, plans are being made to access an additional data system which will hopefully yield more current residential addresses which, in turn, will allow the deputies to locate more defaulters.

During the first year of operation, \$156,142 in fines and fees owed were collected, and arrangements were made with DUI offenders for payment of an additional \$689,280 on payment schedules.

There was a 42.7% increase in warrants served reported during the first two months of the second year of the project (590 warrants served versus 338 during the same period of year one). The Marshal's Office hopes to continue this trend throughout the second year of operation.

Programs to Deter FTA / FTC

As reported above, the Merced County DUI Warrant Service Project, was first funded in June of 1999. Project goals were given as follows.

- The reduction of total fatal and injury collisions by 5% from the calendar 1997 base year total of 1,363 to 1,295 by June 30, 2000.
- The reduction of alcohol-involved fatal and injury collisions by 5% from the calendar 1997 base year total of 152 to 145 by June 30, 2000.
- To lower the ratio of unserved warrants by 10% from the 1997 base average of 39% to 29% by June 30, 2000.

Project objectives included creating and airing public information and education messages, setting up a tips hot line (over 2,600 calls received during the first year), conducting 52 warrant service sweeps during the first year of operation (51 were actually conducted), setting goals for the number

A STUDY OF OUTSTANDING DWI WARRANTS

of warrants to be served, issuing press releases, and measuring the impact of the Warrant Service Project against the goals outlined above, as well as on any impact on other types of crimes. This was to be accomplished by tracking non-traffic related arrests handled during the DUI warrant sweeps and/or other activities or operations such as narcotics arrests, stolen vehicles recovered, and other criminal arrests.

Much of the first few months were spent working with the County data processing center staff to set up a method of receiving lists of persons with outstanding DUI warrants and enough pertinent information to begin searching for these individuals. In March of 2000, an agreement was reached with the Sheriff's Office which allowed DUI warrants to be entered into the State's wanted persons system.

Since the program became operational, on Tuesday and Thursday evenings, two teams of two Deputy Marshals each attempt to locate persons on the outstanding DUI warrants lists. The teams only work two evenings to lessen the impact on the Merced County jail. The jail is operating under a federal mandate to curb overcrowding, meaning if the jail population reaches 90% capacity, inmates must be released before more may be accepted. With cooperation from jail and court officials, it was agreed that individuals could be held in holding cells overnight, if they could be brought before the court the next morning. This arrangement has worked and has given the court the opportunity to confront the absconders and defaulters faster than normal.

While a large amount of owed fines have been collected, all DUI related fine monies are earmarked for sources other than the warrant service team. The Marshal's Office has contacted legislators in an attempt to divert a portion of the collected monies to help fund the costs of serving the warrants. To date, these efforts have not been rewarded. Fortunately, OTS has extended funding for another year and has expanded the funds to include extradition of felony DUI offenders who have fled the State. By all accounts, this program looks promising despite the problem of funding.

COLORADO - El Paso County

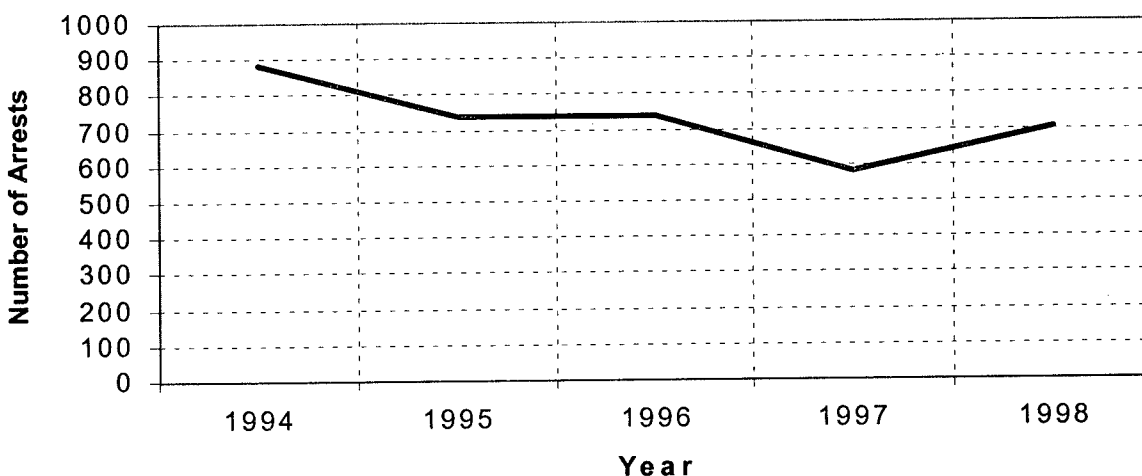
Description

El Paso County is located in the eastern central area of Colorado. It is approximately 2,126 square miles in size, and includes the city of Colorado Springs. According to the U.S. Census Bureau, the 1998 population estimate for El Paso County was approximately 490,000 individuals. Per capita income in 1996 was approximately \$18,800.

Data and Findings

The number of DWI arrests by the Sheriff's Office in El Paso County were provided for 1994-1998. Roughly two percent of these were juvenile arrests.

Figure 3: El Paso County, Colorado DWI Arrests, 1994-1998



While data are compiled on outstanding warrants, attempts by project staff to obtain the data from either the State Court Administrator's Office or the Sheriff's Office were unsuccessful. However, the site was included because the County Fugitive Unit, which is described in the next section, is a program which could be utilized by other jurisdictions.

Programs to Deter FTA / FTC

The County has a Fugitive Unit comprised of two detectives from the Colorado Springs City Police; and five detectives and one sergeant from the Sheriff's Office. One of the detectives is concurrently assigned to the Federal Fugitive Apprehension Task Force. The seven detectives in the Unit are devoted full-time to serving warrants and have organized themselves into three teams. Each day one team is assigned to administrative tasks, and the other two teams are out in the field. The administrative team is charged with sending someone to the court to pick up the list of warrants

A STUDY OF OUTSTANDING DWI WARRANTS

issued the previous day. Daily lists from the court contain approximately 50-250 names. The court does not check if these people are already in jail, so the Unit first has to check if the individuals are already in custody.

Felony and misdemeanor offenses are treated separately. The Unit devotes one or two days per week of high-intensity work to locate felons. The squad does not target individuals wanted for misdemeanors, but officers will arrest such individuals if: 1) the squad receives a reliable tip from an informant; or 2) the individual is found in the company of a wanted felon.

Defaulters wanted on misdemeanor charges, such as DWI, are often apprehended when patrol officers stop a vehicle for a routine traffic violation, and officers learn from dispatch that the driver has an arrest warrant outstanding. There are four civilians in the Investigations Division who are available to help patrol officers check the databases, so the Fugitive Unit detectives do not need to spend time assisting patrol officers in this matter.

In addition, the squad performs 4 stings/roundup sweeps per year. Typically, DWI offenders are targeted during one of these annual sweeps.

The Unit employs volunteers who come in the evenings to make phone calls, and notify defaulters wanted on misdemeanor charges that a warrant has been issued. They suggest that the individual would benefit from resolving the issue with the court him/herself, rather than risk being apprehended by the police.

Periodically, the County provides a list of 20 DWI offenders' names to *Fountain Valley News*, a small publication that serves the southern district but does not have a large readership. The County does not pay for this service; rather, they wait for the newspaper to call when they want to publish a new list.

MADD has purchased equipment (e.g., breath testing devices) and donated them to the LEA to assist in the fight against drunk driving.

The State of Colorado provides grants to pay officers to work overtime for DUI patrol. However, the County cannot count on receiving this funding consistently every year.

There has been discussion of developing a new system where warrant information from the court computer could be electronically transmitted to the CBI (Colorado Bureau of Investigation). CBI could, in turn, transmit the information electronically to the Sheriff's Office. For all misdemeanors, this automated system would also print out a postcard addressed to the offender, warning him or her that a warrant has been issued.

INDIANA - Hancock County

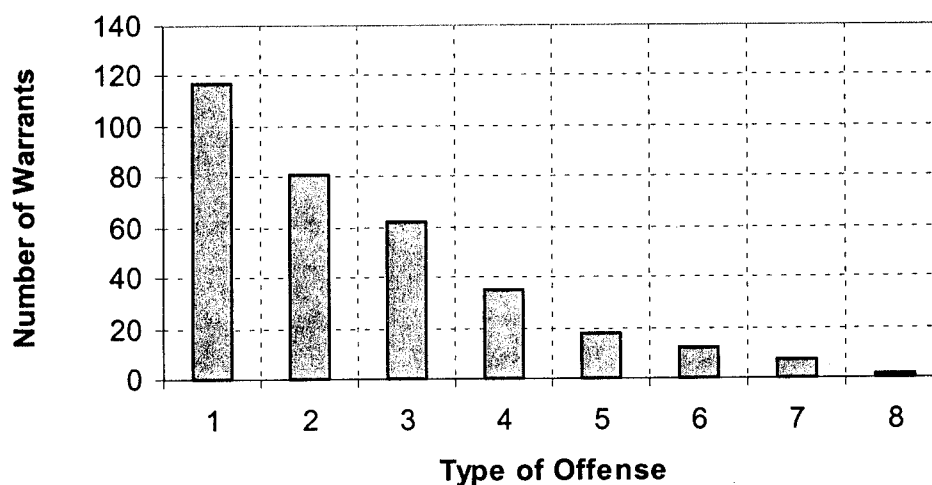
Description

Hancock County, Indiana is a bedroom community located east of Indianapolis. One major interstate, highway I-70, passes through the County. The 1990 census population estimate was 45,500, but the community has been growing and the U.S. Census Bureau estimates the current population close to 55,000. The largest community within the County is the city of Greenfield.

Data and Findings

A warrants officer position (part-time) was created in the Hancock County Sheriff's Department. Although the warrants officer has been working since 1996, due to a change in the administrator of the funding organization and some computer problems, our sources were only able to provide warrant data for 1999. The total number of warrants served in 1999 was 334, of which roughly 25% were for DUI-related offenses. This percentage does not include alcohol-related probation violations. The breakdown of warrants served is displayed below in **Figure 4**.

Figure 4: Breakdown of Warrants Served, Hancock County, 1999



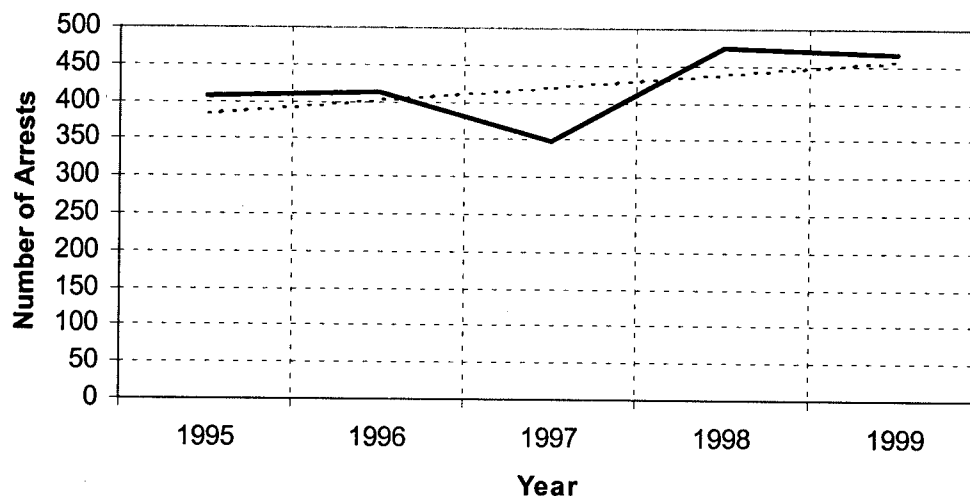
- 1 = Probation Violation (usually of alcohol/drug use violations)
- 2 = DUI offenses
- 3 = Other
- 4 = Possession of Marijuana
- 5 = Minor Possession of Alcohol
- 6 = Public Intoxication
- 7 = Possession of a controlled substance
- 8 = Dealing Marijuana

A STUDY OF OUTSTANDING DWI WARRANTS

According to the warrants officer, the total number of warrants he served during 1999 was typical of the previous three years. The number of old unserved warrants, prior to the hiring of the warrant officer, is unknown. However, the warrant officer has been able to handle the number of current warrants which are issued, and he works on old files as time permits.

The number of arrests made by the Hancock County Sheriff's Department for DUI-related offenses, 1995-1999 are displayed in **Figure 5** below and indicate an upward trend (dotted line).

Figure 5: DUI Arrests - Hancock Sheriff's Department, 1995-1999



Programs to Deter FTA / FTC

The presiding Judge of the Superior Court II for Hancock County, Indiana noted an ever increasing number of outstanding warrants for offenders who failed to comply with court orders. The local Sheriff's Department is the law enforcement agency decreed by Indiana statute to serve warrants but, as with many law enforcement agencies contacted during this study, the Department did not have the personnel nor budgetary resources to routinely serve warrants, except in cases related to felony crimes. On several occasions, at the request of the Judge, deputies would attempt to locate defaulters, but funding these attempts was always an issue.

The Judge was reportedly tired of being thwarted in efforts to make certain that offenders complied with court orders. He was frustrated that, in addition to a large number of existing outstanding warrants, that the total number of outstanding warrants was increasing weekly due to new warrants being issued. He decided that the defaulters must be located. As a jurist he was concerned that a wrong message was being sent that court-ordered sanctions could be ignored without fear of reprisal. For these reasons, the Judge, with the support and cooperation of the Sheriff, decided that a warrant officer was needed. The duties of the warrant officer would exclusively involve locating defaulters and serving warrants. Funding was secured through a local grant from NASA (Neighborhoods Against Substance Abuse) which funds local programs using countermeasure fees paid by DUI offender's court costs, part of which is funneled back to local communities. Please note that while the countermeasure fees help fund the warrant officer position,

SITE DESCRIPTIONS AND ANALYSES

warrants are served for all offenses, not just DUI, although DUI offenders make up a significant percentage of defaulters in this jurisdiction. A full description of the Warrant Officer Program implemented in Hancock County, Indiana is included in Appendix A of this report.

A STUDY OF OUTSTANDING DWI WARRANTS

MASSACHUSETTS - Statewide, Peabody and Lynnfield

Description

According to the U.S. Census Bureau, the estimated population for the Commonwealth of Massachusetts in July, 1999 was approximately 6.2 million. This New England state covers 8,257 square miles. Per capita income was \$27,972 in 1999.

Data and Findings

Massachusetts has a statewide electronic warrant database known as the Warrant Management System (WMS). It is administered by the Criminal History Systems Board (CHSB). The creation of WMS in 1995 was prompted by the murder of a Boston police officer by a man who had a warrant for his arrest in connection with another shooting. This event and other high-profile, dramatic incidents pointed to serious problems in the handling of arrest warrants. Prior to WMS, knowing whether a person was wanted outside of a police officer's own jurisdiction was difficult, if not almost impossible, to determine. Today, a police officer is able to check whether a person is wanted by another law enforcement agency (LEA) in the Commonwealth by querying the computerized warrant database. Whenever a warrant is issued by a judge, the court clerk is responsible for entering the information directly into the database. The system is operational 24 hours a day, seven days a week.

Although the establishment of a centralized computer tracking system was certainly a step in the right direction, the Commonwealth continues to face criticism for its handling of warrants. For example, a 1999 Report of the Massachusetts Senate Committee on Post Audit and Oversight concluded that warrant management in Massachusetts had become more passive, in some respects, than before the creation of WMS. The report found that, as reliance on the computerized system has increased, active warrant practices (such as mailing notification letters to people who are issued an arrest warrant for a misdemeanor) have been dropped. Our conversations with state police officers and probation officers confirmed that Massachusetts has a "paperless" warrant system; that is, the offender is not notified in writing that a warrant has been issued. However, according to the Criminal History Systems Board, "the Commonwealth's criminal procedure does not call for notification of an accused upon the issuance of a warrant, nor has there been such a procedure in place historically. Such notification serves to increase the risk of flight by the wanted individual." This sentiment is shared by other jurisdictions we have studied, and we have heard about concerns over officer safety as well as the risk of flight issue.

Other problems noted by the Senate report include the following:

- As of December 1998, there was a backlog of more than 275,000 outstanding arrest warrants (for all offenses, not just DWI). The report estimated that the backlog is growing by more than 5,000 outstanding warrants per month.
- Hundreds of thousands of warrants issued before the creation of WMS have still not been entered into the system.

A STUDY OF OUTSTANDING DWI WARRANTS

- Thousands of wanted individuals are collecting taxpayer-funded financial benefits and other state privileges. A 1997 comparison of the WMS database against state welfare rolls identified 14,000 people who were receiving welfare benefits, even though they had warrants outstanding for their arrest. The report suggests that police should be allowed to cross-match the warrant database against other state databases that contain addresses and identifying information.
- Wanted individuals (for all offenses) can receive a new driver's license from the Registry of Motor Vehicles (RMV) even though the law forbids it.⁴
- There are large disparities in the number of WMS-connected computer terminals in the courts.

After the referenced Report of the Massachusetts Senate Committee on Post Audit and Oversight was published, legislation was passed in August, 2000 by the Senate and House of Representatives to address some of the problems. Pertinent topics related to persons against whom a default or arrest warrant, issued by any court of the Commonwealth, is outstanding are as follows:

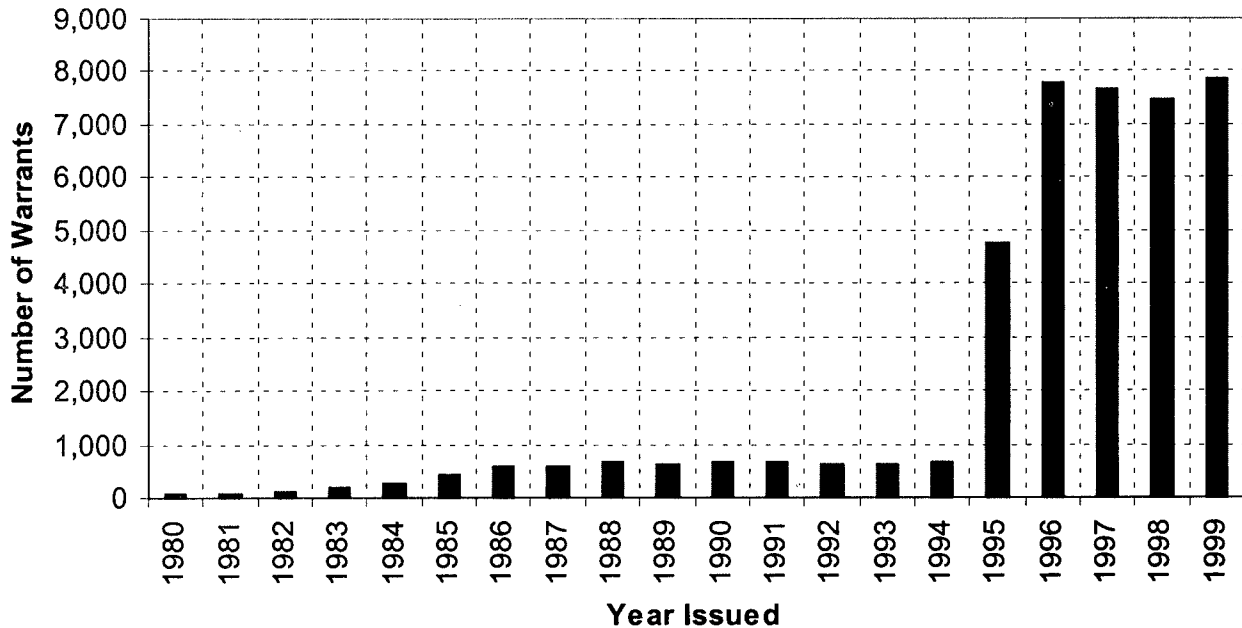
- State tax refunds will be withheld (as of August 1, 2001);
- The registrar shall suspend the license to operate motor vehicles;
- Individuals will not be able to apply or receive public assistance to the extent allowed by federal laws (as of August 1, 2001); and
- Any agency, department, commission, division, or authority of the Commonwealth that issues a professional license, certificate, permit or authorization to engage in a profession, trade, or business shall ensure that such authorization is suspended.

The Commonwealth of Massachusetts should be commended for setting up a Warrant Management System to track outstanding warrants, especially considering the daunting backlog of old warrants, and for implementing corrective legislative measures. While other additional measures may be needed to fully realize all the capabilities of such an informational system, the potential is there for a comprehensive database which could be a valuable resource to LEAs and courts.

Warrant data pertinent to DWI offenses were received from WMS. **Figure 6** displays those numbers of warrants (all offenses) outstanding by the year in which the warrants were issued. These numbers do not include all legacy warrants (the backlog of warrants issued prior to the implementation of the WMS). WMS staff are routinely working to include more information, so this should be considered current as of February, 2000. (Information received on 216 additional warrants issued prior to 1980 are not included because they span more than 20 years.)

⁴The Massachusetts RMV does have a system in place to prevent people with outstanding warrants to *renew* their driver licenses; however, there is no system in place to prevent them from getting a *new* license.

**Figure 6: Status of Massachusetts WMS DWI Warrant Data, 1980-1999
(Warrants Management System Implemented in 1995)**



Of the 43,632 DWI-related warrants issued over more than forty years, 84% were issued to residents of Massachusetts, 10% were issued to drivers residing in other New England states, 4% were issued to residents of states outside the New England area or foreign countries, and 3% were not identified.

Warrant Service in Massachusetts

The Massachusetts State Police maintains a Violent Fugitive Arrest Squad (VFAS) that provides warrant apprehension services. Our conversations with the VFAS revealed that their officers do not have the resources to serve warrants for DWI offenses, nor misdemeanors in general. The VFAS estimates that each day they receive approximately 200 new warrants. With only six state troopers assigned to this unit, the squad concentrates almost exclusively on tracking down felons. Defaulters charged with misdemeanor offenses, including DWI, are generally sought only if the person is also wanted in connection with another “more serious” crime.

As a result, warrant apprehensions in Massachusetts (particularly in the case of misdemeanor offenses such as DWI) are often a result of routine traffic stops. The most common example is when a police officer stops a vehicle for speeding or running a red light and takes the driver’s license number, requesting that dispatch run a query on WMS. The officer discovers there is a DWI warrant pending for the arrest of the driver; and brings the individual into custody.

With regard to municipal police departments, only the largest cities in the state (Boston and Springfield) have full-time warrant apprehension units.

A STUDY OF OUTSTANDING DWI WARRANTS

It appears that an increase in local law enforcement resources and personnel, relying on the WMS, would be an appropriate remedy for reducing the number of outstanding warrants throughout the Commonwealth.

Extent of the Problem in Peabody District Court

Project staff interviewed the Chief Probation Office (CPO) for the Peabody District Court, which has jurisdiction over two suburban municipalities in northern Massachusetts: the towns of Peabody⁵ and Lynnfield⁶.

The typical procedure for a DWI arrest is as follows: a police officer makes an arrest and takes the offender into custody; upon consultation with the district court, the individual is released either on recognizance (\$25 fee) or set bail (\$25 fee plus amount of bail). When released, the accused is given a citation slip, requesting his/her appearance in court for arraignment, usually the next business day. At the first court appearance, it is determined whether the offender will need an assigned public defender or if he/she will hire private legal counsel. In addition, a date is set for the pre-trial conference, usually 3 to 5 weeks later. DWI cases seldom reach the trial stage. The negotiations during the pre-trial conference typically result in either a second pre-trial conference, or in a "disparate plea," where the District Attorney and the defense attorney differ on the terms of the sentence. In this case, the matter is settled by a judge.

The CPO does not consider that FTA is much of a problem in his district. He feels that people care enough about having their driving privileges suspended to avoid defaulting on court appearances. The majority of warrants are issued because the individual has failed to pay the agreed fine, or because he/she failed to complete the court-ordered alcohol education program.

Programs to Deter FTA / FTC

The names of DWI defaulters in Peabody and Lynnfield are made public through a local newspaper as well as a local radio station which report the names of DWI defaulters on a weekly basis as a public service. Results of this practice are mixed. Occasionally, offenders will turn themselves in; sometimes, a disgruntled spouse or relative will call to report the whereabouts of an defaulter. However, many weeks go by without any information being reported.

⁵ Town of Peabody: 1996 estimated population was 48,365 residents; 1989 per capita income was \$17,002; Source: Secretary of the Commonwealth of Massachusetts.

⁶ Town of Lynnfield: 1996 estimated population was 11,232 residents; 1989 per capita income was \$26,193; Source: Secretary of the Commonwealth of Massachusetts.

NEBRASKA - Douglas County

Description

Omaha is located in Douglas County, Nebraska and covers most of the County. Douglas County is located mid-center on the eastern border of Nebraska, directly west of Council Bluffs, Iowa. According to U.S. Census Bureau data, the total estimated resident population of Douglas County in 1999 was roughly 446,277 persons. The 1990 census reported approximately 396,000 individuals lived inside the Douglas County, Nebraska urbanized area (Omaha), and approximately 20,500 individuals lived outside the urbanized area and in rural areas. The 1995 median household income was reported as \$38,852.

Data and Findings

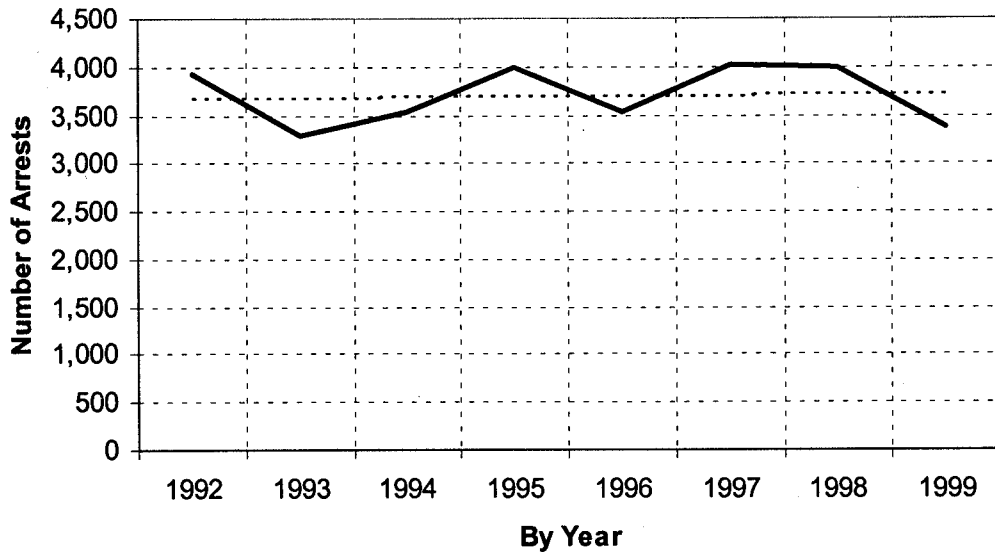
Approximately 95% of the population in Douglas County resides in Omaha. Due to this population placement, the Omaha Police Department arrests the majority of DUI offenders. Most of these cases are handled by the County Court; felony DUI cases are handled by District Court.

Reportedly, the majority of warrants issued for DUI-related offenses in Douglas County Court are for individuals who fail to appear when scheduled for court appearances (during the adjudication process). Warrants are forwarded to the police precinct which covers the area where the individuals live or work (depending upon available information). The Police Department mails letters to those persons urging the individuals to come in and handle the matter. Officers, when there is time, follow-up and arrest people with outstanding warrants. But, in reality, this is rarely done; the majority of arrests for outstanding warrants are made during traffic stops.

From time to time, there is an "open call" type session, so that people with outstanding warrants can come to the courthouse without being arrested and booked. If they appear on that specific date, sometimes referred to as a "walk-in" calendar, the warrant is canceled and arrangements are made to continue the adjudication process (e.g., new court dates).

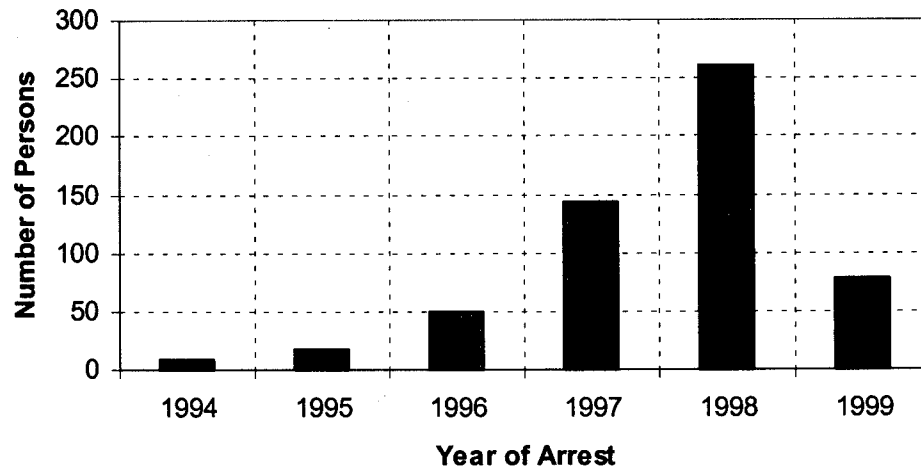
We have arrest data from the Omaha Police Department by month from 1992 through 1999 (**Figure 7**). The dotted line indicates a consistent trend in the DUI arrest rate.

Figure 7: Omaha Police Department, DUI Arrests, 1992-1999



Our contacts in the County Court have provided information on persons charged with DWI offenses from 1994 to the present who still have warrants out for their arrest. Unfortunately, the computer system purges warrant information three months after the warrant is canceled by the defendant's arrest or appearance in the court. Therefore, the following data are not complete.

Figure 8: Douglas County - Outstanding DUI Warrants, January, 2000

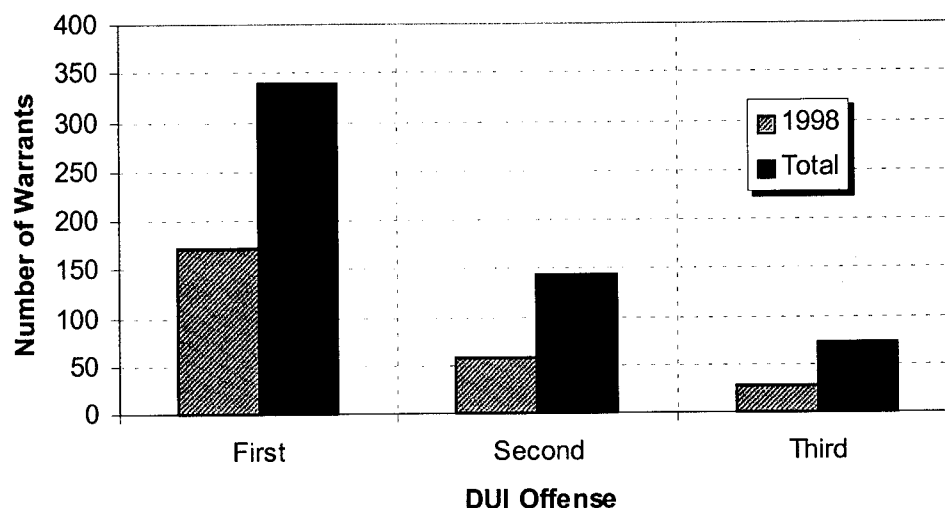


We can only make a simple assumption that the 1998 warrant data are the most complete data (least likely to have had records purged) available. Based on 1998 arrests for DUI, it would appear

that roughly six percent of individuals arrested for DUI-related offenses during 1998 had outstanding warrants for the referenced offense as of January, 2000. This does not tell us the real percentage of individuals arrested for DUI offenses in 1998 who defaulted, because we do not know how many cleared the system before January, 2000.

Figure 9 shows the total number of outstanding warrants for first-time offenses versus multiple offenses and also breaks out the numbers by offense for those arrested in 1998. A fourth or higher DUI offense is a felony under State statute which is handled by a higher court.

Figure 9: Douglas County - Number of Outstanding Warrants By Offense



During a recent related project on DWI conviction rate procedures (Wiliszowski, et al, 1999), this same site participated. During that study, the data we used to calculate conviction rates consisted of 4,089 records of DWI charges extracted from the city prosecutor's files for 1997. Data covering just the first six months of DWI arrests (January-June 1997) were extracted to allow at least a full year after arrest for case disposition. There were 1,993 cases of which 8.3% had no finding. The "no finding" cases consisted of those where the persons failed to appear in court at some point along the judicial process, so that no disposition of these cases appeared.

An assistant city prosecutor, who was asked for his opinion, stated that it is his belief that people don't show up because they do not believe the matter is serious, and often court dates are 40 days in advance and "a lot happens in 40 days." And he believes that providing them the opportunity to show up during the open call sessions only reinforces the idea that outstanding warrants are not important.

Additionally, he pointed out that many times officers record the address of the offender as it appears on the driver's license, without asking the person if he or she currently resides at that address. If the person has moved, often times law enforcement and court correspondence is returned as undeliverable.

A STUDY OF OUTSTANDING DWI WARRANTS

Programs to Deter FTA / FTC

At times, the names of persons with outstanding warrants are published in the newspaper. There are mixed reviews as to whether this has proven an effective method for encouraging individuals to report to the court. Also, reportedly, when an individual fails to appear in court, that person's driver license is suspended. However, usually the only time these individuals are apprehended is if they are stopped for a traffic violation and the officer checks and learns that the driver's license has been suspended. As mentioned above, from time to time, there are open call court sessions when individuals with outstanding warrants can come to the courthouse without being arrested and booked.

NEBRASKA - Lancaster County

Description

Lancaster County is located in southeastern Nebraska and contains Lincoln, the capital of the state. According to the U.S. Census Bureau, the 1998 population estimate for Lancaster County was almost 444,000 persons. Lincoln, the second largest city in the state, contains a population of roughly 200,000. While the city of Lincoln claims Government as its largest employer with city, county, state and federal offices located there, the U.S. Census Bureau reported that in 1992, 77% of the land in Lancaster County was used for agricultural purposes.

Data and Findings

The Lancaster County Attorney's office handles felony DWI charges for multiple offenders and individuals charged with DWI offenses outside of the city of Lincoln. The Lancaster County Attorney's office reports that they began tracking FTAs at the end of 1996. The first year for which an accurate count could be provided was 1997 when there were 322 DWI-related cases scheduled with 38 individuals failing to appear (roughly 12%). In 1998, almost 17% of the 335 cases for DWI-related offenses (55 persons) failed to appear in court.

The Lincoln City Attorney's office handles first-time DWI offenders. While they were not able to provide data, we were able to discuss the process. If an individual fails to appear, a bench warrant is issued and the DMV is notified to suspend the driver license. Individuals wanted on outstanding DWI warrants are not actively sought by law enforcement. However, if pulled over for a traffic offense, or if otherwise caught, those persons are charged with driving under suspension. Typically, the City Attorney's staff will deal away the FTA charge rather than prosecute, if the individuals plead guilty to the DWI charge.

Programs to Deter FTA / FTC

Reportedly, when an individual fails to appear in court, that person's driver license is suspended. As in other sites, there is doubt whether this sanction deters driving.

A STUDY OF OUTSTANDING DWI WARRANTS

NEW YORK - Chemung County

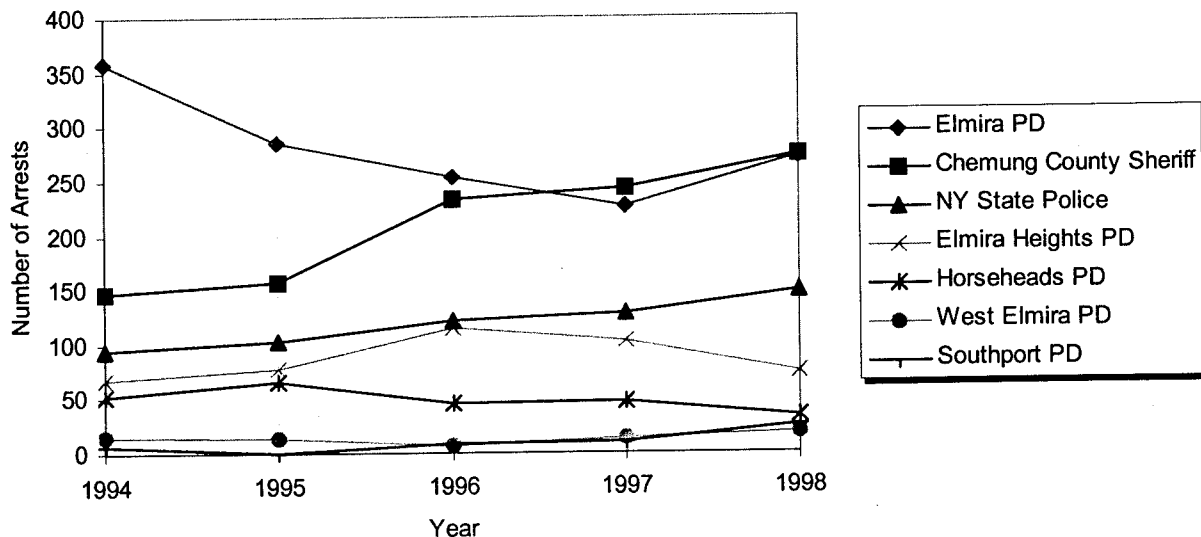
Description

Chemung County is located along the southern border of New York State and covers approximately 408 square miles. The U.S. Census Bureau reports that in 1998 the estimated population was approximately 92,000 persons. The 1996 per capita income was approximately \$17,700. Elmira, the County seat, is the largest city in the County. There are seven law enforcement agencies (LEAs) operating within the County which covers eleven townships. All seven LEAs enforce anti-drunk driving laws.

Data and Findings

The numbers of arrests for DWI offenses were received from the seven LEAs which operate within Chemung County. **Figure 10** depicts the number of arrests from 1994 to 1998.

Figure 10: Chemung County Arrests for All DWI-Related Offenses, By LEA, By Year



DWI warrant information was received for the Chemung County Sheriff's Office (CCSO), Elmira Police Department (EPD) and Elmira Heights Police Department (EHPD). (The New York State Police have a separate database and the remaining three agencies are either very small and/or do not handle many DWI cases.) Project staff were provided with DWI warrant data for the past ten years, however there were very few warrants in the database for 1990-1994. According to our site contact, judges began issuing warrants when the pervasive extent of errant behavior by DWI offenders was brought to the judges' attention, ostensibly by the STOP DWI program. **Figure 11**

A STUDY OF OUTSTANDING DWI WARRANTS

shows the total number of all DWI warrants in the database (588), separated by LEA. Forty-three people had two warrants and five people had three warrants. Included in the database are records of warrants issued both to individuals who failed to comply and to those who failed to appear. While we cannot determine exactly how many warrants were issued in each of these two categories, it was estimated by our contacts in Chemung County that 90% of the warrants issued were for FTC reasons, usually non-payment of fines.

Figure 11: Chemung County, DWI Warrants, By Agency

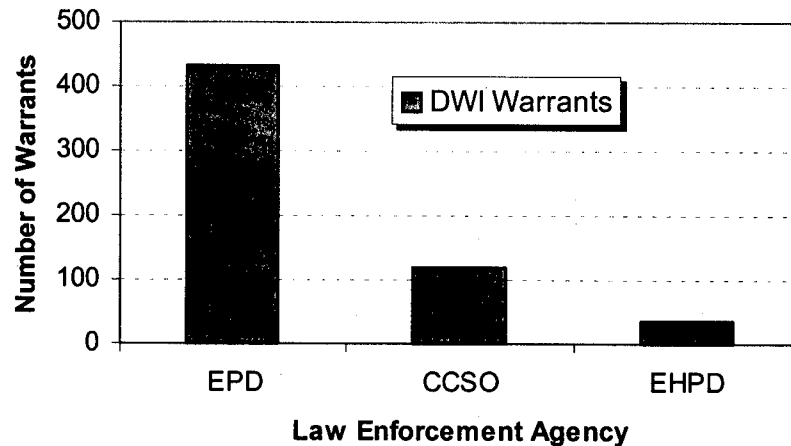


Figure 12 shows the number of warrants (515) for five years (1995-1999) for these three LEAs separated by type. Active indicates the numbers of warrants in the database which are still outstanding, arrested are the numbers of warrants served, and recalled are warrants which have been canceled by the court.

Figure 12: Chemung County DWI Warrants, By Type, By Year

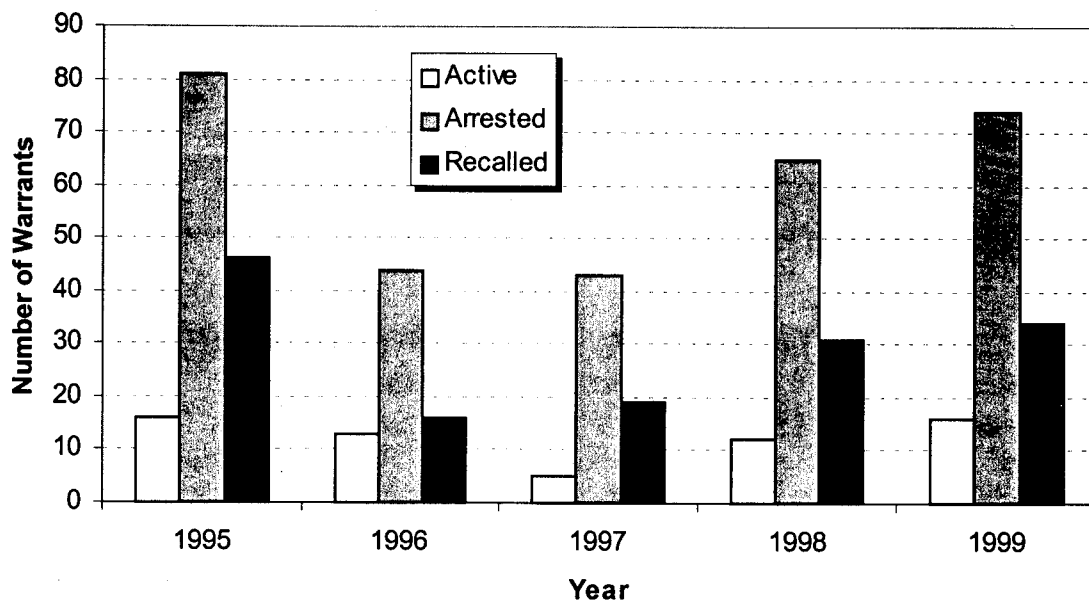
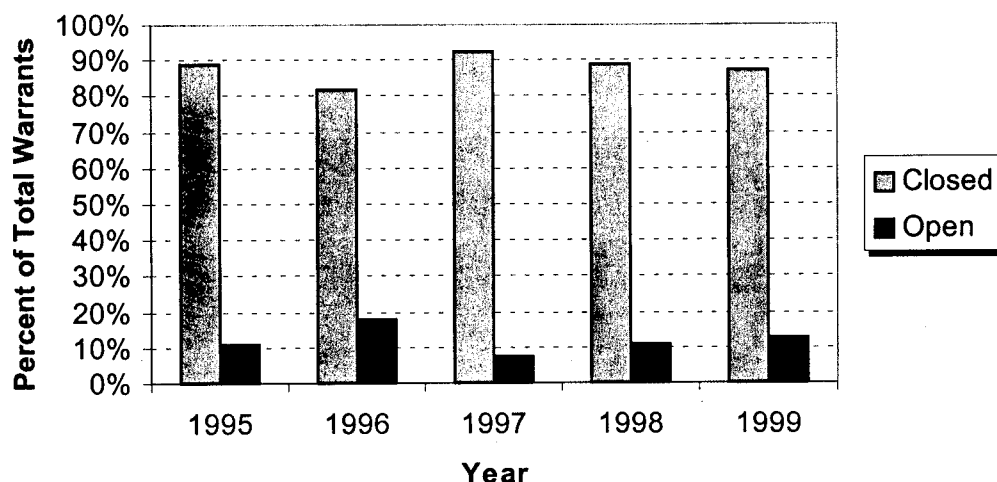


Figure 13 displays the status of warrants issued within each of the past five years. Closed warrants include those which have been served or recalled, open are the warrants which remain active. Clearly a very high percentage of the warrants have been closed. And those which remain open are not purged from the database. Therefore the possibility exists that they will be served at some point in the future.

Figure 13: Chemung County Warrants Status, By Percent, 1995-1999



Programs to Deter FTA / FTC

Each county in New York State has a STOP DWI program, funded through the return of fines for alcohol-related offenses. The mission of these programs is to reduce the incidence of drinking and driving by: 1) Increased public awareness of the risks of drinking and driving; and 2) Increased law enforcement in this area by getting the drinking driver off the road, as well as the timely and consistent application of the legal penalties for DWI.

The Chemung County STOP DWI program includes a Coordinator and two police officers dedicated full-time to the program's activities, including apprehension of individuals with DWI warrants. Names of defaulters are published on the County's Internet site. Inter-LEA cooperation is present when additional officers are needed to conduct a warrants sweep; officers are paid with STOP DWI funds.

The Coordinator of the Chemung County STOP DWI program believes that FTAs do not represent a huge problem in his County; rather, he believes that defaults on fine payments, and failure to comply with court-mandated educational programs, constitute a much more serious and difficult problem. A complete program description is included in Appendix B.

A STUDY OF OUTSTANDING DWI WARRANTS

OHIO - Pickaway County

Description

Pickaway County is a largely rural area which lies directly south of Columbus (Franklin County) in south, central Ohio and covers approximately 502 square miles. According to the U.S. Census Bureau data, the population of Pickaway County was 52,500 in 1996 and has been growing steadily (1998 estimated population of 53,700). In 1990, the Census Bureau reported a population of 48,300 with 11,700 residing in urban areas and 36,600 living in rural areas. Per capita income in 1996 for Pickaway County was approximately \$15,000. The largest urban area in Pickaway County is Circleville. According to our site contacts, Circleville currently has a population of approximately 14,000 and the population of the County is approximately 55,000.

Data and Findings

Data regarding DWI-related warrants were obtained from the Sheriff's Office. The following graph (**Figure 14**) depicts the breakdown of the 680 warrants relating to DWI offenses which were resolved in some manner (arrest made or recalled, etc.) by the Sheriff's Office in Pickaway County for the years 1985 through 1998.

Figure 14: FTA - Inactive Warrants for DWI, Pickaway County Sheriff, 1985-1998

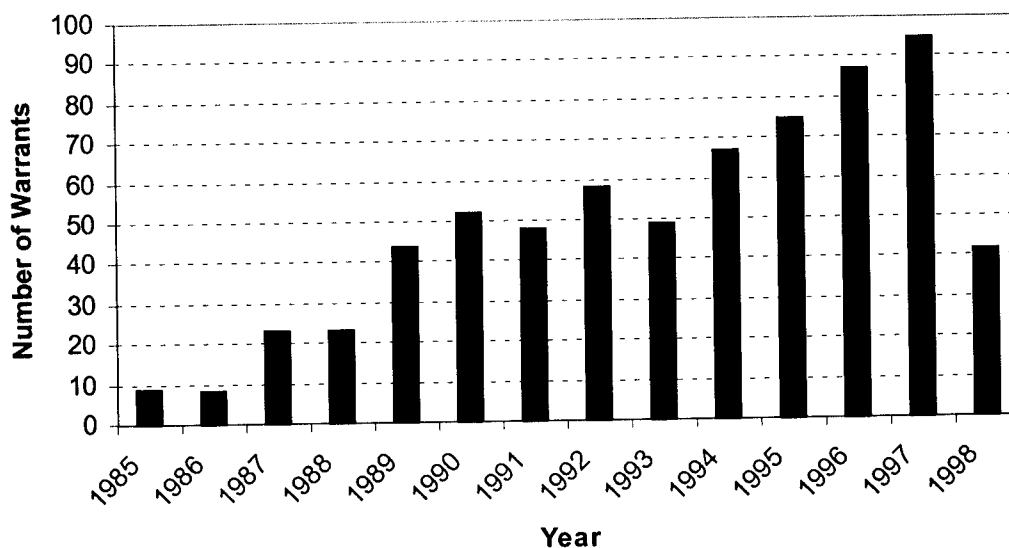
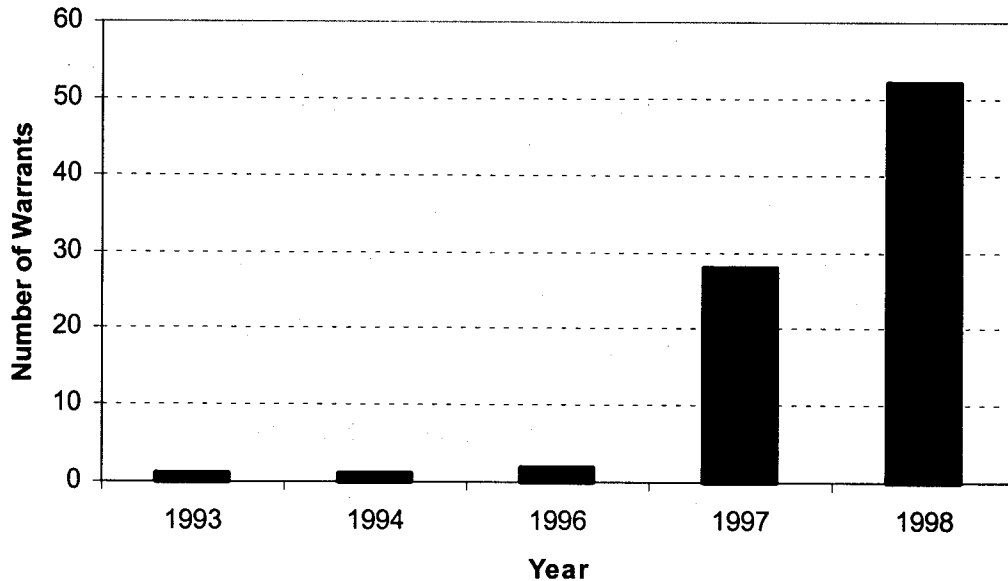


Figure 15 depicts the breakdown of the 84 active warrants still outstanding for DWI failure to appear offenses.

Figure 15: FTA - Active Warrants for DWI, Pickaway County Sheriff, 1985-1998



Programs to Deter FTA / FTC

Occasionally there are problems with individuals arrested for DWI offenses (referred to in Ohio as OMVI - operating a motor vehicle under the influence) who fail to appear at arraignment or trial. In these cases, warrants are issued and that information goes into the state's law-enforcement automated data system. It varies by jurisdiction as to when or if those warrants are served. Certain sheriff's departments have active warrants squads designated to make arrests specifically when the warrants are forwarded to their agency for processing. In the departments that do not have specific warrant execution details, arrest typically does not occur unless there is subsequent contact between a law-enforcement agency and the individual who has defaulted (e.g., a traffic violation stop).

OREGON - Deschutes County

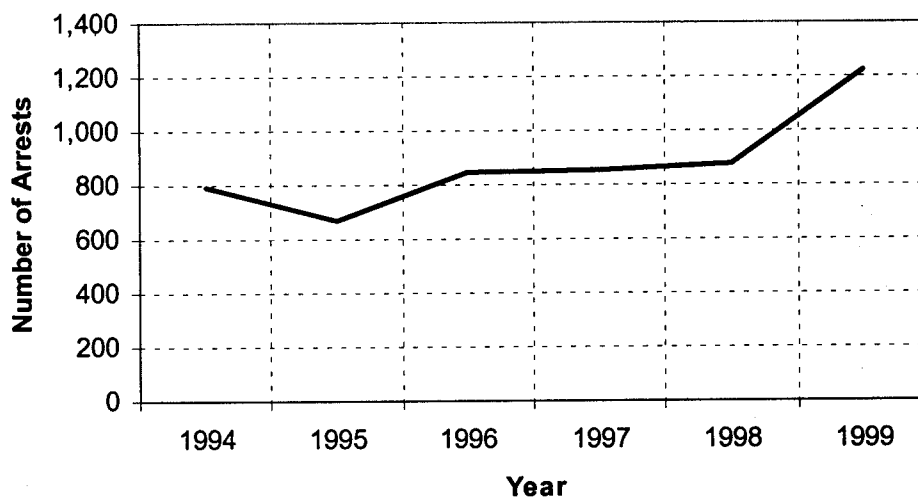
Description

Deschutes County is located in central Oregon, and is approximately 3,018 square miles in size. According to the U.S. Census Bureau, the 1998 population estimate for Deschutes County was approximately 105,600 persons. The 1996 per capita income was approximately \$19,200.

Data and Findings

The office of the Deschutes County Sheriff provided project staff with statistics showing that DWI arrests have increased significantly within that agency in recent years. In fact, DWI arrests made by all LEAs combined have increased in Deschutes County (**Figure 16**).

Figure 16: Deschutes County, DWI Arrests, All LEAs Combined



It is believed that most DWI warrants are issued because the individual failed to pay the full amount of his or her fine, or failed to complete a court-mandated program, rather than failing to appear in court.

Detailed data are shown in **Figure 17** regarding the number of DWI warrants closed in the County over recent years (1994-1999). Out of a total of 4,041 warrant records received which pertained to DWI offenses, 89% were closed (n=3,594). Of those warrants which have been closed, roughly 70% were closed within six months of issue date, 80% were closed within one year of the issue date, and the longest (n=1) was outstanding for 56 months.

A STUDY OF OUTSTANDING DWI WARRANTS

Figure 17: Deschutes County, DWI Warrants Closed

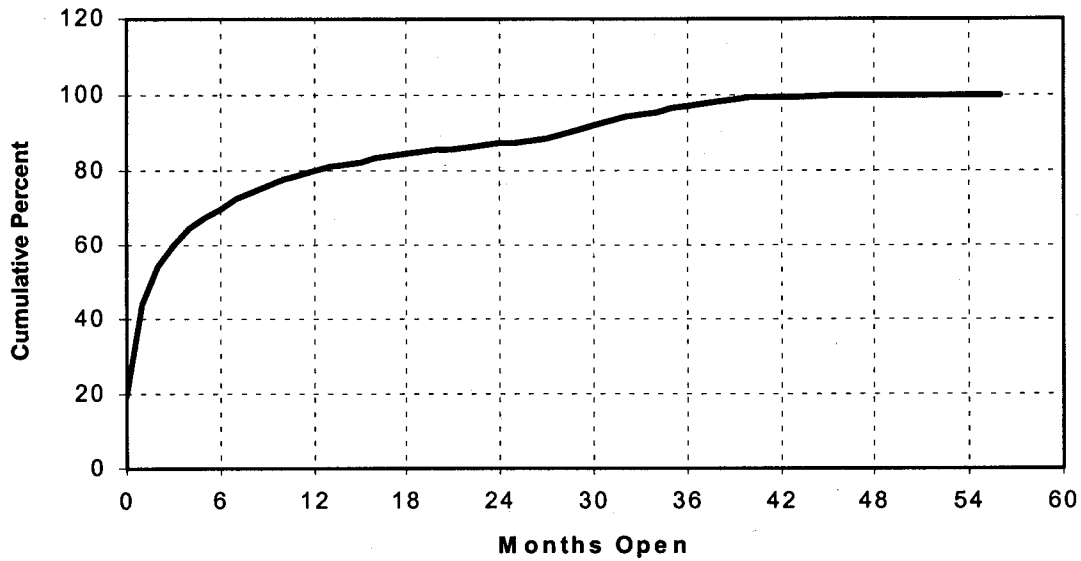
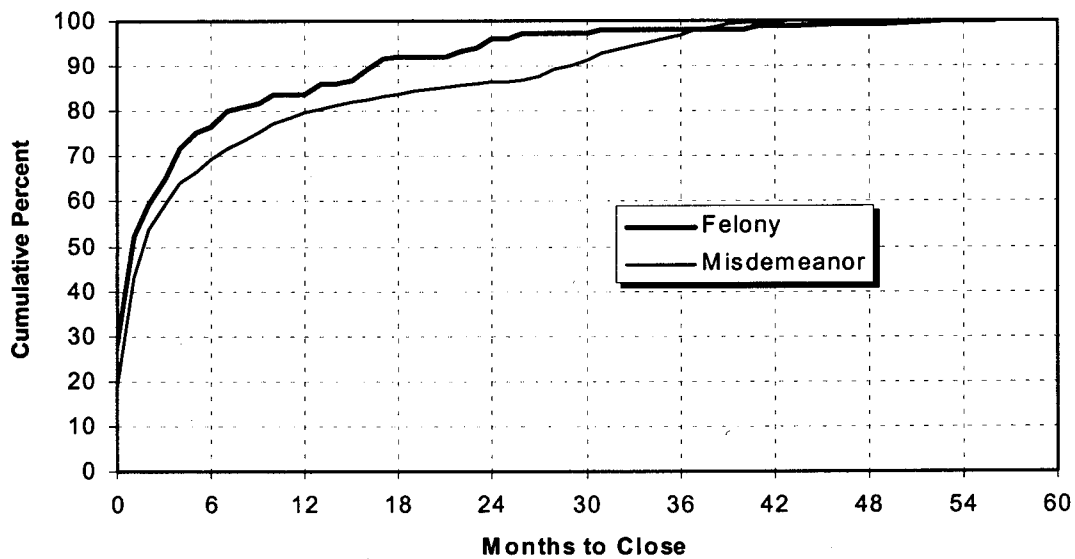


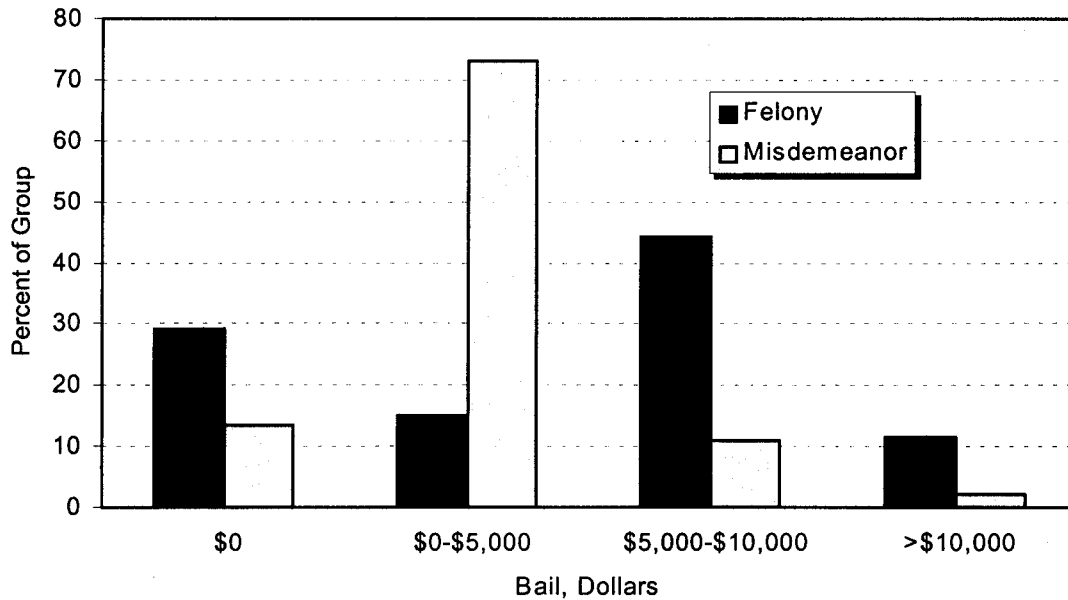
Figure 18 shows the length of time the warrants were open by type (misdemeanor versus felony). Within six months of issue date, almost 80% of outstanding felony warrants were closed compared to roughly 70% of all misdemeanor warrants.

Figure 18: Deschutes County, DWI Warrants Closed, By Type



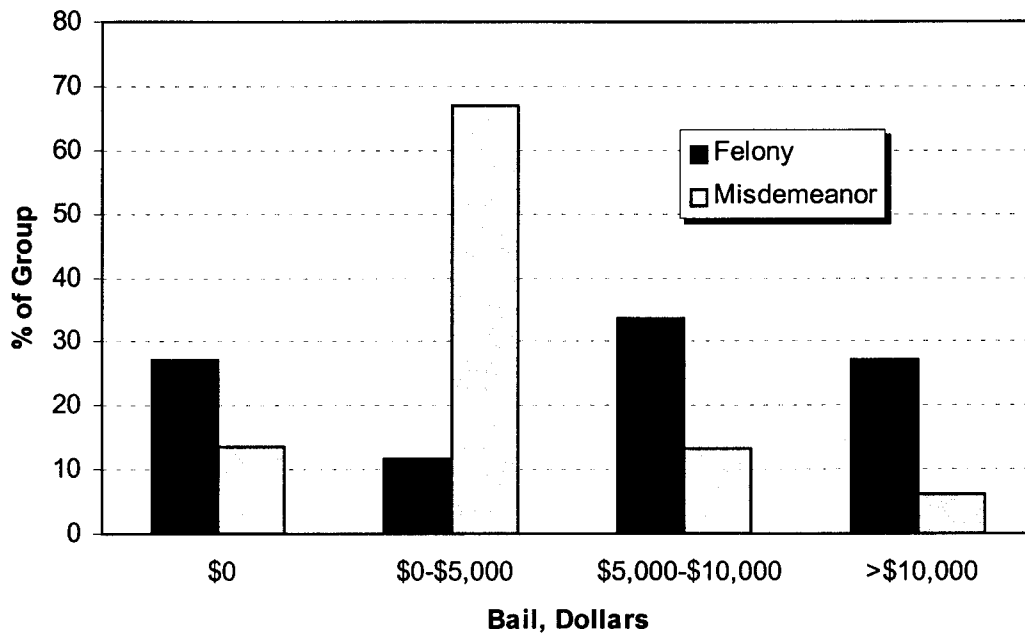
The following figure shows the amounts of the original bail set, by warrant type, for those warrants which have been closed. The vast majority of misdemeanor warrants (73.3%) had bail amounts up to \$5,000, while roughly 44% of the felony warrants had between \$5,000-10,000.

Figure 19: Deschutes County, Closed Warrants, By Bail Amounts



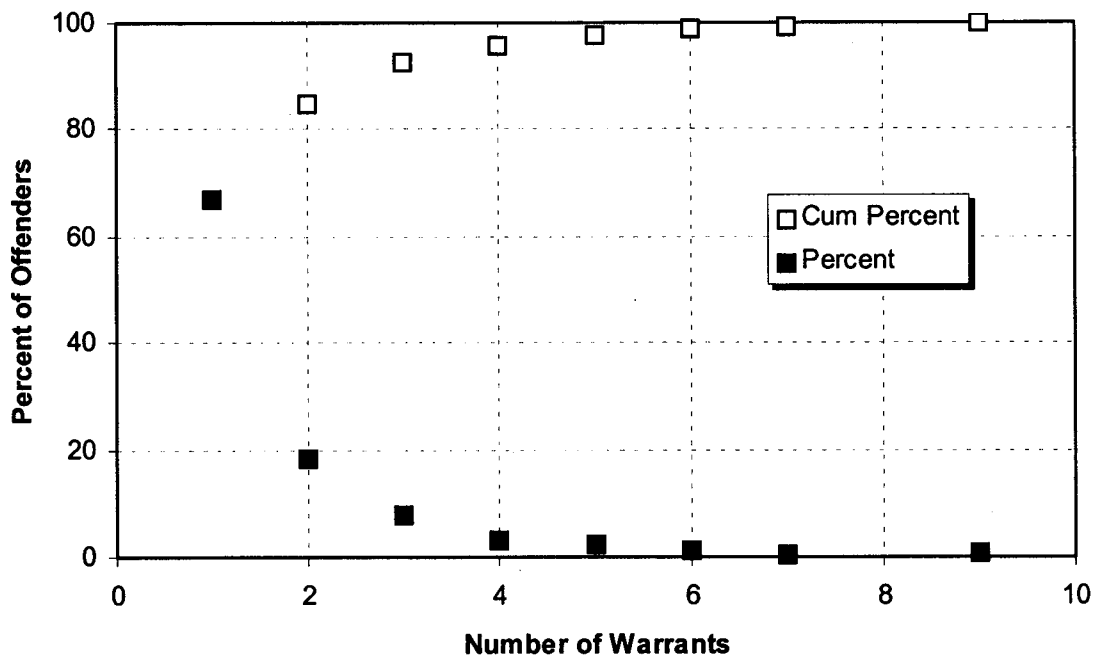
An assumption may be made that those with zero bail for felonies might have been in jail. A similar pattern held for the bail amounts set for warrants still open as shown in **Figure 20**. The largest amount of misdemeanors had bail amounts set at less than \$5,000.

Figure 20: Deschutes County, Open Warrants, By Bail Amount



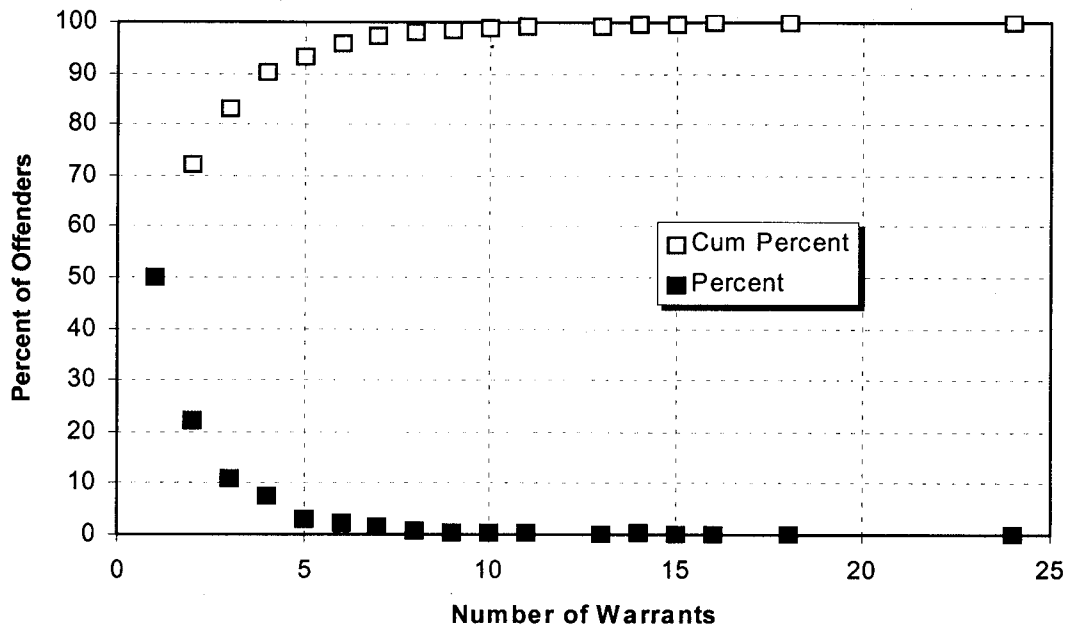
The following (**Figure 21**) shows the percentage of open warrants which indicate that 67% of the individuals with open warrants have one warrant outstanding; 18% have two (cumulative 85% have one or two), roughly 8% have three (cumulative 93% have 1-3 warrants outstanding), and 7% have between 4-9 warrants outstanding.

Figure 21: Deschutes County, % of Individuals with Open Warrants



Looking back again at the closed warrant records (**Figure 22**), roughly half of the individuals had more than one warrant issued (22% had two warrants, 11%-3 warrants, 7%-4 warrants). Roughly 10% of the individuals had five or more warrants issued in their name. One individual had 24 warrants (the number of offenses is not known). The mean for the group was 2.26. The cumulative percentages show that 72% of all the individuals who had warrants issued which were closed had one or two warrants, and 93% had between one and five warrants per person.

Figure 22: Deschutes County, % of Individuals with Closed Warrants

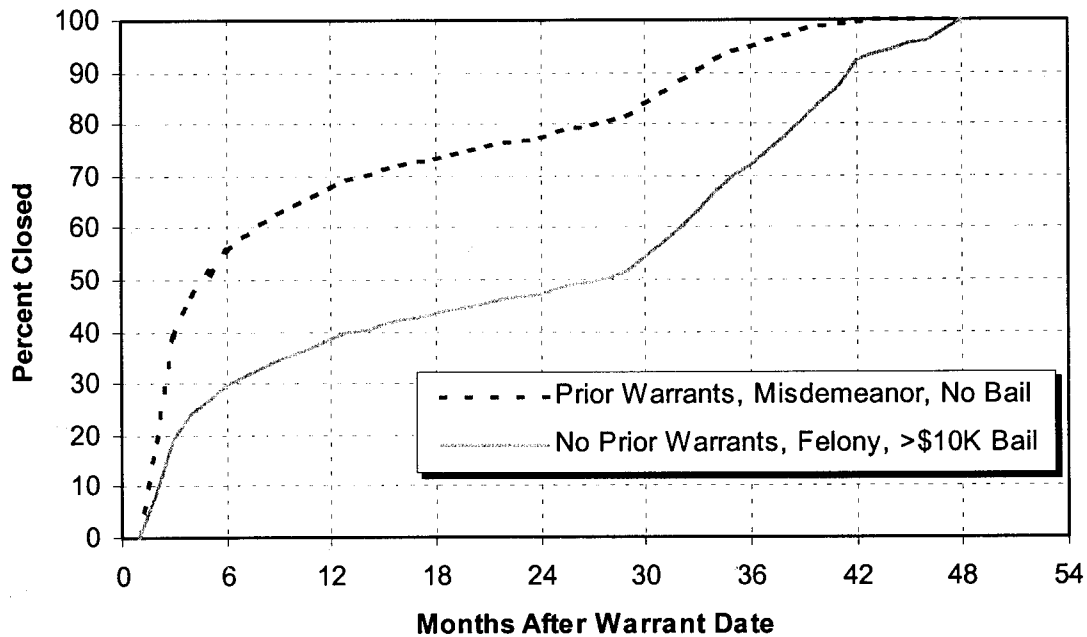


Finally, we compared the following variables for the total data set.

Warrant History	Warrant Type	Bail Amount
Prior	Felony	No Bail
No Prior	Misdemeanor	\$0-\$5K
		>\$5K-\$10K
		>\$10K

After looking at all the possible combinations for these variables, the following subset of individuals with outstanding warrants was closed within the shortest time frame: individuals with prior warrants, a misdemeanor warrant (for the subject warrant), and no bail set. The group which took the longest time to close were individuals with no prior warrants, a felony warrant had been issued, and greater than \$10,000 bail had been set. The following figure (**Figure 23**) illustrates the time frame for these two groups.

Figure 23: Deschutes County, Percent of DWI Warrants Closed, By Group



It was initially difficult to speculate why such a high percentage of warrants are closed within a relatively short period of time without any formal warrant service program, until we spoke with individuals at the Deschutes County Sheriff's Office. We were told that current data is constantly available to officers, who often serve warrants between services calls.

Programs to Deter FTA / FTC

Law enforcement officers will actively serve a warrant if there is an urgent request from the court, or if they receive a reliable tip as to the defaulter's whereabouts. Deschutes County does not have a squad dedicated to serving warrants. However, there is a current, outstanding warrant listing available from the data system to all law enforcement officers. Reportedly, many of the officers print out the listing at the beginning of their work week and then try to locate as many of the "wanted" in their times between responding to calls for service. Some of the officers have made warrant service a priority.

Our contacts also indicated that DWI warrants are typically resolved either as the result of a routine traffic stop, or because the defaulter is subsequently arrested for a different offense. The County Sheriff's office maintains the county-wide database, which officers are required to consult when they stop an individual for questioning or make an arrest. There is also a statewide database that officers will consult in these cases.

In the past, local newspapers have published a list of weekly DWI arrests, but this has been a sporadic public service.

PUERTO RICO

Description

The island of Puerto Rico is 3,459 square miles in size. The U.S. Census Bureau estimated the population of Puerto Rico in July, 1999 at approximately 3.8 million persons. Rather than cities and counties, the island is subdivided into administrative units called “municipios,” or municipalities.

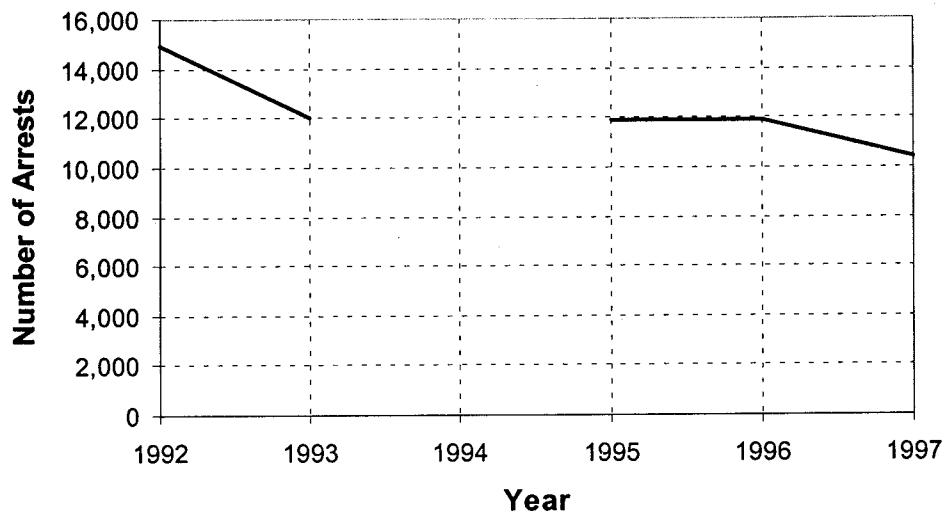
Data and Findings

DWI is not a priority for law enforcement, in particular it was reported that the municipal police do not make any significant number of DWI arrests. Most of the DWI-related arrests are made by the State Police.

The State Police do not maintain a register of people arrested for DWI (with information such as names/drivers' licence numbers, etc.) because, reportedly, the agency was behind in the technology needed to maintain this type of information. When a police officer makes an arrest and writes up his/her report, one of the carbon copies is forwarded to the courts, and another copy is sent to the police statistics department. The statistics department keeps a tally count of how many people have been arrested for DWI in any given year; however, there is no electronic database containing the personal information of people who were arrested.

Totals were provided by the State Police regarding the number of DWI arrests for 1992 through 1997, with the exception of 1994, where the total was not available. **Figure 24** indicates the number of DWI arrests have been declining in recent years.

Figure 24: Puerto Rico, DWI Arrests, By Year



A STUDY OF OUTSTANDING DWI WARRANTS

When an arrest is made, the offender is usually taken to court immediately, provided the courts are open; if the courts are closed (e.g., over the weekend), the police typically will keep the offender in custody until the next business day. Under this system, it is not possible to have an FTA for the initial court appearance, although it is still possible during subsequent court appearances. Also, a judge will not accept charges brought forth by a police officer if the offender is not present in court, and thus no warrants would be issued in such circumstances.

The State Court Administrator provided summary information on the number of DWI cases entered into the Commonwealth's courts from 1993 through 1998, including the number of open and closed cases (broken down by disposition) at the end of each fiscal year (**Table 2**). While we can be certain that some cases remain "open" because the offender failed to appear or otherwise failed to comply with the court's orders, there is no way of determining the actual number of such instances.

Table 2: Puerto Rico, State Administrator DWI Summary Data

Fiscal Year	# Cases pending from previous fiscal year	New cases	Total cases for fiscal year	Convictions	Dismissals	Archived	Transfers	Total resolved cases	Total pending cases
93-94	4,023	8,584	12,607	7,089	466	1,793	62	9,410	3,197
94-95	2,925	9,004	11,929	6,500	440	1,629	69	8,638	3,291
95-96	3,147	8,908	12,055	6,506	440	1,594	49	8,589	3,466
96-97	3,278	7,928	11,206	n/a*	n/a*	n/a*	n/a*	8,090	3,116
97-98	3,046	9,260	12,306	6,775	375	1,754	55	8,959	3,347

*n/a = data not available

Neither the State Police nor the court system in Puerto Rico maintained a warrants database at the time of our inquiry.

Programs to Deter FTA / FTC

There are no programs currently to deter failure to comply. (Failure to appear is apparently not a large problem.)

TEXAS - Austin

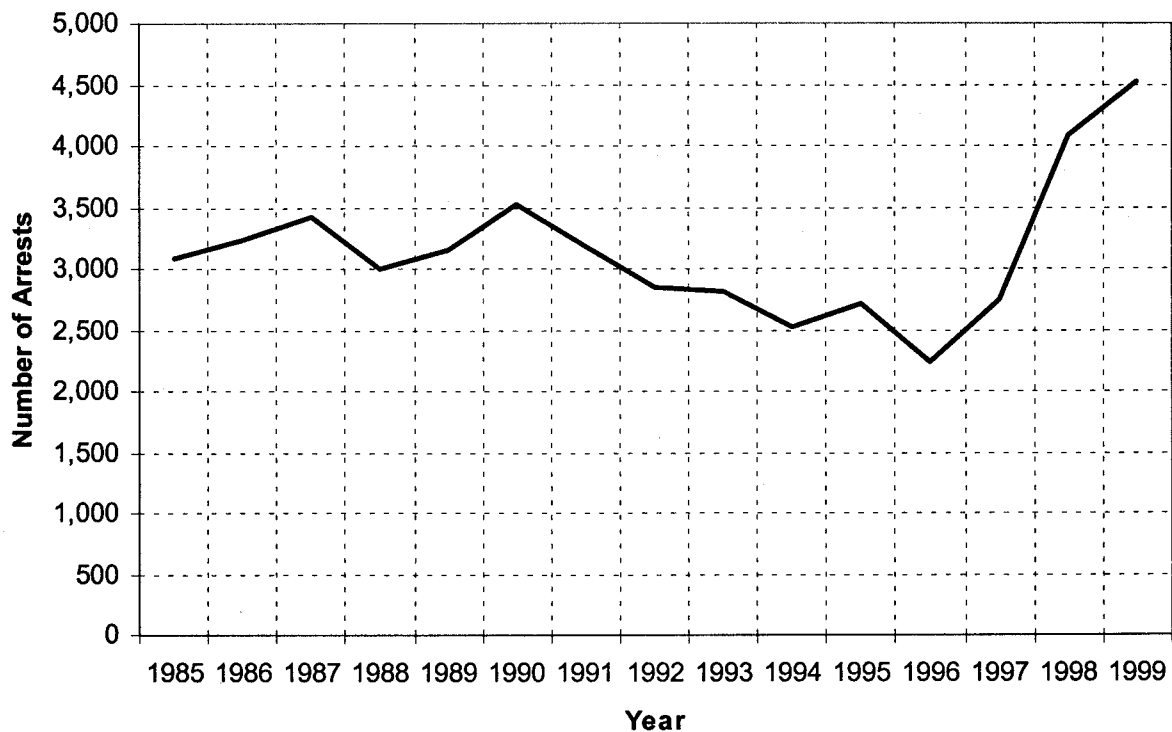
Description

Austin is the capital of Texas and is one of the fastest growing cities in the country. Centrally located between San Antonio, Dallas and Houston, Austin ranks as the 27th largest city in the United States. With 225 square miles inside the city limits, the 1999 population was estimated at 567,566. The Austin metropolitan area encompasses 2,705 square miles and approximately 1,057,000 people. Currently, Austin is one of the top-rated cities in the United States for business, housing more than 800 high-tech firms. The wide-range of restaurants, attractions, and ethnic backgrounds in Austin attest to its great diversity.

Data and Findings

DWI arrests made by the Austin Police Department are shown below.

Figure 25: Austin Police Department, DWI Arrests, 1985-1999



A STUDY OF OUTSTANDING DWI WARRANTS

Programs to Deter FTA / FTC

The Austin Police Department operates a Fugitive Apprehension Section which serves warrants on persons suspected of crimes who have not had a first court appearance. The usual procedure for DWI offenders is for them to be held overnight in a county jail holding facility and to be arraigned the next morning. Thus, only in rare instances would this unit be concerned with serving warrants on DWI offenders. The primary responsibility for serving warrants on Austin DWI offenders who fail to appear for court falls on the Travis County Sheriff's Department.

If a defendant fails to appear for trial, a warrant is issued by the County Court for misdemeanors and the District Court for felonies and is entered into the Texas Criminal Information Center (TCIC). Thus, information about the outstanding warrant becomes available for computer inquiries. There is no formal feedback system to the arresting agencies about FTAs or FTCs for their arrestees.

As stated above, the task of serving DWI warrants falls mainly to the Travis County Sheriff's Department. The Sheriff's Department Fugitive Apprehension Unit is divided into two sections. One section is responsible for serving felony warrants. This fourteen officer unit also serves as the Sheriff's Department's SWAT team.

Felony warrants are issued for FTA for second and subsequent DWI offenses or DWI behavior resulting in serious or fatal injury. The typical priority the felony warrants division observes for warrant service follows the priority structure for the federal Uniform Crime Report (i.e., murder; sexual assault, other assaults, etc.). DWI warrants are close to the top of the priority list. The number of warrants in the higher priority crimes area is relatively few and, generally, most are fairly easy to serve because the offender and his or her general whereabouts are known to the police agencies, or are difficult to serve because the offender has fled. In that case, the unit makes the determination the offender has fled and monitors the situation. Reportedly, felony DWI warrants receive a good deal of attention from the warrant officers because the offender's address is usually known and he or she can be found and served fairly readily. This helps in demonstrating productivity by the Sheriff's Department Fugitive Apprehension Unit.

For misdemeanor warrants, the serving officer may not enter homes to enforce the warrant. Similarly, officers do not go to places of employment to serve warrants for misdemeanors. Thus, the two person misdemeanor warrants section relies largely on the mail to serve those warrants. In Travis county there are as many as 40,000 misdemeanor warrants outstanding at any given time. Of those, approximately 75% are for hot checks. Due to the sheer volume, one can see that the two person unit is unlikely to be able to personally serve many DWI warrants. They find that mail service actually works fairly well because many first offenders respond to the threat of arrest and incarceration and turn themselves in. Often the failure to appear is the consequence of misunderstanding or a hope that the case will disappear, and the mail notification is enough to impel these first offenders to appear.

The warrants unit reports that when time is available, serving DWI warrants is a fairly easy task in that most of the felony offenders consider a DWI a fairly trivial arrest in the larger scope of things and don't flee to avoid that warrant. The exceptions are those for persons who have other serious pending crimes or for undocumented aliens who fear being turned over to the Immigration and Naturalization Service.

SITE DESCRIPTIONS AND ANALYSES

The warrants unit seldom is involved in warrants service for failure to comply. That usually involves a violation of conditions of probation and the probation department staff work to get the offenders into compliance or revoke their probation.

A STUDY OF OUTSTANDING DWI WARRANTS

UTAH - Salt Lake City, Salt Lake County, Other Utah Jurisdictions Combined

Description

The U.S. Census Bureau estimated the 1998 population of the State of Utah to be approximately 2,099,750 persons. The State is approximately 82,168 square miles in size. The 1996 per capita income for Utah was approximately \$16,100. The state capital of Utah is Salt Lake City, located along the banks of the Great Salt Lake, in the northern part of the State. Utah's main urban areas are located along the Wasatch Mountains on the eastern edge of the Salt Lake Valley. The majority of Utah's population is concentrated in this strip of land, which is less than 100 miles long, stretching from Ogden to Provo. The four counties in the Wasatch Front — Salt Lake, Davis, Weber and Utah — contain more than three-quarters of the State's population.

Salt Lake County is one of 29 counties in Utah. While the County is the sixth smallest in the State, covering only 492,213 acres of land, the County population of 845,913 ranks first in the State. The County population is 93 percent white, 2.8 percent Asian, and 3.4 percent other races. Six percent of those residing within Salt Lake County are Hispanic. Salt Lake County had a per capita personal income of \$26,100 in 1998. This ranked second in the State and was 117% of the State average of \$22,240 and 96% of the national average.

Salt Lake City is the most populous city in the State with a 1998 population of 174,348 persons and covers roughly 111 square miles. By 2020, the state capital is expected to have a population of approximately 187,935 persons. The County's average annual growth rate through the 1990s has been 1.6%, below the State average of 2.3%.

Data and Findings

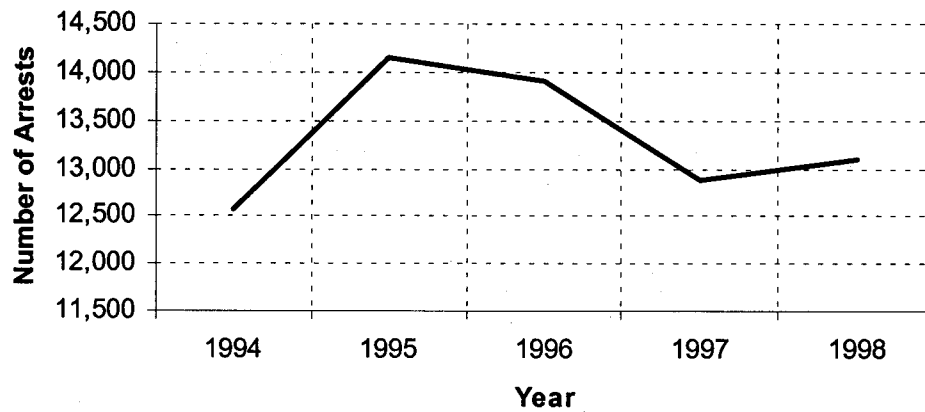
Data were provided by the office of the State Court Administrator located in Salt Lake City. Among other administrative support activities, the State Court Administrator's office is responsible for compiling adjudication and sentencing information from each of the district, circuit, justice and juvenile courts throughout the State. It is, however, the responsibility of the clerks for each individual court to input data and updated information into the statewide system.

Relevant information from the State Court Administrator's databases is selectively transmitted to other agencies needing the information, such as the State prosecuting attorneys and public defenders. The court administrator also provides the Utah Driver's License Division with conviction and sentencing information for DUI cases.

Data provided to project staff by the State Court Administrator included DUI warrants issued by courts throughout the state from 1994 to 1998, inclusive. The number of DUI arrests, statewide, for that same five-year period, were as follows:

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Figure 26: Utah DUI Arrests Statewide, 1994-1998



Arrest figures were provided by the Utah Highway Safety Office.

A total of 60,003 DUI-related warrant records were received for the entire state. The data were separated into three districts: Salt Lake City, Salt Lake County, and the remainder of the State for which records were received. The courts involved are listed below in **Table 3**.

Table 3: UT Court Designation By District

Site	Courts		
Salt Lake City:	Salt Lake City District		
Salt Lake County:	Murray District	Sandy District	West Valley District
Other Utah Jurisdictions:	American Fork District	Layton District	Price District
	Bountiful District	Logan District	Provo District
	Brigham City District	Manti District	Richfield District
	Castle Dale District	Moab District	Roosevelt District
	Cedar City District	Monticello District	Roy District
	Coalville District	Morgan District	Spanish Fork District
	Duchesne District	Nephi District	Tooele District
	Farmington District	Ogden District	Vernal District
	Fillmore District	Orem District	
	Heber City District	Park City District	

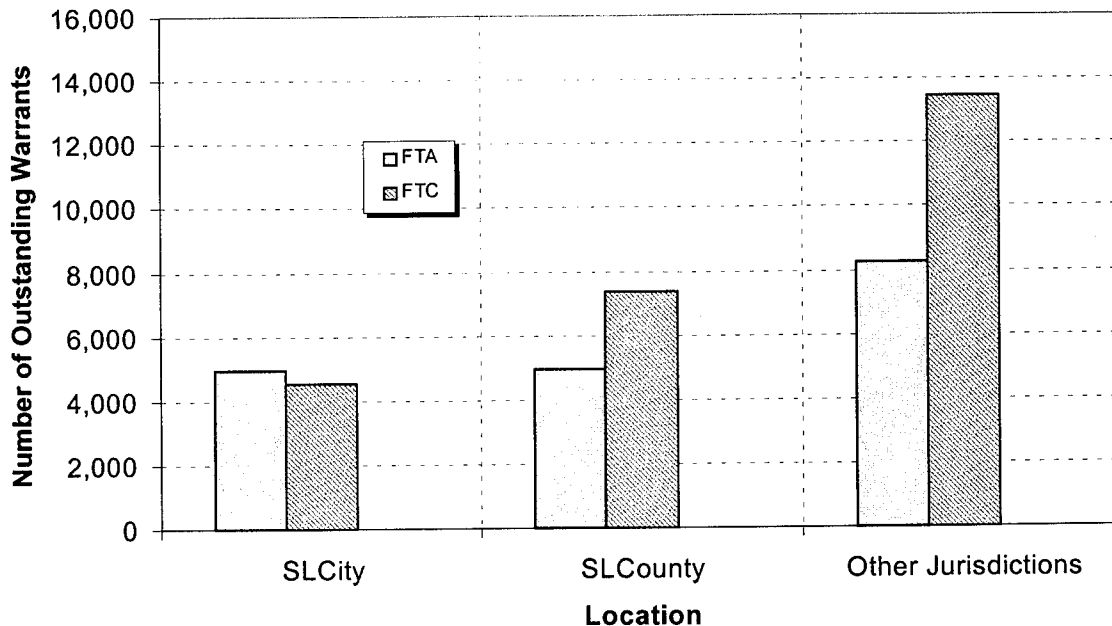
First, the “types” of warrants were defined and sorted into three categories: FTA (failure to appear, FTC (failure to comply) and Other. These are illustrated below in **Table 4**.

Table 4: Utah Warrant Types Defined

Designation	Definitions Included
FTA (Failure to Appear):	Failure to Appear Failure to Appear for non-mandatory court violation Bond Revoked - Defendant Fled Failed to Appear after being Booked Pretrial Release Revoked - Defendant Fled
FTC (Failure to Comply):	Failure to Comply with Court Order Failure to Comply with Terms of Probation Failure to Initiate Probation Failure to Pay Fine as Agreed
Other:	Defendant in Contempt of Court Based on Probable Cause Statement Unable to Locate

Figure 27 below illustrates the number of DUI-related warrants, arranged by the three districts and also by the warrant type: FTA (failure to appear) or FTC (failure to comply). There were a small number (23 warrants) in the Other category which are not included in this Figure.

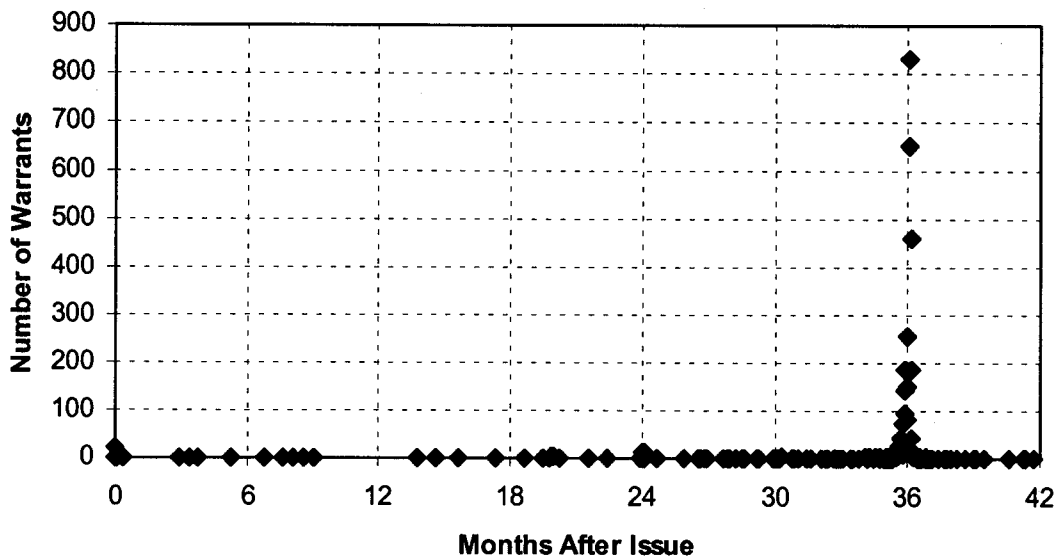
Figure 27: Utah - Number of Outstanding Warrants, By Site, By Type



A STUDY OF OUTSTANDING DWI WARRANTS

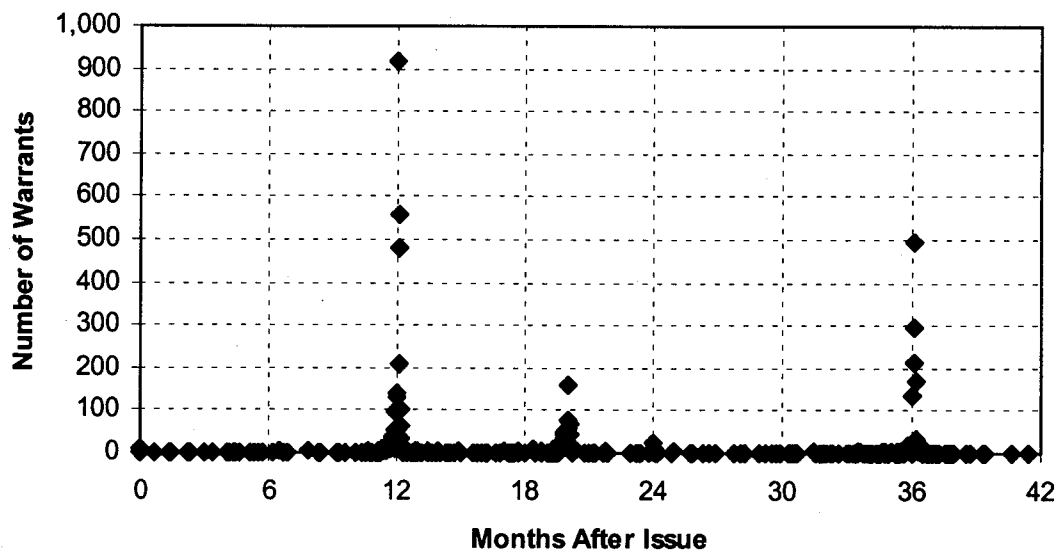
By statute in Utah, DUI-related warrants automatically expire three years (36 months) after issuance. When looking at the provided data, this in fact appeared to be the case in the Salt Lake City and Salt Lake County Courts; the data revealed a mean length of 35.4 months. **Figure 28** below shows the bulk of the warrant expiration dates clustered around the mean.

Figure 28: Salt Lake City and Salt Lake County, DUI Warrant Expiration, By Months



However, for the remaining courts, a mean of 20.3 months to DUI warrant expiration was puzzling. A closer look revealed peaks at 12 months and again at 20 months, which perhaps suggest other warrant recall policies. A peak also occurs at 36 months.

Figure 29: Other UT Jurisdictions, DUI Warrant Expiration, By Months



SITE DESCRIPTIONS AND ANALYSES

Every DUI-related warrant in Utah is eventually recalled, if not for some other reason (e.g., the person is arrested for another offense or picked up on another warrant, the person is discovered to already be in jail in another jurisdiction, the person is deceased, administrative errors, etc.), then it will expire 36 months from the issue date. The reasons for recalling DUI-related warrants in Utah are classified into one of four designations. These designations are defined in **Table 5**.

Table 5: Utah Warrant Recall Designations

Designations	Definitions of Designations
Expired:	Reached expiration date (generally 3 years from issuance)
Court Ordered:	Recall based on court order (By order of Judge; For many reasons)
Apprehended:	Defendant was apprehended Defendant was booked
Satisfied:	Bond posted Fine or Fee paid Defendant appeared Defendant telephoned Defendant released - signed promise to appear
Other:	Undefined or to be determined Clerical error when entering warrant

Programs to Deter FTA / FTC

Project staff spoke with the Salt Lake City Police Department, the Salt Lake County Sheriff's Office, the Salt Lake County Constable's Office and the Utah Highway Patrol. All of the law enforcement agencies emphasized that all warrants are entered by the court clerks into a statewide database, and that most of the arrests for warrants issued on account of a misdemeanor, including DUI, occur when an officer makes a routine traffic stop and checks the database.

The Utah Highway Patrol does not have a dedicated warrant squad; the Salt Lake City Police Department has a team of three officers in its Fugitive Unit, but they target only "most wanted" felony cases. The Sheriff's Office also has a Fugitive Unit consisting of three Investigators and two Detectives, but they only serve felony bench warrants. The County Constable's Office is in charge of serving misdemeanor warrants, including DUI warrants, throughout Salt Lake County. There are 44 deputies, five of whom are dedicated full-time to serving all warrants (not only DUI). Records are kept on the numbers of warrants served, but not by offense.

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SITE DESCRIPTIONS AND ANALYSES

VERMONT - Statewide and Chittenden County

Description

The state of Vermont is largely rural and is approximately 9,249 square miles in size. In 1999 the U.S. Census Bureau estimated the population to be approximately 593,740 persons. The per capita income in 1996 was approximately \$19,437.

Chittenden County, located in the northwest section of Vermont, covers 539 square miles. The County's western border runs along Lake Champlain and New York state. The U.S. Census Bureau estimated the 1999 population of the County to be 143,947. The median household income in 1995 was \$43,464. Burlington is the largest city in Chittenden County. South Burlington is a separate city located 2 miles southeast of Burlington. South Burlington is home to the University Mall, the largest mall in Vermont, and the Burlington International Airport. South Burlington retains a separate police force of approximately 40 employees.

Data and Findings

In the state of Vermont, when individuals failed to appear for arraignment in relation to a DUI offense, their criminal history records are flagged by the courts. This information has been collected on a state-wide level in Vermont since the end of 1997. As the system was in the set-up stages at the time of our inquiry, reportedly the only reliable information to date was in 1998 when 574 individuals charged with DUI offenses failed to appear for arraignment. There were 166 persons during the first six months of 1999 who were charged with DUI offenses and who failed to appear for arraignment. The system implementation is progressing and should reach its full potential in the near future. The Vermont Incident Based Reporting System (VIBRS) was a state police agency records system which has evolved into a statewide records network for all law enforcement agencies operating within the State.

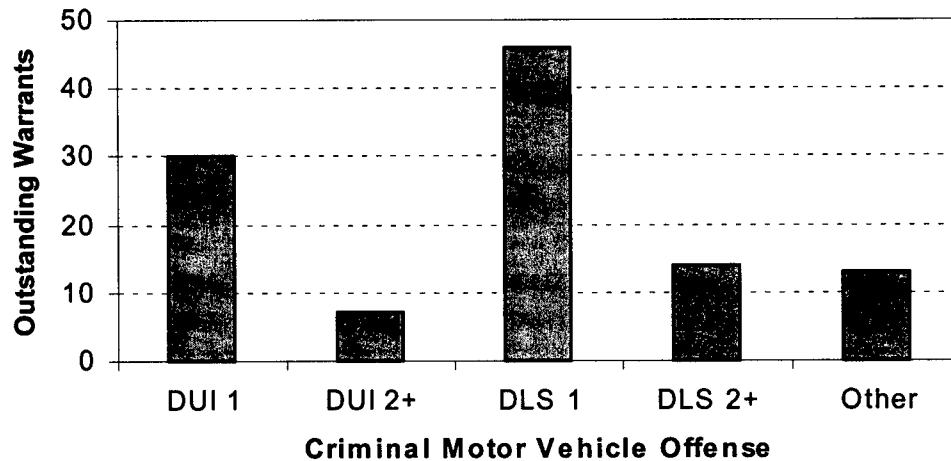
The South Burlington Police Department provided information on outstanding warrants from their agency for criminal motor vehicle offenses in Chittenden County. These warrants were revealed by law enforcement personnel reviewing copies of records. It has not been recorded which warrants were issued for FTA and/or FTC behavior, nor how many individuals have multiple warrants outstanding. There were 110 of these outstanding DMV warrants as of March 21, 2000 which had been issued between October 14, 1999 and March 21, 2000. (There was no certain way to determine the total number of warrants which were issued and cleared for any given time frame.)

Figure 30 shows the breakdown of those 110 outstanding DMV warrants.

A records clerk in the South Burlington Police Department had entered warrants into NCIC and now has begun to enter warrants into VIBRS as well. Eventually, Vermont law enforcement agencies will have the ability to query VIBRS as to warrants issued for specific offenses.

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Figure 30: Chittenden County, VT - Outstanding Warrants, 10/99 - 3/00



Key: DUI 1 = warrant outstanding in conjunction with a DUI first offense
DUI 2+ = warrant outstanding, issued to a multiple DUI offender
DLS 1 = warrant outstanding in conjunction with driving while license suspended, first offense
DLS 2+ = warrant outstanding, issued to a multiple DUI offender
Other = warrant outstanding in conjunction with careless and negligent operation (CNN), leaving the scene of an accident (LSA), Attempting to Elude (ATE) or operating a vehicle without the owner's consent (OOC)

Reportedly, many of the driving while license suspended (DLS) warrants were cases where the license had originally been suspended for a DUI offense.

Programs to Deter FTA / FTC

The Police Department in South Burlington, Vermont has received a grant "to establish an interagency program to address the number of outstanding warrants for criminal motor vehicle offenses in Chittenden County."⁷ The grant money will be used to fund a warrant squad comprised of officers from all participating law enforcement agencies operating within the County. Officers will receive over-time pay from the grant to seek defaulters, including those with outstanding warrants for failure to appear in court or failure to pay fines relating to DUI offenses. The grant was requested when an officer noted that there were comparatively large numbers of outstanding warrants (1,600-1,700) in relation to the County population (estimated at 143,947). Previously, annual warrant round-ups had been conducted to search for defaulters.

In addition to Chittenden County, project staff were informed of a program operating in Rutland County, Vermont. Most cities and towns in Rutland County are participating in a court-ordered testing program. Offenders are often released on condition that they do not drink. Participants in

⁷From the Chittenden Area Warrant Team Grant Application to the Vermont Governor's Highway Safety Representative.

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the program must report to the Rutland County Sheriff's office for chemical testing to prove their abstinence from alcohol. The Rutland County Sheriff's Office is centrally located within the County, which is why it was chosen as the testing location.

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WASHINGTON- Pierce County

Description

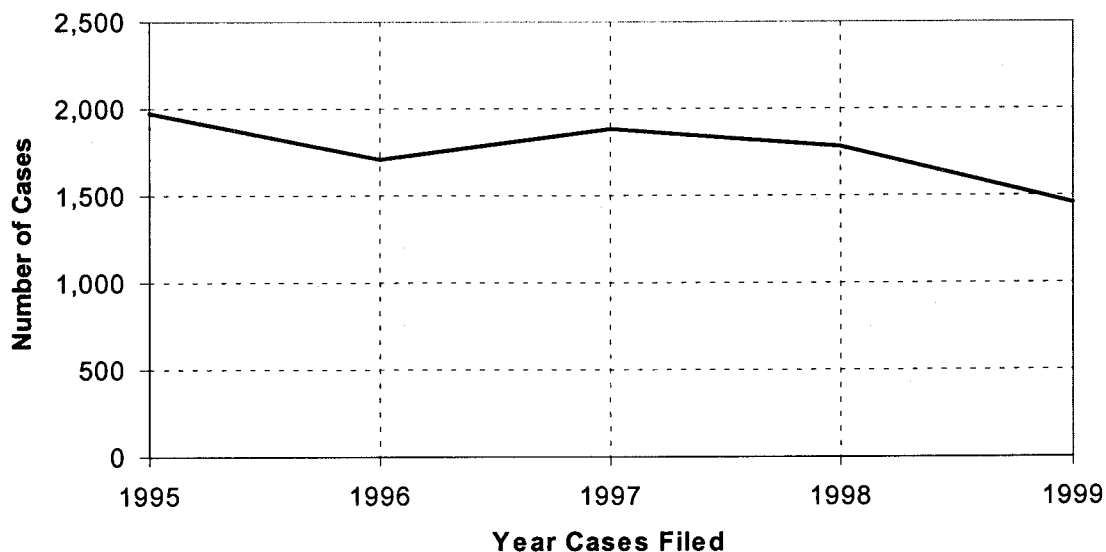
Pierce County, Washington covers 1,790 square miles and is located in a western section of the State just south of Seattle and King County. From Mt. Rainier National Park in the east, the County curves north to touch Puget Sound on its western border. Tacoma, located on Puget Sound is the largest city in Pierce County and the third largest city in the State. According to the United States Census Bureau, the 1997 population in Pierce County totaled almost 665,000 individuals with most residing in or near Tacoma. The largest court in Pierce County is Pierce County District Court Number One, which also handles the highest number of DUI-related cases within the County. It was from this Court that data was obtained on outstanding DUI-related warrants.

Data and Findings

DUI warrant-related information in Pierce County, Washington has been maintained since 1990 in a statewide judicial information system. The Washington State Supreme Court has dictated that clerks entering information into the database must go through a series of checks to insure they are matching up records with the correct person. Therefore, database administrators believe the data contained within the system are as accurate as possible.

The Court Administrator's Office in Pierce County District Court Number One (PCDC 1) was most helpful and willing to provide information pertinent to this study. The number of DUI-related cases filed in PCDC 1 from 1995 through 1999 totaled 8,812; these are displayed in **Figure 31** by the year in which each case was filed.

Figure 31: PCDC 1, DUI-Related Cases, 1995-1999



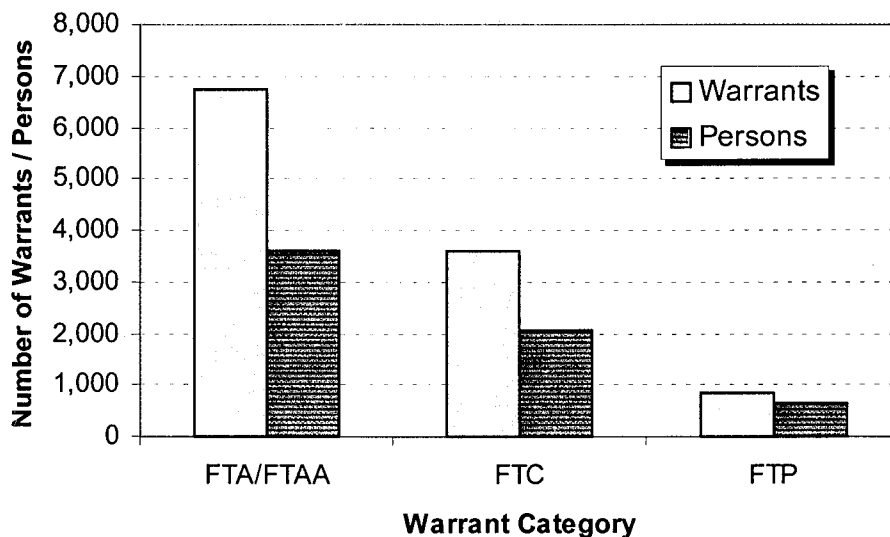
Unlike databases in some states, outstanding warrants for DUI-related offenses are not purged from the statewide judicial information system in Washington. Project staff requested five years worth of data and received 7,956 records relating to warrants issued from 1995 through 1999 by Pierce County District Court for DUI-related offenses occurring in Pierce County, Washington. A total of 3,906 people received warrants for 4,141 DUI-related offenses (6% or 230 people had warrants issued for more than one DUI offense).

It would not be possible to identify the true number of multiple offenders contained in this data set from the “cut” of data which we requested (although had project time allowed, with a more sophisticated query, the data administrators reported they most likely could retrieve repeat offender information). It is possible to discern repeat offenders who had warrants issued between 1995 and 1999, but it is not possible to know how many of these offenders had other DUI offenses for which no warrants were issued. It is also not possible, based on our initial inquiry, to determine how many individuals whose records we received had DUI offenses before 1995.

Multiple warrants often were issued on a single DUI offense. Reasons for the warrants were probable cause, failure to appear, failure to appear at arraignment, failure to comply (which includes failure to complete education or treatment requirements) and failure to pay fines. Separate designations for these reasons were recorded in the database.

A total of 3,588 people had at least one incidence of failing to appear either at arraignment or at some other point in the adjudication process; there were 6,764 warrants issued to this group. There were 2,079 individuals (3,602 warrants) who failed to comply; and 665 people (with a total of 866 warrants) who failed to pay. The importance of seeing these numbers displayed in **Figure 32** is that they show many defaulters have more than one warrant outstanding.

Figure 32: Number of Warrants Versus Individuals, By Warrant Type



Looking only at the three years for which there are the most records (1995, 1996 and 1997), **Figure 33** displays the numbers of DUI-related warrants issued for failure to appear (FTA) combined with warrants issued for failure to appear at arraignment (FTAA) during those years.

Figure 33: Warrants Issued for FTA/FTAAs Combined, 1995-1997

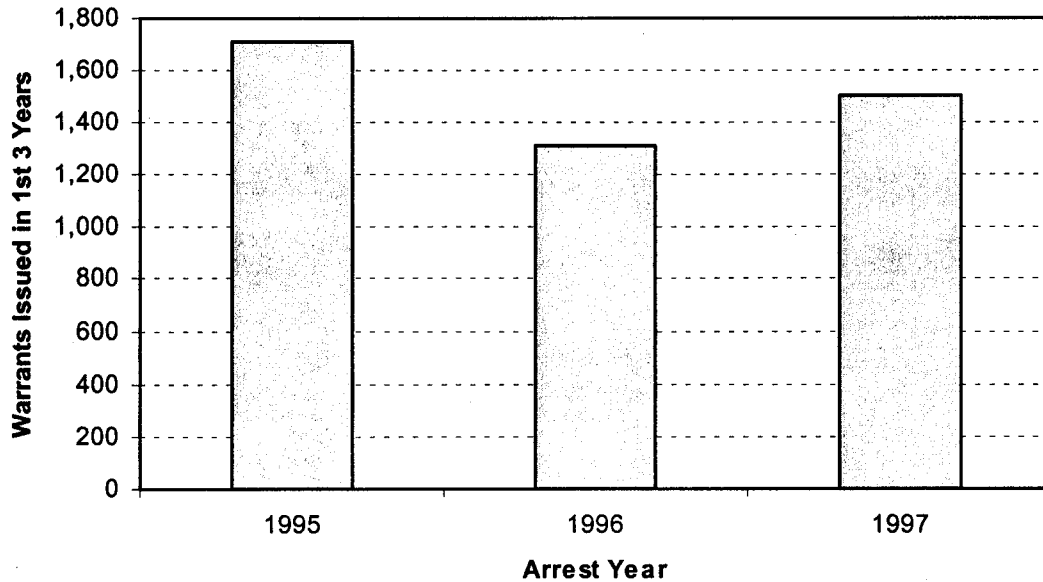
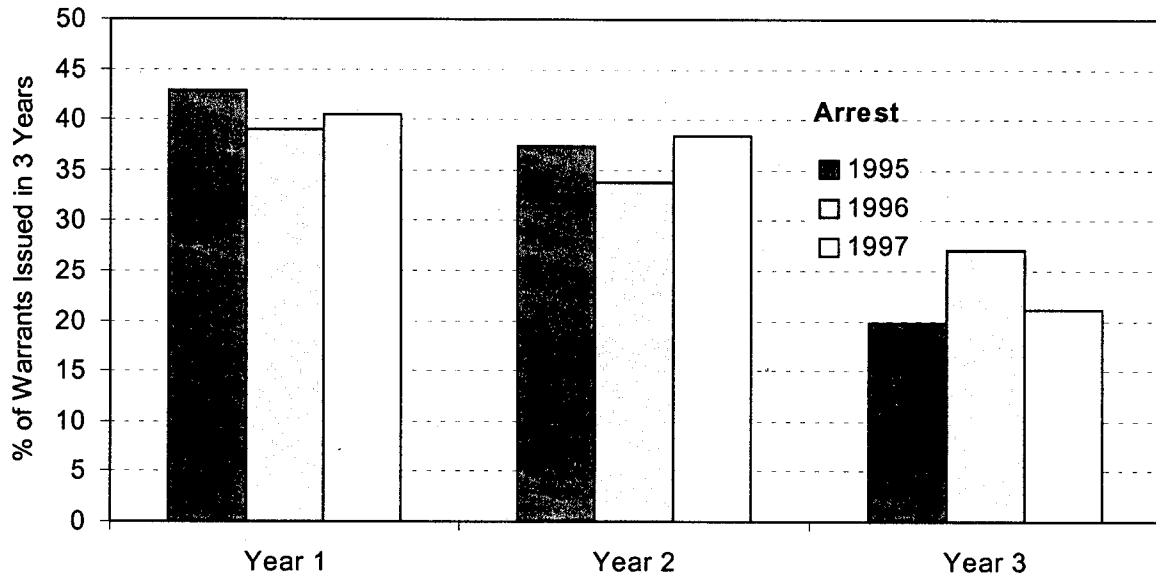


Figure 34 shows those same categories of warrants (FTA / FTAA) split by the year in which each warrant was issued. So, for example, for all those arrested in 1995 for a DUI offense who failed to appear at some point in the adjudication process, 43% defaulted in 1995 (Year 1), 37% in 1996 (Year 2) and 20% in 1997 (Year 3).

Figure 34: Warrants Issued for FTA/FTAA, By Percent, By Year

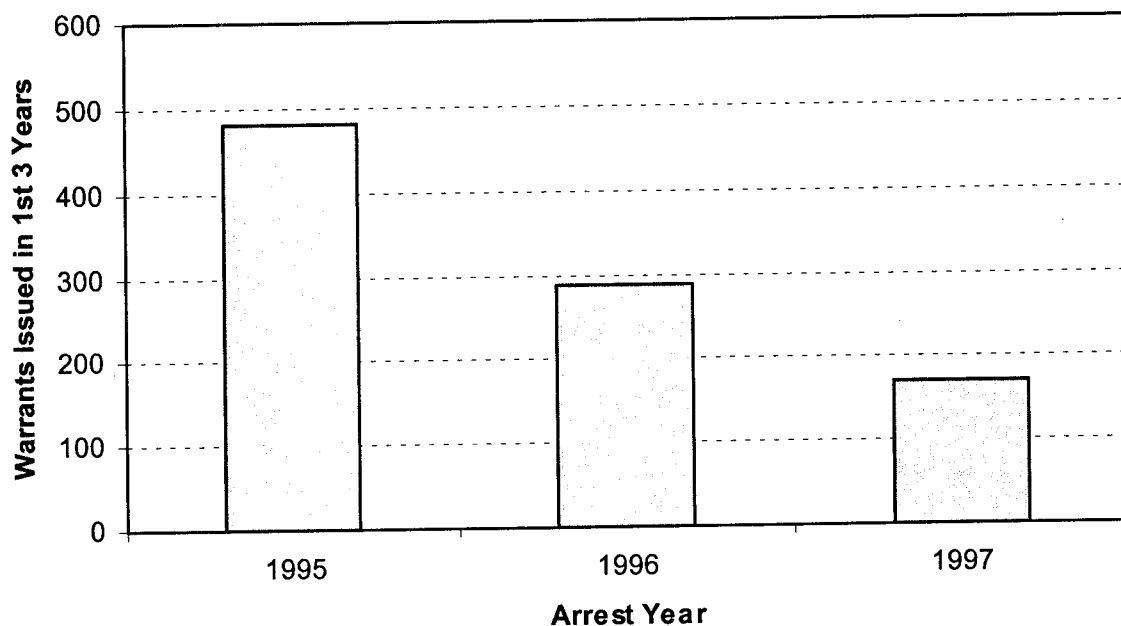


Warrants are not always issued in the same year as the offense occurred. As **Figure 34** illustrates, the bulk of the FTA/FTAA defaulters fail to appear during the year of the offense and the following year. Due to the fact that DUI-related cases are adjudicated promptly in the Pierce County District Court, it would be logical that the majority of failures to appear at arraignment or any time in the adjudication process would occur within one year of arrest, and then would drop off in subsequent years.

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Figure 35 shows a decline in the numbers of warrants issued for failure to pay and failure to comply. This decline coincides with the retention of a private collections agency to deal with outstanding fines. Warrants are typically no longer issued only for failure to pay fines. In fact, the Court is currently attempting to purge the database of legacy warrants for failure to pay issues only and are forwarding these cases to the collection agency. We note that Pierce County allows offenders, who owe fines, to work out payment plans if necessary, and indigent offenders may serve on a work crew or provide community service in lieu of paying money. For individuals on welfare, the judges sometimes reduce fines to allow offenders to come into compliance.

Figure 35: Warrants Issued for Failure to Pay/Comply, 1995-1997



It is also logical that warrants issued for failure to comply and failure to pay fines would occur later during the corrections and/or reparation stage of each case. And this was verified as indicated in **Figure 36** below, which shows that 9% of all warrants related to failure to pay/comply issued for DUI arrests made in 1995 were issued during 1995, 52% were issued in 1996, and 38% were issued in 1997.

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Figure 36: Warrants Issued for Failure to Pay/Comply, By Percent, By Year

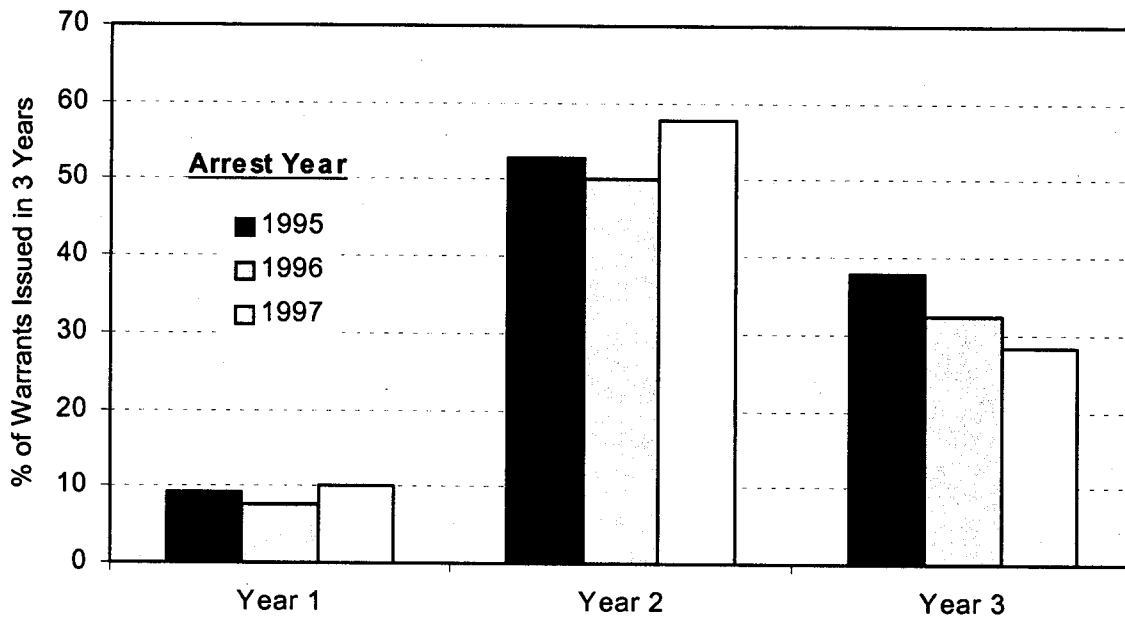
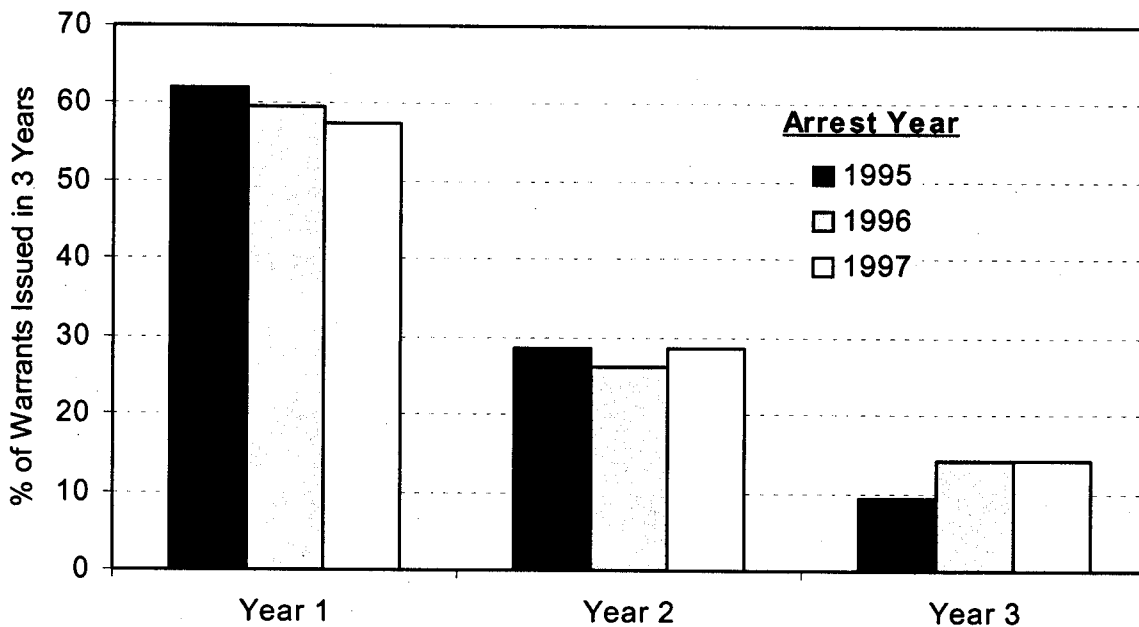


Figure 37 below depicts the number of all FTA and FTAA warrants issued by year (for the three years for which there are the most data), with one or more other reason (i.e., one or more warrants for probable cause, failure to comply and failure to pay fines).

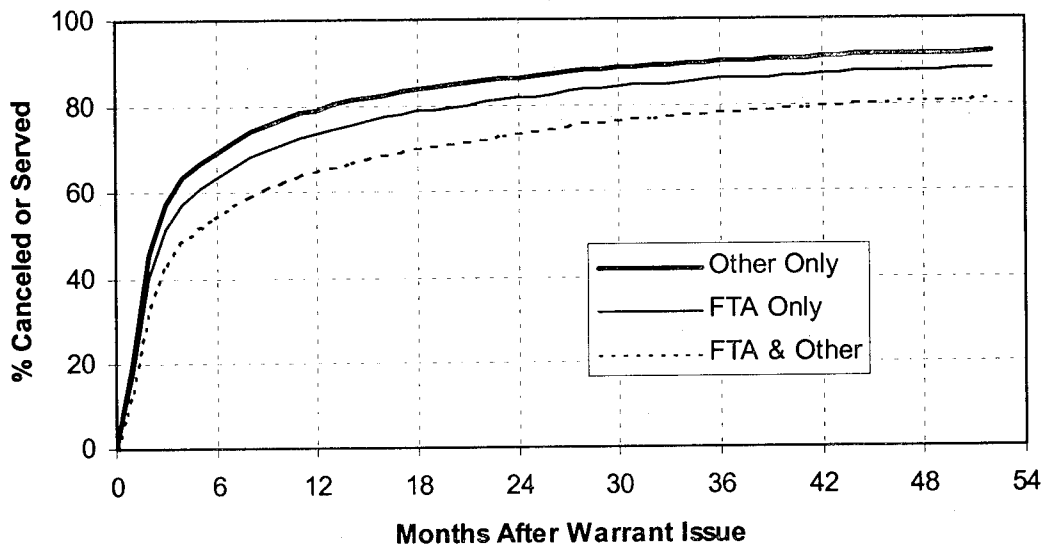
Figure 37: Warrants Issued for FTA Plus One or More Other Reason - By Percent, By Year



Year 1 in **Figure 37** above indicates that 62% of all FTA related warrants issued for DUI arrests made in 1995 were issued during 1995, 28% were issued in 1996 and 10% were issued in 1997. As stated earlier, DUI-related cases are adjudicated promptly in the Pierce County District Court, and so it would be logical that the majority of failures to appear at arraignment or any time in the adjudication process would occur within one year of arrest, and then would drop off in subsequent years.

We were provided with dates as to when warrants were served or canceled. This information showed that a high percentage of warrants were either canceled for some reason or were served within 12 months of issuance. **Figure 38** below indicates the amount of elapsed time from warrant issue until either canceled or served.

Figure 38: Percent of Warrants Canceled or Served - By Month, By Warrant Type



The solid, bold line (“Other Only”) indicates probable cause warrants, failure to comply and failure to pay fines. The solid line (“FTA Only”) indicates failure to appear or failure to appear at arraignment. The broken line (“FTA & Other”) indicates multiple warrants for a single DUI offense with at least one FTA warrant plus at least one “Other” warrant. The mean time from warrant issue date to service date was 156 days. The mean time from warrant issue date to cancellation date was 103 days. The mean time for both categories combined (from warrant issue date until served or canceled) was 128 days.

Violation dates were also provided. The mean times from the date of the violation until the warrants are canceled or served are 219 days for FTA warrants and 559 days for other types of warrants.

It was not surprising to find that 82% of the database population were men, nor that 52% of the men were ages 21-34 at the time of the violation. The mean age for men was 33.3 and the mean age

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for women was 32.8. The mean times to serve or cancel warrants were very similar between genders.

Programs to Deter FTA / FTC

Pierce County District Court Number One (PCDC 1) has clerks who review cases daily to determine if individuals are in compliance with court orders. While many jurisdictions delegate this function to a probation department, this Court has determined it most efficient in this system to maintain vigilance within the Court. Reportedly, court staff believe this is unique within the State of Washington.

PCDC 1 also has a "Special Warrants Project" which requires a clerk to check all warrants issued daily and to make certain that each law enforcement agency (LEA) is notified of individuals originally arrested by their officers who have had warrants issued. Presumably this will help to deflect a large backlog of unserved warrants. However, each LEA has a separate policy regarding which warrants, if any, are actively served.

Years ago, a state trooper was dedicated to tracking individuals who had warrants outstanding. The trooper served warrants for all offenses, including DUI-related offenses. A separate database was maintained on the individuals being sought (this database no longer exists). Unfortunately, legislators decided that tracking and serving warrants was outside of the responsibilities of the state police and eliminated that position.

Outstanding warrants for DUI-related offenses grew to be such a problem by 1999 that a District Court Judge suggested a "Warrants Emphasis" patrol. PLEADD (Pierce Law Enforcement Against Drunk Driving) traffic safety emphasis patrols had been regularly rounding up impaired drivers in Pierce County for years. The Judge, noting that there were approximately 5,000 outstanding warrants for DUI offenses in PCDC 1 alone, suggested conducting a round-up of individuals with outstanding DUI warrants who were perceived to be a high risk to public safety and/or had extremely high warrant amounts. We discuss this "Warrants Emphasis" in greater detail in a Site Report located in Appendix C of this report.

With a database which is capable of identifying defaulters and a routine check of that system, Pierce County authorities are able to track the problem of DUI offenders with outstanding warrants. The LEAs operating in the County are dedicated to apprehending impaired and drunk drivers. However, the agencies have separate policies regarding warrant service. And, funding resources need to be identified to meet the added costs of locating and apprehending defaulters. With the level of cooperation between the law enforcement and judicial agencies, and the existence of a quality database, this County could achieve a long-term solution to the problem of defaulters.

4 - SITE COMPARISONS

DISCUSSION

There are a number of variables which must be taken into account when comparing the nature and extent of outstanding DWI warrants between jurisdictions. These include:

- *Different laws, guidelines and regulations pertaining to warrants.* DWI warrants are issued under different circumstances in different jurisdictions. Sometimes “wants” or “order-ins” are issued in place of warrants. Sometimes multiple warrants are issued for separate instances of errant behavior (FTA/FTC) related to a single offense, sometimes those occurring simultaneously or close together are combined in one warrant. Some jurisdictions have time limitations before a warrant expires, others do not and warrants continue to accumulate. Some jurisdictions are bounded by distance restrictions, others are not and may allow service of warrants anywhere within the state or even beyond state boundaries.
- *The recording of warrants and the capture or compilation of information.* Some jurisdictions, especially smaller ones, may not have access to any lists or compiled information, but only separate paper files. Other jurisdictions maintain or have access to every variety of data, but there may be confusion and duplicate or incomplete information on a number of data systems. The reliability and ready access of up-to-date information may be lacking. Statewide databases may be available but incomplete, especially regarding DWI offenses. Databases maintained by one traffic law system organization may not be accessible to other judicial systems or law enforcement agencies.
- *Responsibility for serving warrants.* Various law enforcement agencies are responsible for serving warrants among different jurisdictions. All warrants may be sent to a Sheriff’s organization, or they may be returned to the original arresting agency. Multiple law enforcement agencies may join forces to staff warrant squads. Warrant service costs are handled in a variety of ways from grant monies to portions of fines/fees levied against DWI offenders. Felony warrants, out of necessity, are treated differently and given a higher priority than misdemeanor warrants.

Also, due to the differences between the sites regarding population size, availability of data, system and agency procedural variances, only general comparisons can be made. There was a natural tendency at many sites for authorities to shy away from any publicity, even though they were not certain if there was a problem of any magnitude concerning outstanding DWI warrants in their jurisdictions. For this reason, it is important to acknowledge the contributions made by those sites which provided information and data, even if incomplete.

The largest problems in relation to the data provided were that verification was not often possible and databases from the same site usually could not be linked so that records could be matched. For example, we could not link specific arrests with warrants either because unique identifying

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information was not provided due to confidentiality issues, or because two of the same fields of information were not available in the separate databases to allow matching to occur.

Among the law enforcement agencies, many we spoke with noted that operational budgets were tight and personnel were overburdened with other pressing issues such as community policing, and drug-related crimes. Currently, DWI warrants are just not a top priority in many jurisdictions.

Neither courts nor law enforcement agencies in most areas receive any monetary assistance when attempting to locate defaulters. Consequently, without funding, the number of outstanding warrants continues to grow. (Note: In several communities, such as Chemung County, New York and Merced County, California, this was not the case, due to the program set up to deal with DWI offenders and defaulters.)

As noted earlier in this report, the three Appendices highlight three programs which were designed specifically to deal with outstanding warrants. Any of these programs could be implemented for use by similarly sized communities, with various modifications made to handle the specific needs of local jurisdictions.

SITE COMPARISON

The sites covered during this project were those with something specific to offer to the project in terms of data and/or methods of dealing with defaulters for which warrants have been issued. Following is a list of the different types of programs or methods that different jurisdictions which participated in this project have in place to serve warrants.

- **Dedicated Warrant Officer(s).** The sole or primary job description for these individuals is to serve warrants.
- **Special Emphasis Squads or “Stings.”** These teams are organized periodically to locate and serve warrants.
- **Interagency Cooperative Warrant Squads.** Warrant teams are staffed by a number of law enforcement agencies who cooperate to serve warrants. These teams are sometimes organized on a regular basis, and sometimes in response to a large number of outstanding warrants.
- **Part of a Full-Fledged, Anti-DWI Program.** Warrant service is handled routinely as a part of an existing anti-DWI program.
- **Routine Warrant Service by Arresting Officers.** Warrants are handled by the original arresting officer or agency.

In **Table 6**, a determination of the more problematic type of defaulter (i.e., those who fail to appear - FTA, or those who fail to comply with sanctions - FTC) in relation to DWI offenses is indicated, where possible, by site. Five sites indicated more problems with FTA behavior, four with FTC behavior, five sites reported substantial problems with both, and three sites could not determine

SITE COMPARISONS

which problem was more prevalent through the records provided by their data systems. Those sites which have a system in place to provide data on outstanding warrants are indicated in the table below, as well as those sites which have a specific ongoing program to regularly serve DWI-related warrants.

Table 6: Overview by Project Site - Warrant Type, Data System, Program

Site (Estimated Population)	FTA	FTC	Data System In Place	Program In Place
California, Merced County (201,000)	✓	✓	✓	✓*
Colorado, El Paso County (490,000)	--	--	✓	✓
Indiana, Hancock County (55,000)	--	✓	✓	✓
Massachusetts (6.2 M)	✓	✓	✓	--
Nebraska, Douglas County (446,277)	✓	--	--	--
Nebraska, Lancaster County (444,000)	✓	--	--	--
New York, Chemung County (92,000)	--	✓	✓	✓
Ohio, Pickaway County (53,700)	✓	--	✓	--
Oregon, Deschutes County (105,600)	--	--	✓	--
Puerto Rico (3.8 M)	--	✓	--	--
Texas, Austin (567,566)	✓	--	--	✓
Utah, Other Combined Jurisdictions (1.1 M)	✓	✓	✓	--
Utah, Salt Lake City (174,348)	✓	✓	✓	--
Utah, Salt Lake County (845,913)	✓	✓	✓	--
Vermont (593,740)	✓	--	✓	--
Vermont, Chittenden County (143,947)	--	--	✓	✓*
Washington, Pierce County (665,000)	✓	✓	✓	✓

**soon to be implemented*

SUMMARY

The time has come to deal with the complicated issue of outstanding warrants. Strides are being made in an increasing number of communities across the country to deal with the situation. Although the degrees of the severity of the problem of warrants vary widely, more information provided to jurisdictions on the commonality of the problem and possible resolutions, can encourage innovative solutions. This process should be encouraged through technical assistance and supportive funding efforts, specifically earmarked for diagnosing and resolving this problem.

5 - CONCLUSIONS AND RECOMMENDATIONS

Up to the publication of this report, the project staff continued to collect data and information concerning FTAs/FTCs and outstanding warrants across the United States, and continued to look for strategies that local jurisdictions have been using to locate absconders and defaulters. We have found it difficult to locate persons knowledgeable in the specific subject matter; that is, whether outstanding warrants are a problem with individuals charged with DWI offenses, mainly because data were not available to make such a determination.

CONCLUSIONS

As discussed throughout this report, there are a number of variables which must be taken into account when determining the nature and extent of outstanding DWI warrants. Based on this study and other recent related traffic safety projects, the authors believe there is a substantial problem with outstanding warrants for DWI offenses in a majority of jurisdictions. The difficulty remains in quantifying the problem due to the limited availability and/or accessibility of accurate and complete data. Basically, we found that many sites were not able to easily provide data and could not assess how large a problem may (or may not) exist with FTA and/or FTC behavior. Thus, they were unlikely to be effectively dealing with the issue.

The data provided was often in summarized form; thus, the accuracy or reliability of the information could not be independently verified. Databases were often disjointed, meaning that many were incompatible. This made it difficult, and in most cases impossible, to link pertinent information. Sometimes, records on outstanding warrants are purged from the database when the person contacts the courts, or is arrested. In these cases, it is difficult to determine the true number of FTAs/FTCs and the length of time the majority of warrants are outstanding. Many of the sites report problems with FTCs after the case has been adjudicated, when those convicted of DWI offenses are not properly monitored to insure that they comply with court-ordered sanctions. In addition, fear of recognition and bad publicity hindered our attempts to locate information on outstanding warrants. It is understandable that authorities in jurisdictions would have a concern that the subject errant behavior may increase if the problem is made public. However, it is difficult to achieve a solution to a problem that has not been properly identified.

We have talked with individuals in each of the study sites about programs and methods which have been implemented to deal with persons who fail to appear at some point during the adjudication process and/or fail to comply with court-ordered sanctions. In most instances, warrants are issued, but often law enforcement agencies have limited personnel and budgets, which restrict the search for defaulters. And, most often, warrant squads give priority to the search for persons accused of "more serious offenses" than DWI charges. We were told that locating persons charged with violent crimes typically require the most efforts by law enforcement officers, which leaves little or no time or resources for seeking DWI absconders and defaulters. Additionally, outstanding warrants for failure to comply with sanctions, usually meaning non-payment of fines, have resulted in such a large backlog of outstanding warrants that alternative solutions are now being explored in some areas. Since these fines owed would otherwise not be paid, two alternatives are to send out a warrant squad

specifically targeting those individuals owing large amounts and then paying for the squad with those funds, or privatizing the process by handing those cases over to collection agencies.

Open dialogue and cooperation between the adjudication, correction, and particularly important, the law enforcement agencies involved are paramount to constructing a "public safety network," thereby closing the loopholes that DWI offenders can slip through when they chose to abscond. Also, working with neighboring jurisdictions on issues such as cross-checking records of individuals in custody to assist in locating persons wanted in one jurisdiction who are already in custody in another jurisdiction, can prove mutually beneficial. And, finally, the cooperation of multiple jurisdictions can deal with more difficult issues such as warrants issued with a distance radius specifying how far authorities may travel to apprehend absconders.

Increasingly, the media have played larger roles in publicizing the problem of outstanding warrants. Many times, the situation revolves around DWI offenses. Usually, the media reports are fueled by outrage that a death was caused by an individual wanted on outstanding warrants for previous DWI offenses.

RECOMMENDATIONS

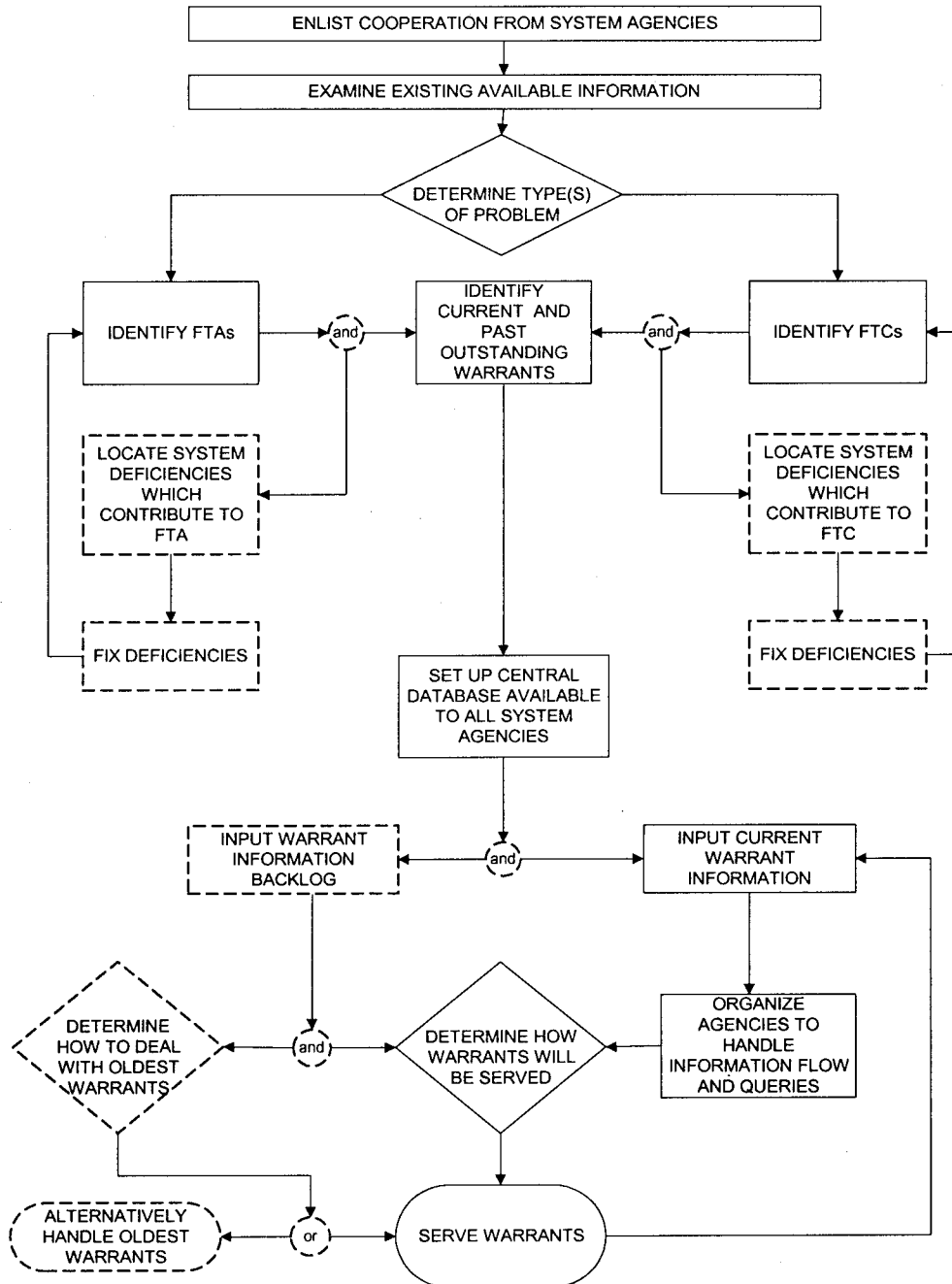
Each and every jurisdiction is unique in the laws of the jurisdiction; the number and types of agencies involved in apprehension, adjudication, reparation and rehabilitation of DWI offenders; and the policies and procedures of those agencies. It is understood that cost factors, which require funding sources, are paramount to dealing with this pervasive problem of offenders failing to appear and/or comply. Local agencies can best identify and either provide for these issues or seek outside funding. Therefore, each jurisdiction desiring to make a determination as to how large a problem exists regarding outstanding DWI warrants, must examine the local system and the supporting agencies and, most importantly, the data which are recorded by agencies across the jurisdiction.

The following flowchart provides an example of a process that could be undertaken locally to determine the nature and extent of outstanding DWI warrants. The purpose of the flowchart is to highlight the complexities in attempting to identify the problem. Each of the input and decision points on **Figure 39** are simplified statements of what may be an entire process. For example, identifying those offenders who have failed to appear, might involve searching a database maintained by a court, while the same person may have also failed to comply (e.g., payment of a fine) and may be identified by searching probation records and clerk of court records. Determining which are separate cases and which pertain to the same offense could also be difficult if at least two different variables regarding personal identifying information and case information are not recorded by the different agencies' databases. If the same information is captured, then matching records is a possibility, if recorded in similar formats in compatible databases. Otherwise, the matching process becomes more complex.

CONCLUSIONS AND RECOMMENDATIONS

The input and decision points on **Figure 39** are discussed in detail under the bullets following the flowchart, which also include our recommendations. The dotted lines in the flowchart designate ancillary projects to be undertaken as time and resources allow, but on which we have not elaborated. Thus, we recommend that local jurisdictions:

Figure 39: Problem Identification Through System Examination



- Enlist cooperation from all system participants (i.e., LEAs, courts, probation agencies, legislators) to identify problems with outstanding warrants by looking at available and potential resources, and identifying system deficiencies and fixes. It may be that changes in legislation are necessary to provide additional funds, divert funds, or eliminate the issuance of warrants for specific FTC offenses such as non-payment of fines. Possible alternative solutions may be explored, such as with non-payment of fines where a jurisdiction may elect to hand over records to a private collections agency.

Due to the possibility of major changes being implemented, it is best, early in the planning process, to have the cooperation of all system agencies involved.

- Examine existing available information (e.g., arrest databases compiled by law enforcement agencies, adjudication information recorded by the courts, information on absconders and defaulters provided by courts and probation departments and private treatment agencies, driver license records compiled by state DMVs) to determine if links through common data are possible (e.g., date of birth, driver license number); examine how complete, accurate, and up-to-date the informational systems are; and determine how duplication of recording efforts can be minimized or eliminated.
- Determine the types of warrants that are outstanding (e.g., FTA, FTC, order-ins, wants) and determine whether the reason(s) for the issuance of the warrants are available. Also, determine whether multiple warrants are issued for multiple failures to act for the same DWI offense or whether these are combined on one warrant.
- Identify the numbers of recent and past warrants issued for DWI-related offenses. Most likely, the numbers of outstanding warrants will be surprisingly high. Determine the reasons for issuing the warrants, and identify those individuals with multiple warrants that are outstanding. Calculate the amounts due for fines owed to see if there is monetary (in addition to legal/moral) justification for locating these individuals.
- A statewide data/record system that enables local data system links would provide the ideal avenue to queries by legal system agencies (i.e., enforcement, adjudication, punitive, rehabilitation and probation agencies). However, recognizing the years required to plan, obtain funding, set up and implement such a data/record system if one is currently not operational, this approach may not be immediately feasible. If a statewide information system is not available, we would suggest implementation of a localized data system, accessible to all components of a legal system (i.e., enforcement, adjudication, punitive, rehabilitation and probation agencies), to track arrestees as they proceed through the adjudication process and through the sanctioning and punitive period. This database should be case specific and should include all warrant information and actions taken regarding each individual. The data should be retained because the information can pinpoint system deficiencies. We are not necessarily implying a large, expensive system. Small jurisdictions

CONCLUSIONS AND RECOMMENDATIONS

may, fairly inexpensively, set up a simple database in a software spreadsheet package. Local and regional databases will allow more detailed data analyses, which will benefit the jurisdiction, than is available from large systems such as the FBI's NCIC (National Crime Information Center) database.

- Transfer or re-enter all pertinent information into the local system and also enter appropriate warrants into the NCIC database. One agency should have primary responsibility for maintaining the database, but the database should allow for multiple authorized users from the various agencies to input and retrieve data.
- Provide incentives (funding) to law enforcement agencies to seek absconders and defaulters. As a focus group attendee stated, "The bottom line is dollars. If the department (LEA) got money for every DWI warrant they picked up, they'd be scouring the area for them." As for this strategy, it is important to find out how much fine money is owed. The amount may provide the impetus to locate defaulters and absconders. Legal steps may have to be taken to transfer some of the owed monies into funds to reimburse LEAs or pay for special warrant squads.
- Keep up with new warrants issued - then attempt to serve older warrants.
- Encourage courts to take action on FTAs and FTCs and not create a special category which serves to make the court look better at the expense of dealing with the problem.

In addition to the points outlined in the flowchart, we would add the following recommendations:

- If employee shortages among LEAs are a problem, whenever possible, have cadets, interns, community volunteers, and auxiliary personnel assist with functions such as keeping databases up-to-date, and assisting with organizing any special enforcement stings.
- Seek methods, other than warrants, to deal with defaulters of minor traffic infractions and/or non-payment of fines. These methods might include use of a private collection agency and/or driver license sanctions. Set bonds high enough to insure future court appearances.
- Create additional fees and/or sources of funding to deal with the associated costs incurred by serving warrants, extradition costs, and any other related costs. If necessary, pass new legislation to allow funds to cover these costs.
- Use publicity wisely. While the media usually appear willing and able to assist law enforcement agencies, the safety of officers is paramount. Publicizing that law enforcement officers are seeking defaulters and absconders alerts dangerous individuals and gives them time to plan and prepare for the arrival of officers, or allows them time

A STUDY OF OUTSTANDING DWI WARRANTS

to flee. However, if this information is publicized, the general public may provide information concerning the whereabouts of individuals to police. Use public information and education campaigns to appeal to society. Recommend that employers act responsibly by encouraging employees to meet any court-ordered obligations.

The problem of outstanding warrants appears to be widespread. Currently, the most effective means of handling the problem appear to come from local jurisdictions independently finding solutions. The time has come to move this issue to the forefront of the public safety agenda. The concern of traffic safety professionals across the entire system should be to properly identify any problem within local jurisdictions and to not allow DWI cases to be pushed to the bottom of the outstanding warrant list, such has been happening. Local agencies should be encouraged to take active measures toward dealing with this issue and should be provided as much assistance as possible with adequate funding.

This study has focused on an area that previously has been given very little scrutiny, and the lack of attention is disturbing. The number of outstanding DWI warrants nationwide is not known, but our findings in several jurisdictions at the state and local levels suggest a figure of several million or more. This means untold numbers of absconders and defaulters are using a large loophole in the adjudication and sanctioning processes in jurisdictions across the country. It certainly seems that many offenders who continue to drive while intoxicated or under the influence of alcohol or other drugs, simply have ignored the system, thereby rendering it less effective in its efforts to safeguard the public. This leaves the door open for abuses and recurring instances of illegal behavior, which are dangerous to everyone on the roadways.

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APPENDIX A - Warrant Officer Program Description, Hancock County, IN

Description of the Warrant Officer Program Hancock County, Indiana

Part of
“A Study Of Outstanding DWI Warrants”

Connie H. Wiliszowski

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A STUDY OF OUTSTANDING DWI WARRANTS

This report is part of a larger project "A Study of Outstanding DWI Warrants" (NHTSA contract number DTNH22-98-R-05110). One objective of the study was to document practical strategies that could be used to minimize outstanding DWI warrants, thus providing another tool that communities could use to deter DWI offenders. During our search for innovative and promising strategies that jurisdictions are using to eliminate or minimize the outstanding DWI warrant problem in their communities, project staff met a Judge from Hancock County, Indiana who had organized an effort to deal with defaulters from his court by arranging for funding to hire a part-time Special Deputy to serve outstanding warrants.

We note that this approach, while smaller in scope than the other two programs we have reviewed, directly attacks the problem in a way which could be replicated or modified to benefit other smaller communities. As with Chemung County, New York, one of the other two jurisdictions highlighted during the study, Hancock County also had the most problems with non-compliance of court-ordered sanctions (e.g., payment of fines, completion of treatment programs) by offenders, rather than with individuals failing to appear during the adjudication process.

INTRODUCTION

The presiding Judge of the Superior Court II for Hancock County, Indiana was frustrated as a jurist with the ever increasing number of outstanding warrants for offenders who failed to comply with court orders. The local sheriff's department is the law enforcement agency decreed by statute to serve warrants, but as with many law enforcement agencies contacted during this study, the department did not have the personnel nor budgetary resources to routinely serve warrants, except in cases related to felony crimes. On several occasions, at the request of the Judge, deputies would attempt to locate defaulters, but funding these attempts was always an issue.

The Judge reported he was tired of being thwarted in efforts to make certain that offenders complied with court orders and frustrated that, not only was there a large number of outstanding warrants, but that the number of outstanding warrants increased weekly. He decided that the defaulters must be located. As a jurist he was concerned that a wrong message was being sent to defaulters that they could ignore court-ordered sanctions without fear of reprisal. And this was often true because, although there was a chance defaulters might be identified during a stop for a traffic violation, some law enforcement agencies in Indiana reportedly would not routinely check their link with NCIC (National Crime Information Center) for outstanding warrants. For all these reasons, the Judge, with the support and cooperation of the Sheriff, decided that a warrant officer was needed. The duties of the warrant officer would exclusively involve locating defaulters and absconders and serving warrants. The keys to creating and maintaining the position were finding funding, and locating the right person with the proper mix of personality and experience to handle the job.

A STUDY OF OUTSTANDING DWI WARRANTS

BACKGROUND

Hancock County, Indiana is a bedroom community east of Indianapolis. One major interstate, highway I-70, passes through the County. The 1990 census listed the population at approximately 45,500, but the community has been growing and the U.S. Census Bureau estimates the current population close to 55,000. The largest community within the County is the city of Greenfield.

In Hancock County there are three trial courts: one circuit court and two superior courts. All three courts have concurrent jurisdiction within the County. The circuit courts in Indiana are the constitutional courts that were set up when the State was incorporated and superior courts are added as the population grows. These courts (called district courts in some states) have general jurisdiction to hear all types of cases ranging from divorce to DUI and murder cases.

Hancock Superior Court II is the DUI court for Hancock County. The Superior Court Judge reports that, with respect to the initial court appearances in DUI-related cases, there have been historically almost no incidences of FTA (failure to appear). He credits this "almost absolute compliance" rate to two reasons: the initial court appearance is the next business day following arrest, so typically those arrested are escorted to court by members of the Sheriff's Department; and the fact that cash bond is usually required.

However in the past, there was a significant problem with offenders completing court-ordered sanctions such as paying fines, completing educational courses, or refraining from consuming alcohol. In fact, the Judge reported that the most FTAs occurred at later court appearances, and that failure to comply with paying fines for offenses such as DUI was another major problem. His perception was that offenders did not think traffic matters were that serious, nor that law enforcement would seek defaulters. And, as explained in the introduction, the Hancock County Sheriff's Department deputies were not actively seeking non-felony warrants. Thus, the message to defaulters was that typically nothing would be done to make them comply with court-ordered sanctions. The problem became large enough, with monies owed great enough, that the Judge decided something had to be done. With the agreement and support of the Sheriff, he decided to find a way to fund a new position in the Sheriff's Department dedicated to serving warrants.

Funding

As in courts everywhere, certain court costs are assessed for each case. For a non-felony DUI case in Hancock Superior Court II, the offender's typical court costs could be \$625 which includes a \$200 countermeasures fee. Countermeasures fees are assessed on certain types of alcohol and drug offenses, most often for DUI and for marijuana possession. The countermeasures fee is, by State mandate, funneled back into the local community to fund various local programs.

In Hancock County, these countermeasure monies were used to set up a local board, NASA (Neighborhoods Against Substance Abuse), which funds local programs through grants. The board follows guidelines outlined by State statute which allow a certain percentage of funds to be allocated

APPENDIX A - WARRANT OFFICER PROGRAM DESCRIPTION, HANCOCK COUNTY, IN

for treatment, a certain percentage for law enforcement, etc. NASA reviews grant requests and allocates funds for pertinent programs. The review process is not as stringent as many other state and federal grant requirements. Basically, a letter outlining the proposed use of funds with proper justification is all that is required by the board.

The Judge contacted NASA and proposed hiring a warrant officer, who would serve as a "Special Deputy" stationed with the Hancock County Sheriff's Department. The Judge asked for funds to cover the salary of this part-time Special Deputy, who would be hired exclusively to serve all types of warrants. The Judge explained that an incredibly high number of warrants were being issued for people failing to show up to pay fines and court costs. When the Special Deputy warrant officer would serve a warrant and bring the person in, cash bond would be demanded to cover the warrant before the individual could be released from jail. So on that hypothetical DUI case where fines and court costs would be \$625, the defaulter would have to provide \$625 in cash, \$200 of which would go back to NASA to be redistributed as future grants (which in turn would help pay the warrant officer's salary). The county council was shown that this position would, most of the time, pay for itself. Warrants would be served for every offense so that unpaid fines and court costs would be collected but enough countermeasure fees would, hypothetically, also be collected to more than justify the existence of this position. Not only would this become a self-perpetuating funding source, but offenders would now be forced to comply with court-ordered sanctions. Hopefully, enforcing compliance by offenders would discourage recidivism, which would benefit society. NASA approved the required funds, which have been supplemented by the Sheriff's Department, as outlined in the Program Components section.

Publicity

To date, neither the problem with outstanding warrants nor the warrant officer position have been publicized. It is doubtful that the general public is aware of either the problem or the solution. Those involved with this program believe the general public would be supportive of the duties of a warrant officer, with some possible exceptions for more minor offenses such as traffic infractions and possibly writing bad checks.

The warrant officer believes that the majority of individuals who have warrants outstanding are aware of the fact that they have not complied with court orders. It was suggested that notices be sent out to habitual defaulters, but the warrant officer disagreed and believes those individuals would run and hide, or even worse, they could become a danger to the warrant officer if they have time to prepare to resist arrest. Another suggestion was made to publicize names of defaulters in local newspapers. One or both of these suggestions may be used at some point for older warrants which have never been served, and which the warrant officer would not attempt to serve due to the backlog. By publicizing the names of those individuals with older outstanding warrants, some of these offenders may be pressured by families, friends or employers to turn themselves in and deal with the consequences of their inactions.

A STUDY OF OUTSTANDING DWI WARRANTS

PROGRAM COMPONENTS

Warrant Officer

The personality type and law enforcement experience of the warrant officer were described as essential to the success of this position. In Hancock County, the warrant officer routinely serves warrants alone without backup from other officers, although he is in radio contact and can call for assistance when required. However, the warrant officer reports that in four years of serving over 1,000 warrants, only four individuals have fled and only two or three others have posed problems that required calling in backup officers. It is the belief of the Superior Court Judge in the County that the level of success in serving warrants and the lack of problems is largely due to the professionalism of the individual serving the warrants. The warrant officer reports that a routine, unemotional yet professional manner is required at all times, along with following the old adage, "Treat others as you would want to be treated."

The warrant officer reports he is most likely to locate defaulters at home during early evening hours. So he works part-time Monday through Thursday evenings in six hour shifts, but he believes Sunday evening would also be a good time to locate individuals at their residences. He reports that he is able to keep up with the current level of new warrants issued (discussed under the Data Compilation section below) and occasionally has time to work on the backlog of old warrants.

Procedures

The Judge orders the warrant and the court clerk issues and forwards the warrant to the Sheriff's Department. Before the warrant officer was hired, the warrants were filed in a drawer and were not served unless the offender had committed a felony, or a deputy was assigned to a warrant detail, or the individual was picked up during another encounter with a LEA (law enforcement agency) which had checked with NCIC. As pointed out earlier, warrant details were very infrequent due to budgetary and personnel limitations and not all LEA officers routinely checked NCIC for outstanding warrants.

To enable the warrant officer to work effectively, it has required a joint operation involving the courts, the probation department, and the Sheriff's Department. Although the court provides information on the warrant and the probation department often provides addresses for people who have failed drug screens, frequently the personal information and addresses prove incorrect. Therefore, it has been proven that to save time, the warrant officer needs to have Sheriff Department dispatchers check the names and addresses with the DMV. Needless to say, this is time consuming and takes time from the dispatchers' other duties, so the Sheriff must be supportive of the warrant officer's efforts.

Four years ago, when the warrant officer was hired in Hancock County, there were over 1,000 outstanding warrants. These included infractions for people who had not paid traffic tickets. A decision was made that it was not cost effective for these types of warrants to be served. In fact, the

APPENDIX A - WARRANT OFFICER PROGRAM DESCRIPTION, HANCOCK COUNTY, IN

Judge no longer issues warrants for unpaid fines for traffic infractions. (Instead he orders driver license suspensions, and if these individuals are caught driving on a suspended license, the Judge may send them to jail.) Another determination was made that the new warrant officer should begin with the latest warrants and prioritize those, attempting to locate the most serious offenders first and would only look at the old warrants when there were no new pressing cases.

The warrant officer has been instructed to prioritize cases so that his first priorities are absconders in illegal drug cases and those involving domestic abuse. However, DUI offenders are also given a high priority. Typically, he will make three attempts to serve a warrant, unless the original offense was serious or he knows the person is avoiding him. But if he cannot get a lead on a good address or other pertinent information, he will not spend valuable time trying to uncover new leads as to the person's whereabouts.

It is also essential for the warrant officer to follow procedures and protocol when notifying other LEAs that warrants are to be served in their jurisdictions. It was stressed that proper notification of all LEAs is essential in maintaining good working relationships. The warrant officer from Hancock County reports that when serving warrants outside of Hancock County, other LEAs have sometimes sent officers along or at least have made sure officers are in close proximity when felony warrants are being served in case backup is required. (Note: The warrant officer is a Special Deputy which gives him the legal authority as a law enforcement officer to serve warrants anywhere within the state of Indiana.) Most times he does not have backup. In smaller towns, he usually takes the town marshal as a courtesy and for assistance. The ability of the warrant officer to work with all types of LEAs is essential and helps to assure their cooperation when assistance is requested.

Equipment Needs

While the warrant officer's salary was arranged by a NASA grant, there were other needs. At first, the warrant officer was dependent upon the availability of a vehicle from the Sheriff's Department. Eventually, a vehicle was purchased for the position. The vehicle is an unmarked car equipped by the Sheriff's Department with radios, both mounted in the vehicle and a hand-held portable device. The Sheriff's Department also buys the gas and provides the vehicle insurance. The warrant officer wears the full uniform of a Sheriff's deputy including a bullet-proof vest and he carries a sidearm, all of which are provided by the Sheriff's Department. The Judge has supplied a cell phone.

Data Compilation

As a part of the NASA grant, the warrant officer tracks the number of hours worked and the number of warrants served. He reported that the bulk of the warrants are issued from Hancock Superior Court II at the rate of 30-60 per month. The other two courts in Hancock County also issue warrants which are served by the warrant officer, but these two courts issue relatively few warrants.

A STUDY OF OUTSTANDING DWI WARRANTS

In 1999, the warrant officer worked a total of 501 hours and a total of 334 people were incarcerated for some type of warrant service. The breakdown by offense is as follows:

Table IN-1: Warrants Served in Hancock County in 1999

Type of Offense	Number of Warrants Served
Probation Violation*	117
DUI offenses	81
Possession of Marijuana	35
Minor Possession of Alcohol	18
Public Intoxication	12
Possession of a controlled substance	7
Dealing Marijuana	2
Other	62

**usually for alcohol/drug use violations*

If the courts elected to collect all bond money set, the amount in 1999 for Hancock County would have totaled \$242,580. However, sometimes the courts reduce fees. At one point, it was suggested that an additional fee for the warrant service be assessed against the defaulter, but this has not been implemented in Hancock County. First, it has not been necessary to assess additional fees to help fund the warrant officer position. There has been support from other areas when supplemental funds have been needed. And, secondly, the Judge did not believe there was any statutory justification available which would allow him to add the additional monetary penalties. Thus, if an appeal was made, it was highly likely that the Judge's decision to assess those penalties would be reversed.

CONCLUSION

The warrant officer position has been well received by the judicial and law enforcement agencies in and surrounding Hancock County. In fact, on one occasion when there was not enough money in the NASA fund to cover all of the warrant officer's salary, the prosecutor's office paid the difference and, another time, the county council allotted funds. Although the general public may not

APPENDIX A - WARRANT OFFICER PROGRAM DESCRIPTION, HANCOCK COUNTY, IN

be aware of the position, defaulters have been painfully made aware that non-compliance with court orders in Hancock County is not tolerated. Law enforcement agencies, probation personnel, prosecutors and jurists can all note and take satisfaction from the fact that offenders can no longer ignore sanctions with impudence.

The Judge reported that he is able to place DUI offenders on probation because the probation officers and the warrant officer will insure that those offenders comply. "They (the offenders) have to go to their classes, they have to get treatment and they have to stay drug and alcohol free. If they test positive for alcohol or drugs, a warrant is issued and the warrant officer goes out immediately and picks up the person. Very often I issue a warrant one day, the warrant officer picks them up the next day and they are back in court. It lets people know this is not a game, that the Judge is serious, and it helps the prosecutor to understand the sentences - it's not just probation on paper - it's a real sentence." Another key to success is that cash only is accepted for bond in DUI cases involving non-compliance, which helps reimburse the warrant service.

Those involved with this program encourage other communities to establish warrant officer positions. This is a practical solution that "with just a little bit of seed money" will grow to become self-sufficient. While the emphasis of this study is on outstanding warrants related to impaired driving offenses, we were made aware that a warrant officer who is directed to serve all types of warrants will gain more wide-spread support from judicial agencies, LEAs, grassroots organizations (e.g., groups for victims' rights), and communities. More wide-spread support typically means more wide-spread funding sources or sharing of program costs. It is possible that sources for initial funding might be found in local community funds, as part of a local prosecutor's budget or by several courts and/or law enforcement agencies sharing the costs. It may also be possible to assess other additional monetary penalties to help defray costs for a warrant officer program, especially if legislators are willing to pass a bill supporting this measure. Diplomacy and cooperation between LEAs and the courts are necessary for warrant officers to be able to fulfill their task of locating those who have not fulfilled their court obligations. Together in Hancock County, Indiana, the Superior Court Judge and the Special Deputy serving as the warrant officer, have proven to the county commissioners that this position pays for itself through serving warrants. Enough monies were collected, which would otherwise have been lost, to pay fines, court costs and the warrant officer's salary. And on several occasions when the countermeasure fees were not enough to cover costs, there was enough support for the program that additional funds were located.

The Judge believes that a precedent should be set to serve all warrants for every offense without boundary restrictions. Serving warrants should not be offense specific or bound by geographic convenience, because when all offenders are held accountable for their legal obligations, they are taught social responsibility and society, as a whole, benefits.

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APPENDIX B - STOP-DWI Program Description, Chemung County, NY

A STUDY OF OUTSTANDING DWI WARRANTS

Description of STOP-DWI Program Chemung County, New York

Part of
“A Study Of Outstanding DWI Warrants”

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A STUDY OF OUTSTANDING DWI WARRANTS

This report is part of a larger project, "A Study Of Outstanding DWI Warrants" (NHTSA contract number DTNH22-98-R-05110). One objective of the study was to document practical strategies that can be used to minimize outstanding DWI warrants, thus providing another tool that communities can use to deter DWI offenders. During our search for innovative and promising strategies that jurisdictions are using to eliminate or minimize the outstanding DWI warrant problem in their communities, our attention was drawn to the STOP-DWI programs operating at the county level in the state of New York. These programs have been written about and evaluated many times in years past, but it came to our attention that some of the programs have been continually evolving and changing over the years to deal with new problems surrounding the ongoing battle against impaired driving actions. Thus, we thought it appropriate to take a fresh look at one of these programs.

This report summarizes the STOP-DWI program in Chemung County, New York which routinely serves warrants as part of the program. We note that, in Chemung County, most warrants for DWI offenders are issued for non-payment of court-levied fines rather than for persons who fail to appear during the adjudication process. However, the Chemung County strategy for serving warrants is one which could be modified by other communities which have large numbers of outstanding warrants at any point in the adjudication or dispositional process.

INTRODUCTION

New York State's Special Traffic Options Program for Driving While Intoxicated (STOP-DWI) was enacted by the New York State Legislature in 1981 for the purposes of empowering and coordinating local efforts to reduce alcohol and other drug-related traffic crashes within the context of a comprehensive and financially self-sustaining statewide alcohol and highway safety program.⁸ All 62 counties in New York State opted to set up special anti-DWI related programs funded by fines paid by DWI offenders. This funding resulted from increasing the minimum fine from just \$11 to \$300-\$2,000 (see fine penalties below).

⁸Smith, Dick. 1999. New York State's Special Traffic Options Program for Driving While Intoxicated - STOP-DWI Seminar. Regional Conference on Impaired Driving. Madison, WI.

A STUDY OF OUTSTANDING DWI WARRANTS

Table NY1: New York State Fines for DWAI* and DWI** Offenses

Offense	DWAI*	DWI**
1 st Offense	\$300-\$500	Mandatory \$500-\$1,000
2 nd Offense	\$500-\$700	Mandatory \$1,000-\$4,000
3 rd Offense	\$750-\$1,500	Mandatory \$2,000-\$5,000

*DWAI - Driving While Ability Impaired (.05-.09 BAC)

**DWI - Driving While Intoxicated (.10 and higher BAC)

The resulting 58 programs (five counties in New York City operate together as one program) have these fines channeled back to them and are permitted to spend those monies to protect citizens residing in those counties from motorists who drive while intoxicated (DWI) or drive while their ability is impaired (DWAI). Percentage funding by program area during 1999 for all 62 counties combined are detailed below:

Table NY2: STOP-DWI 1999 Program Funding

Program	Number of Counties	% of Dollars
Enforcement	62	42%
Court-related (Prosecution & Adjudication)	59	16%
Probation	56	12%
Rehabilitation	48	7%
Public Information/Education	61	13%
Program Evaluation/ Administration	62	10%
TOTAL		100%

Each county is given broad discretion over which areas to fund, as it was recognized that program needs vary among the counties. Each program has a coordinator who administers the funds and coordinates program activities. The coordinators must submit budgets and plans to their respective county governments annually and also to the Commissioner of Motor Vehicles. The coordinators have their own association and publish an informative newsletter.

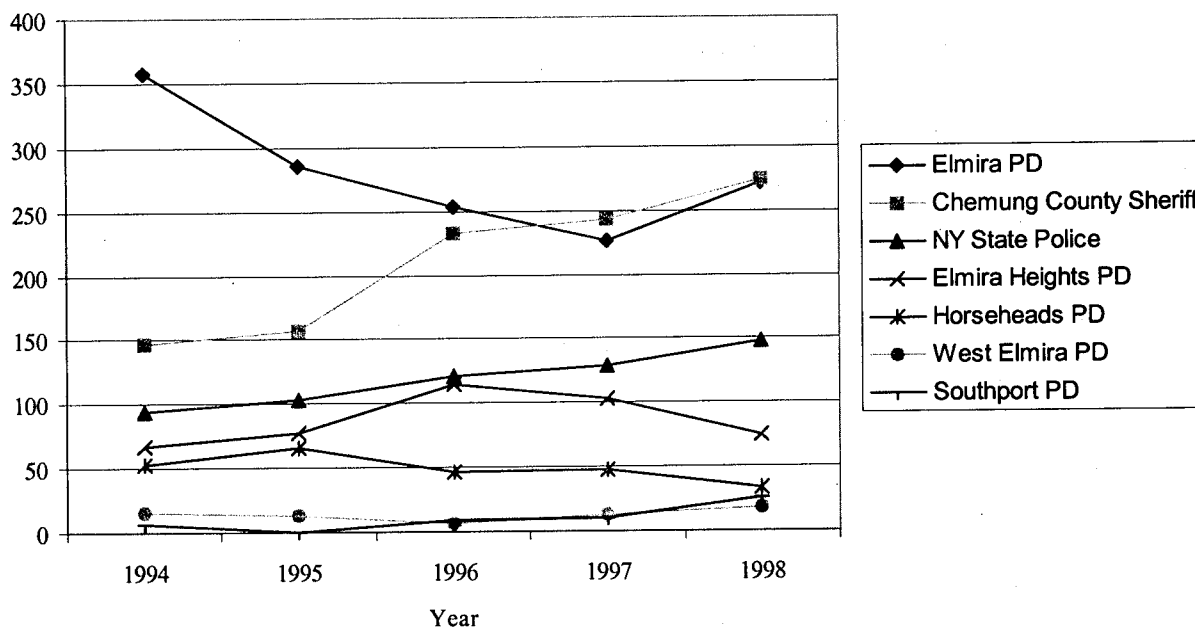
APPENDIX B - STOP-DWI PROGRAM DESCRIPTION, CHEMUNG COUNTY, NY

The remainder of this report contains information obtained during a site visit to the Chemung County STOP-DWI program in December 1999 when Mid-America staff met and interviewed program staff.

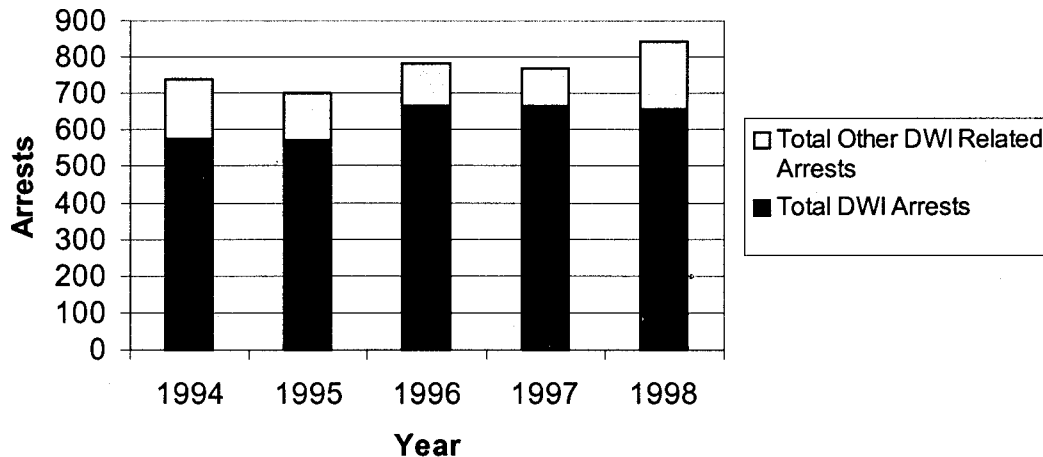
BACKGROUND

Chemung County, New York is located approximately mid-way across the State on the southern border with Pennsylvania. The county population is approximately 100,000 with Elmira the largest city in the County. There are seven law enforcement agencies (LEAs) operating within the County which covers eleven townships. All seven LEAs enforce anti-drunk driving laws. The charts below depict the number of arrests from 1994 to 1998.

**Figure NY1: Chemung County Arrests for All DWI Related Offenses
By LEA - By Year**



**Figure NY2: Chemung County DWI Related Arrests
By Year - All LEAs Combined**



The Chemung County STOP-DWI program originated in 1981 and was moved from the County Mental Health Department to the Sheriff's Department eight years ago when a Deputy Sheriff became the program coordinator. As with the other county STOP-DWI programs operating within New York state, the program coordinator submits a plan yearly to County officials and to the State of New York which includes a budget to fund the project mission. The goals of the program, as stated in the 2000 STOP-DWI Plan for Chemung County, are "to reduce the incidence of drinking and driving by:

1. Increasing the awareness of the risks of drinking and driving.
2. Increasing identification of the drunk driver.
3. Maintaining positive public support in getting the drunk driver off the road.
4. Timely and consistent application of legal penalties of DWI/DWAI."

These goals attempt to protect the public from impaired driving actions through public education and offender apprehension and, if possible, offender rehabilitation. There is a Chemung County STOP-DWI advisory board with members from law enforcement, county and municipal government, judges and justices, Traffic Safety Board members, the District Attorney's office, the Alcohol and Drug Abuse County, citizens groups and the local media.

APPENDIX B - STOP-DWI PROGRAM DESCRIPTION, CHEMUNG COUNTY, NY

This is a well-coordinated, comprehensive program which has been growing in size and reputation. Components of the program include enforcement, rehabilitation, public information/education and program administration. Each of these components is discussed in more detail below.

PROGRAM COMPONENTS

Enforcement

The Chemung County STOP-DWI program funds two full-time officers in addition to the coordinator who is a Deputy Sheriff. These officers handle anti-DWI enforcement, search for defaulters with outstanding warrants and speak at various public forums to educate and inform the public about DWI offenders and about the program. In addition, program funds pay for roving LEA patrols, sometimes referred to as wolfpacks, to search for drunk or impaired drivers. The wolfpacks are staffed by off-duty officers from the seven LEAs operating in Chemung County who are paid overtime by the STOP-DWI program. The program coordinator schedules and oversees the wolfpacks, reportedly almost on a monthly basis. At times, these patrols are scheduled to coincide with checkpoints conducted by the New York state police.

During 1999, program enforcement staff and court personnel determined there were many long-time outstanding warrants on DWI and DWAI offenders and they estimated that 90%+ of these defaulters owed fines. The decision was made to attempt to collect these overdue fines. First, personnel in the Clerk of Court's office checked old records and compiled a list of offenders who had not paid all or part of a court-ordered fine for a DWI related offense. The total amount owed was approximately \$190,000. (Note: individuals who were in arrears but were in contact with the courts to make payment arrangements were not included.)

Next, an attempt was made to locate current addresses for these individuals, which was possible in most cases. The presiding Judge then sent a letter to each individual informing them that records indicated they owed a certain amount due to a DWI offense and that if that amount was not paid by a certain date, a warrant would be issued for his or her arrest. This could be avoided if the person contacted the court prior to the stated date and made acceptable arrangements such as a payment schedule or paid the amount in full. Warrants were then issued, as promised, for those persons who did not comply and their names were also posted on a web site.

It was determined that enough money was outstanding that, if collected, could be used to pay for overtime for officers from multiple law enforcement agencies (LEAs) operating within the County to conduct a warrants sweep. The Chemung County STOP-DWI coordinator planned this sweep with the cooperation of the various LEAs. The local news media provided coverage of the pending sweep and then television news crews accompanied teams searching for defaulters. Fourteen people were arrested on outstanding DWI warrant charges. Several of these individuals were located with assistance from the public when individuals called a telephone number publicized in the media to tip officers off where to find defaulters. *But the real value of publicizing and conducting the sweep was proven when 110 more people with warrants showed up at the courthouse to pay their outstanding fines to avoid arrest. (Note: these include individuals who had committed*

A STUDY OF OUTSTANDING DWI WARRANTS

other offenses such as outstanding parking fines. In addition, one person wanted in a rape case also turned himself in as a result of the publicity surrounding the warrant squad.)

Again, an important attribute of this program is the ability to collect monies due from DWI offenders. When an individual was arrested on a warrants sweep and claimed he or she could not pay the fine, that person was incarcerated with bail set at a higher amount than the fine. Often, family members appeared wanting to post bail and they were informed that if they contacted the Clerk of Court and paid the lower fine amount, the person would be released from jail. Otherwise, not only was a higher amount necessary to make bail, but also when bail was posted, the bail bondsman would keep a percentage and, more importantly, the fine amount would still be due. One of the judges reported to project staff that the threat of jail was often enough to ensure payment of fines.

The Chemung County STOP-DWI coordinator plans to conduct warrant sweeps 3-4 times a year whenever the number of outstanding warrants reaches a number high enough to justify bringing in additional law enforcement officers. And the news media has proven ready to cover these events. The public has shown great interest and public support is apparent when occasionally a tip is provided to the STOP-DWI staff on where to locate someone who has not complied with court ordered sanctions for a DWI related offense.

As a last resort, if an offender fails to pay a fine, the District Attorney's office may file a judgement against the property of the offender. This is tantamount to a lien, which could take many years to collect. And, of course, this tactic may be used only when an offender owns tangible property. Still, it is yet another tool to force DWI offenders to fulfill their court-ordered obligations.

Rehabilitation

The STOP-DWI program coordinator works with Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID) to conduct Victim Impact Panels. These panels are scheduled three or four times a year and are held in one of the court rooms. Offenders listen to how the lives of victims have been impacted and, in some instances, changed forever by the actions of a drunk or impaired driver.

Program revenue, generated by the collection of fines from DWI offenses, also fund the salary of a full-time probation officer and one, full-time, in-jail counselor who deals with offenders' problems with alcohol. The program recognizes that many of these offenders need counseling and treatment.

Public Information/Education

The program coordinator and the two other full-time officers, in addition to enforcement duties, travel to schools and other public forums to speak about impaired driving and the STOP-DWI Program. Free publicity is often provided by the media, especially during warrant sweeps when television coverage is provided. There is also a web site listing persons with outstanding warrants

APPENDIX B - STOP-DWI PROGRAM DESCRIPTION, CHEMUNG COUNTY, NY

for DWI offenses (www.chemungcounty.com/stopdwi.html). As of December 2, 1999 the names of 124 persons arrested for DWI-related offenses were posted for either failing to pay fines, failing to complete court-mandated training or education, or for failure to appear for court dates. The program coordinator asks visitors to the web site to email or telephone authorities if they know the whereabouts of a defaulter. Also, individuals on the list who wish to come forward are instructed to either contact STOP-DWI or the courts.

The program coordinator also organizes and tracks the "Chemung County Get Home Safe" Taxi program. Establishments which serve alcoholic beverages are encouraged to call the taxi company for free ride service for patrons who have had too much to drink to drive safely. The program coordinator leaves the taxi program forms at all establishments which have agreed to participate. Each form contains a white cover sheet which is sent back to the STOP-DWI program, a yellow sheet which the cab driver accepts, a pink copy for the establishment and a gold copy which can be placed on the dash of the vehicle's owner to prevent the vehicle from being ticketed or towed for parking violations. The five dollar cost per trip agreed to by the taxi company and STOP-DWI has also been paid for out of STOP-DWI funds. However, the local restaurant and bar association has offered to begin paying one dollar of each "Get Home Safe" cab fare.

Fundamentals of Alcohol Intoxication Recognition (FAIR) which began in Monroe County, New York has been implemented at no cost to staff from any establishment in Chemung County which serves or sells alcoholic beverages. FAIR allows these establishments to learn ways to avoid lawsuits while meeting their obligation for server training and perhaps qualifies these businesses for a discount in liability insurance. FAIR educates the employees of businesses such as taverns, restaurants, super markets and convenience stores about issues such as ABC laws, proof of age, and customer relations.

Administration

The program budget also includes the coordinator's salary, equipment and computer purchases, software programs, basic supplies and copies of all program materials. In addition, occasionally program funds are used to purchase computer equipment for the courts.

We note that one reason, in part, for the ability of the STOP DWI program to seek defaulters is the availability of data. Detailed records are kept in at least two systems: ALECS, a county-wide computer system which tracks criminal history by individual, and a separate New York Statewide Police Network. The county system is funded by 911 surcharge money. During our search for outstanding warrant information across the United States, it has become apparent that there is a lack of informational systems capable of providing data on individuals who either fail to appear at some point during the adjudication process or fail to comply with court ordered sanctions. This is not the case in Chemung County where the data systems are queried on a routine basis to provide law enforcement with pertinent information necessary to locate defaulters.

A STUDY OF OUTSTANDING DWI WARRANTS

PROGRAM EXPANSION PLANS

Future plans for additional program components include the use of ignition interlock devices on the vehicles of offenders to be paid for entirely by the offenders and routine appearance by the coordinator on a local morning news program to discuss individuals with outstanding warrants and pending warrant sweeps.

CONCLUSION

The Chemung County STOP-DWI program is a well-coordinated, program comprised of many tried and proven components which have been shown to impact impaired driving actions (e.g., victim impact panels, in-jail alcohol counseling). But what has interested project staff most is that program staff have recognized a significant problem with convicted DWI offenders failing to pay court-ordered restitution, and those defaulters were able to be identified by county data systems. It was also recognized that the revenue from the fines owed would fund the capture of these defaulters. Not only would the overdue fines pay for the warrant sweep and provide more monies owed to the STOP-DWI program, but most importantly, these round-ups would send a strong message to the defaulters, as well as the general public, that court-ordered sanctions must be fulfilled.

As noted in the beginning of this report, in Chemung County, most warrants for DWI offenders are issued for non-payment of court-levied fines and not for persons who fail to appear during the adjudication process. However, this method of serving warrants is one which could be modified for use by other systems with large numbers of defaulters at any point in the adjudication or dispositional process. The keys to success are:

1. A person(s) willing to take charge of coordinating efforts.
2. Data systems which accurately reflect where defaulters are falling out of the system and can identify those individuals.
3. A team effort between LEAs, judges and prosecutors to follow uniform procedures when dealing with defaulters.
4. Forcing the defaulters to pay the additional costs necessary to fund law enforcement officers to aggressively seek out and arrest individuals who drop out of the system without fulfilling their obligations.

While New York State's STOP-DWI programs receive all fine monies from DWI-related offenses, this is not true for anti-DWI programs in other states. Many receive some portion of related fines, but the remainder of fine monies are already earmarked for certain systems or agendas. Thus, additional penalties would need to be levied against defaulters, which could require additional legislation. However, if the problem exists that many offenders are allowed to ignore the system, then that system becomes ineffective in its efforts to safeguard the public.

APPENDIX C - Warrants Emphasis Patrol Description, Pierce County, WA

**Description of P.L.E.A.D.D. Multi-Agency
Traffic Safety Emphasis Patrols
Pierce County, Washington**

Part of
“A Study Of Outstanding DWI Warrants”

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A STUDY OF OUTSTANDING DWI WARRANTS

INTRODUCTION

This report is part of a project, "A Study Of Outstanding DWI Warrants" (NHTSA contract number DTNH22-98-R-05110). One objective of the study was to document practical strategies which can be used to minimize outstanding DWI warrants, thus providing another tool that communities can use to deter DWI offenders. During our search for innovative and promising strategies that jurisdictions were using to eliminate or minimize the outstanding DWI warrant problem in their communities, our attention was drawn to the "Warrants Emphasis" which was conducted in 1999 by the Tacoma/Pierce County DUI Task Force in Pierce County, Washington. This effort highlighted an exceptional working relationship between a multitude of law enforcement agencies, the courts and the jail. Thus, we thought it appropriate to highlight this warrant patrol project. This report describes the background and composition of the Task Force and highlights the warrants emphasis patrol which was conducted in Pierce County. This strategy for serving warrants is one which could be utilized by other communities which have large numbers of outstanding warrants.

BACKGROUND

Pierce County, Washington covers 1,790 square miles and is located in a western section of the State just south of Seattle and King County. From Mt. Rainier National Park in the east, the County curves north to touch Puget Sound on its western border. Tacoma, located on Puget Sound is the largest city in Pierce County and the third largest city in the State. According to the United States Census Bureau, the 1997 population estimate in Pierce County totaled almost 665,000 individuals with most residing in or near Tacoma.

In 1983, the Tacoma/Pierce County Task Force on Alcohol/Driving was formed due to growing concerns over impaired drivers on the roadways. The Mayor of Tacoma and the Pierce County Executive appointed citizens from the community to the Task Force. The mission of the Task Force was to design and implement an education, public information, and enforcement program. Since that time, the program's scope and community involvement have continued to expand. The DUI task force program is housed within the Pierce County Human Services, under the Chemical Dependency program. Task Force staff receive support and supervision from the Pierce County Human Services, Chemical Dependency Program, the Office of the Mayor of Tacoma, and the Task Force chairperson.⁹ There is a Task Force Coordinator who organizes the Task Force members and oversees the program components.

Members of the Task Force include the majority of the law enforcement agencies operating within the County, the Tacoma Mayor's office, various public works and public safety departments, the Prosecutor's office, an ignition interlock dealer, the District and Superior Courts, District Court Probation, the Office of Personnel and Community Affairs from an Army Base located in the

⁹Tacoma/Pierce County DUI Task Force website, www.co.pierce.wa.us/drunkdiriving

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County, the State Liquor Control Board, representatives from the alcohol industry, a towing company, an insurance company, and the school district. Task Force members meet monthly to discuss relevant issues.

The Mission Statement of the Tacoma/Pierce County DUI Task Force is, *"To reduce deaths and injuries due to impaired driving in Pierce County."*

Currently, programs coordinated by the DUI Task Force include: the annual Tacoma/Pierce County DUI/Traffic Safety Awards Ceremony; the multi-agency Emphasis Patrols; Pierce County Responsible Hospitality Alliance (along the SR 7/Pacific Avenue Corridor)¹⁰; Puyallup Fair display; annual Holiday Campaign and Emphasis Patrol in December; and various presentations to the community, and booths at community events.

The Pierce County multi-agency DUI "Emphasis Patrols" began in January of 1998. *"The vision is to create a safer community for the Citizens of Pierce County. We will do this by providing a clear police presence and increasing the public's perception that if you drink and drive, or drug and drive, you will get caught. We also want people to be aware of the 'other side' of impaired driving - the victims. We do this by dedicating each emphasis patrol to a victim of a DUI crash."*¹¹

These multi-agency emphasis patrols are staffed by P.L.E.A.D.D. (Pierce Law Enforcement Against Drunk Driving), a cooperation between law enforcement agencies (LEAs) operating in Pierce County to deter impaired drivers. The participating LEAs contribute the officers and equipment necessary to conduct the DUI/Safety Emphasis Patrols and contributed the same for the Warrant Emphasis. These emphasis patrols have received support from the public and in the media.

During the 1980s, a Washington state trooper was assigned to track down individuals with outstanding traffic warrants (particularly for DUI offenses), but that position was reassigned back to road patrol by legislators appropriating the budget of the Washington state patrol. Early in 1999, a District Court Judge noted that there were approximately 5,000 outstanding warrants for DUI offenses in Pierce County. Instead of patrolling for DUI offenders during one emphasis patrol, he suggested conducting a round-up of individuals with outstanding DUI warrants who were perceived to be a high risk to public safety and/or had extremely high warrant amounts. We discuss this "warrants emphasis" under the PROGRAM COMPONENTS section of this report.

The Tacoma/Pierce County Task Force is a well-coordinated, comprehensive organization which has been evolving to meet the needs of the community. P.L.E.A.D.D. highlights multi-jurisdictional cooperation at the highest levels which should be noted and commended because of the public safety benefits this cooperation brings to the citizens of Pierce County. Components of the programs initiated by the Task Force include enforcement, the warrants emphasis, rehabilitation,

¹⁰The purpose of the Alliance is for members or "stakeholders" within the hospitality industry to promote healthy lifestyles and safe communities with one result being less DUI offenders.

¹¹1999 Year End Report, Pierce County Multi-agency Traffic Safety Emphasis Patrols. Also the statement printed on the back side of the victim dedication flyer handed to every motorist stopped during emphasis patrols.

APPENDIX C - WARRANTS EMPHASIS PATROL DESCRIPTION, PIERCE COUNTY, WA

public information/education and program administration. Each of these components is discussed below in more detail.

PROGRAM COMPONENTS

Enforcement

DUI/Traffic Safety Emphasis Patrols. There are 22 law enforcement agencies operating within Pierce County which include the Sheriff and the various cities, state, tribal, and military police agencies. Each department enforces anti-DUI laws within their own jurisdictions. In addition, twenty of these LEAs, jointly referred to as P.L.E.A.D.D., participated in 1999 in the regular DUI/Traffic Safety Emphasis Patrols. P.L.E.A.D.D. staffed the patrols (usually one officer from the smallest departments and as many as five from the host agency and/or the larger departments) which were conducted almost monthly, and more often throughout the holiday season in December.

During the eleven "DUI/Safety Emphasis Patrols" held during 1999, there were 367 DUI arrests, 40 drug related arrests and 31 warrant arrests (for various offenses). Different geographic areas within the County were targeted and different jurisdictions "hosted" each DUI/Traffic Safety Emphasis Patrol. Most of the citations were written into the hosting agency's jurisdiction. (All LEAs, with the exception of the Washington State Police, may elect to write citations into the hosting agency instead of into their own jurisdiction. This means the courts which cover the hosting LEA's jurisdiction would receive fines and fees and would handle any resulting cases.)

As mentioned earlier in this report, the emphasis patrols were dedicated to victims of impaired driving crashes. Friends and family members of the victims met with officers staffing the emphasis squads immediately prior to the start of each patrol. They expressed their thanks to the officers and shared what had happened to their loved ones. Both the victims and the officers were deeply affected by these encounters and the meeting reinforced their joint determination to stop impaired drivers. While this meeting motivated officers, it also provided an opportunity to acknowledge their efforts and dedication. Pierce County emphasis patrol participants are proud that other DUI task forces within Washington and in other states also have begun to dedicate their efforts to victims of impaired driving actions.

The media were alerted via press releases which were distributed before the event so that the public could be notified. The organizers noted that the forewarning did not appear to have an effect on the number of impaired drivers apprehended. A press release was also routinely issued after each event to report the results of the effort.

The total numbers of drivers arrested during emphasis patrols in 1998 and 1999 are noted by offense in the following table.

A STUDY OF OUTSTANDING DWI WARRANTS

**Table WA-1: P.L.E.A.D.D. DUI EMPHASIS RESULTS
By Offense, By Year**

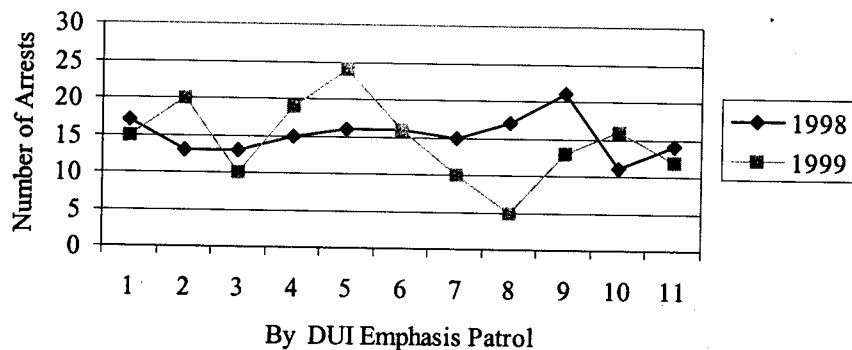
YEAR*	DUI Arrests	Alcohol-Related Arrests	Drug-Related Arrest	Warrant Arrest (all offenses)	Criminal	NOIs**
1998	168	49	25	15	123	407
1999	160	19	40	31	136	537

* During the 1998 DUI Emphasis Patrols, contact was made with 2,331 drivers; and during the 1999 patrols, contact was made with 2,399 drivers.

**NOI-Notice of Infraction (e.g., no turn signal, speeding)

During a typical DUI/Traffic Safety Emphasis Patrol, anywhere from 10-20 drivers, who were believed by officers to be impaired, were arrested. The following chart indicates drivers arrested for DUI during 1998 and 1999 by each separate emphasis patrol conducted during those years.

**Figure WA-1: DUI Arrests - By Emphasis Patrol
Pierce County, WA**



Funding for the DUI/Traffic Safety Emphasis Patrols in 1998-1999 was obtained from:

1. Each participating LEA which provided personnel and resources.
2. State grant monies from federal funding which partially paid overtime salaries of participating officers (\$33,000).
3. State grant monies from federal funding which were used to purchase related equipment (\$20,000).

APPENDIX C - WARRANTS EMPHASIS PATROL DESCRIPTION, PIERCE COUNTY, WA

Warrant Emphasis. The “warrant emphasis” was the event which initially drew our attention to Pierce County, Washington. In 1999, the first warrant emphasis was conducted by P.L.E.A.D.D. in response to the concerns of a District Court Judge who noted that there were approximately 5,000 outstanding DUI warrants¹² in Pierce County. As explained in the Background Section, instead of patrolling for DUI offenders during one “emphasis patrol,” he suggested conducting a round-up of individuals with outstanding DUI warrants who were perceived to be a high risk to public safety and/or had extremely high warrant amounts.

The Task Force organization committee meeting held to discuss the warrant emphasis included representatives from the Pierce County jail, probation department, LEAs, the District Court Administrator, the District Court Judge requesting the “warrant emphasis,” the Criminal Court Manager, the Task Force Chair and the Task Force Coordinator. The decision was made to split up the planning process into two segments: the law enforcement emphasis and the judicial response. The District Court Administrator coordinated the hearing dates and notified the committee of the amount of money each warrant was worth. The Task Force Chair and the Coordinator planned the law enforcement effort by mapping out the strategy for serving the warrants.

The committee determined how to identify which individuals to target. This determination usually was made based on the amount of bail owed on the outstanding warrants; those individuals with the highest dollar amounts assigned to the warrants were targeted. This targeted group was comprised of many multiple DUI offenders (three or more offenses) and/or many offenders with multiple outstanding warrants. The committee members encouraged municipalities to send them names of DUI absconders and defaulters within their communities with high bail amounts and/or who were considered a danger to public safety. The determination was made to concentrate on defaulters with bail amounts over \$5,000 which brought the number of warrants down from 5,000 to approximately 200 (just from the District Court). Adding in the names supplied by municipalities, the committee ended up with 225-250 names.

A state trooper cadet created files on each of these warrants including (if available): a photograph of the individual, a risk assessment (to determine possible threats to officer safety), booking sheet, the person’s address history, work history, all vehicles licensed to each offender, weapons permits and registrations, criminal history and if there were any other warrants outstanding. These files were placed together in a packet which also included a letter from the District Court Administrator; if the person could not be located, the letter which contained the person’s case number and court to contact was to be left behind. The packets were then sorted by geographic location within the County.

Roughly 55-60 law enforcement officers from at least nine different agencies joined forces to staff the warrant emphasis patrol resulting in 11 teams of officers, with at least four officers per team. Officer safety was the primary concern due to the possibility that some defaulters might be dangerous, and also because officers from different LEAs would be accustomed to different

¹²We note that, in Pierce County, more warrants for DUI offenders are issued for persons who fail to appear during the adjudication process than for non-payment of court-levied fines. Also, warrants are forwarded to the appropriate LEA by the District Court Administrator.

A STUDY OF OUTSTANDING DWI WARRANTS

operating procedures. To help ensure officer safety, a detailed briefing was conducted the week before the emphasis with all participating officers. Officers were separated into teams by LEA and were instructed to follow their department's directives on serving warrants. The one multi-jurisdictional team received instructions on how to proceed, so that officers from one LEA would not endanger fellow team members from other LEAs due to differences in procedures. The contents of the packets were explained to all teams. Back-up officers were on call to respond if assistance was required should the warrant squads encounter unrelated illegal activity (e.g., an operating drug lab). This would insure that the warrant squads would not become entangled in other matters. Each team was encouraged to hold a team meeting the morning of the warrant emphasis. Each team had a leader who held the rank of sergeant or higher. Each team leader received the names, cell phone and pager numbers of all other team leaders. Each team was instructed to check that the warrants they were serving were still active through his or her own agency dispatch. Also each team leader was instructed to report the team's whereabouts and activity on LERN for officer safety. LERN is the law enforcement radio network which is available to all LEAs.

The teams worked from 10 a.m. to 6 p.m. on a Wednesday because it had been predetermined that the most jail space would be available on that day. In fact, steps were taken by jail personnel during the planning phase to ensure space would be available to accept individuals picked up by the warrant squads. The officers were also given assurances by jail personnel that none of these people arrested during the emphasis patrol would be released before arraignment. Also prior to the warrant emphasis, arrangements were made so that staff from the jail were available to receive those arrested, which allowed the emphasis patrol officers to return to duty more quickly.

Pierce County District Court 1 arranged to have a special court session the next day. Thursday afternoon at 1:00 p.m., all of those arrested the previous day were arraigned, most on cash bail only, at the same time before the Judge. Typically in Pierce County, arraignments are handled by video feed, so those being arraigned do not physically enter the court room. However, as part of the warrant emphasis, all those who had been arrested by the warrant squads were led together into the Court. They were arraigned in person in view of the press, which provided full news coverage.

The media played an important role during the entire process. Their participation was coordinated by the public information officer for Pierce County. Unlike the DUI/Safety Emphasis Patrols, no advance publicity of the warrants round-up was released due to concerns for officer safety. The day of the warrants emphasis, reporters and television cameras rode along with warrant officers but did not air coverage until 5 p.m. (The news reporting delay was meant to protect law enforcement from offender violence which could occur if dangerous individuals were warned ahead of time about the arrival of police officers.) The news coverage extended all over Pierce County and the Puget Sound area. A press conference was conducted at 4 p.m. by the Sheriff, the Presiding District Court Judge, the Pierce County Executive and the Chair of the Task Force. And as indicated above, the media also covered the arraignment proceedings the following day in District Court. The Tacoma/Pierce County DUI Task Force Coordinator believes all emphasis events are "half and half," that is, half law enforcement efforts and half media coverage, both of which have a large prevention effect.

APPENDIX C - WARRANTS EMPHASIS PATROL DESCRIPTION, PIERCE COUNTY, WA

The warrant emphasis patrol arrested 18 individuals out of the 131 warrants they attempted to serve and, reportedly, the relatively low numbers disappointed the teams of officers. However, the message sent to defaulters was that law enforcement agencies were actively searching for them. And due to the media coverage, additional people came forward to take care of their outstanding warrants, although no records were kept as to how many persons actually did so.

There are plans to repeat the warrant emphasis with some modifications. Committee members, searching for ways to improve the numbers of defaulters located, have identified additional relevant databases to provide current personal information on those being sought. Also, instead of seeking those individuals with the highest bail amounts set for their warrants (which also happened to be some of the oldest outstanding warrants and/or those with multiple DUI offenses), the squad may search for more recent defaulters and would include first and second-time DUI offenders. Also, letters may be sent by the District Court Judge to each individual informing them of the status of the warrant with instructions on how to contact the court (e.g., special phone number and/or address and hours of the court) by a certain date to make acceptable arrangements to avoid arrest for the outstanding warrant(s). The letters would contain the case number(s) and any amounts owed. If these letters are sent with a return receipt requested, this would provide additional information as to current places of residence.

Rehabilitation

In December of 1983, the Tacoma/Pierce County DUI Task Force conducted the first victim impact panels at McChord Air Force Base. Three victims related personal tragedies resulting from impaired driving actions. The program was repeated nine times in three days to standing room only crowds. From the strong public reaction, it was determined that this format, then called a Victim's Information Panel could be a useful tool in combating impaired driving. In September 1984, the first court-ordered DUI victim impact panel was organized in neighboring King County. Since that time, these panels have been adopted nationwide.

Early in the spring of 1991, the Tacoma/Pierce County DWI Task Force formed a committee to research the formation of a victims' panel in Pierce County. Support also came from Judges in Pierce County District and Municipal Courts, the District Court Probation and the Pierce County Bar Association. The first court-ordered victim impact panel was held in Pierce County in 1991 with 15 defendants attending. Since that time, the numbers have increased to include approximately 125-150 offenders per month.

Offenders listen to how the lives of victims have been impacted and, in some instances, changed forever by the actions of a drunk or impaired driver. In some cases, the victim and the offender are the same person.

Program revenue, generated by the collection of admission fees to the offenders (sessions are free to the public) help to fund the operational costs of the panel, the DUI task force and families of victims of impaired driving crashes.

A STUDY OF OUTSTANDING DWI WARRANTS

Public Information/Education

The Task Force Coordinator speaks at public forums about impaired driving and the mission of P.L.E.A.D.D. and the Task Force. The Coordinator is responsible for writing press releases, as well as creating and/or coordinating “newsworthy” events, and writing public service announcements including arranging for their production. The Task Force is represented at safety/health fairs and serves as a “clearinghouse” for traffic safety information regarding Pierce County (e.g., brochures). An informative website is maintained by the Task Force (www.co.pierce.wa.us/drunkdiriving).

Administration

The Coordinator handles all details of the emphasis patrols including planning the location, coordinating with the hosting LEA, notifying the other P.L.E.A.D.D. member agencies, assembling families of victims for the emphasis dedication and probably most important, keeping the participating LEAs motivated. As mentioned under the Public Information/Education section, the Coordinator also designs pamphlets and writes the before and after press releases about each event. A Captain with the Washington State patrol currently serves as Chair to the Task Force.

The program budget includes the coordinator’s salary, equipment and computer purchases, software programs, basic supplies and copies of all program materials (e.g., brochures).

We note that one reason, in part, for the ability of the Task Force members to understand the extent of outstanding DUI related warrants is the availability of data. Detailed records are kept by JIS (Judicial Information Systems), a statewide computerized data collection system available to courts across Washington, which Pierce County District Court staff are able to query for pertinent information. Pierce County District Court staff members also used JIS to provide data for the larger study to “Examine the Nature and Extent of Outstanding DWI Warrants.” During our search for outstanding warrant information across the United States, it has become apparent that there is a lack of informational systems capable of providing data on individuals who either fail to appear at some point during the adjudication process or fail to comply with court ordered sanctions. Or, in other cases, staff members are not able to properly query systems to obtain the appropriate information. This is not the case in Pierce County, Washington where JIS does capture this information and Pierce County District Court staff are using the system’s potential to access and utilize the provided data.

CONCLUSION

The Tacoma/Pierce County Task Force on Alcohol/Driving and P.L.E.A.D.D. organizations are examples of how civic and official cooperation can make a positive difference in the well-being of local citizens. This is a large group of individuals representing all branches of the Pierce County legal and adjudication system dedicated to safeguarding the public from DUI offenders. The group has devised a well-coordinated effort to combat impaired driving actions which encompasses elements of enforcement, rehabilitation, and education.

But it is the commitment and cooperation of the individuals and organizations involved with the Task Force that have merited specific attention. Task Force members recognized that a substantial problem exists with DUI offenders who abscond from the adjudication system and/or reparation process. And that problem of outstanding DUI warrants is being addressed by the Task Force.

The cooperation between the various law enforcement agencies, so often lacking in many communities, is commendable among Pierce County LEAs. And the dialogue and cooperation between the law enforcement, adjudication, and correction agencies in Pierce County illustrate that even large groups can learn to work together smoothly when determined to reach common goals. Together the members of the Tacoma/Pierce County Task Force are closing the loopholes that DUI offenders can slip through by constructing a "public safety network" across their County.

