



SAFETY + JUSTICE CHALLENGE



WARRANT STRATEGY

Project Leads: Eduardo Garza & Emily Cole



I. OVERVIEW

For decades, courthouses across the U.S. have struggled to address the immense backlog of active stale low-level misdemeanor warrants. The general sentiment is that managing old warrants contributes to the overall caseload of the legal system, which diverts resources from addressing more serious issues and increase operational costs. Equally, individuals with these type of warrants often times experience societal and family issues. Individuals with outstanding warrants may face significant barriers to employment, experience a negative stigma that can affect personal relationships, have limited access to various services, have fear and anxiety, and could experience family disruption.

Old misdemeanor non-violent warrants can also have financial impacts, on both individuals and public agencies. Individuals might need to hire attorneys to navigate the legal system, address outstanding fines or restitution, address costs related to incarceration - bail fees - court fees, and experience potential loss of income due to time spent in jail.

The financial cost to law enforcement agencies (LEA) can also be significant. Maintaining and updating records of old warrants requires administrative resources. Additionally, when law enforcement officers make arrests for aged warrants, there are cost associated with the arrest process, including transportation, processing and temporary detainment. More importantly, resources spent on managing old warrants could divert LEA's from addressing more pressing or serious crimes in their respective jurisdictions.

The national sentiment is that there is no longer a public interest or a safety justification in maintaining aged non-violent warrants. However, most court jurisdictions simply do not have the time, strategy nor resources to address this dilemma.

Because of a MacArthur Foundation grant, Cook County is in a unique position tackling the issue of stale warrants in one of the largest unified court systems in the world. Justice partners, including the judiciary, prosecutors and clerk staff, have embarked on a project to address over 17,000 active low-level misdemeanor warrants and will continue to explore strategies to reduce the backlog with these type of cases.

Grant Background

The Safety and Justice Challenge (SJC) is an initiative funded by the MacArthur Foundation that seeks to reduce the jail population throughout multiple U.S. sites while investigating policy solutions to racial disparities within the criminal justice system. Cook County was awarded a **\$2.5** million grant lasting from 2020-2023. During this time, Cook County aimed to address the following strategies: Cook County Racial and Ethnic Equity Workgroup (CCREEW), Community Engagement (CE), Population Review Team (PRT), High Utilizers (HU), Felony Drug Distribution Diversion (F3D), Warrants, and Data Integration.

Cook County is one of many jurisdictions implementing strategies to address high jail populations. The Challenge Network represents 52 sites across 32 states (see fig. 1), with justice practitioners working to identify, implement, track, and adjust strategies to successfully reduce local jail populations and address racial disparities.

The Challenge Network



(fig. 1)

While the office of the Clerk of the Circuit Court of Cook County (Eduardo Garza – Chief Deputy Clerk of Special Projects) and the States Attorney’s Office (Emily Cole – Supervisor, Alternative Prosecutions) are active thought partners with all strategies, their respective offices focused on strategically planning and executing the county’s *Warrant* strategy. It is important to note that the type of Warrants addressed in this strategy are strictly bench warrants – primarily stemming from defendants missing court, designated as failure to appear (FTA). For this particular strategy, three objectives are explored: a) reducing the influx of new bench warrants, b) offering opportunities to resolve existing warrants, *and* c) addressing the backlog of warrants for cases no longer pursued by the State.

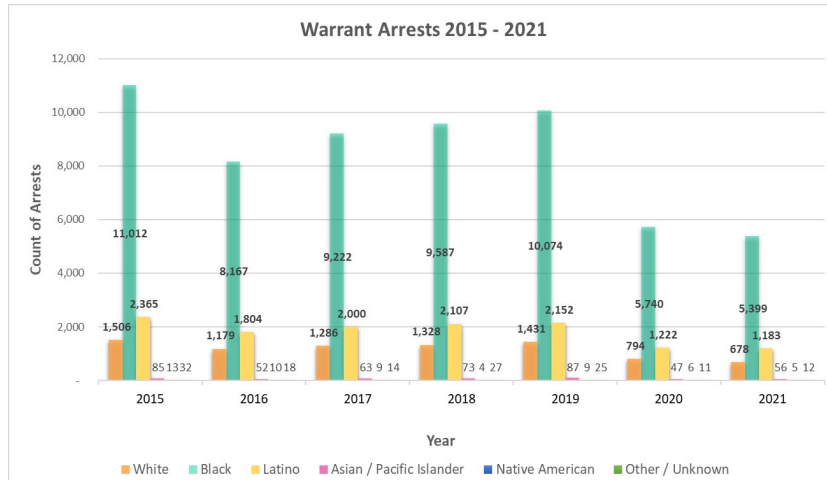
Results

The strategy has been effective in reducing the backlog of old non-violent (and low-level) misdemeanor warrants – close to **14,000** to date – making Cook County a national model for addressing “warrant landfills” common in courts throughout the U.S. Existing conversations with the judiciary, along with the passing of the *Pre-Trial Fairness Act of Illinois* (September 18, 2023), are a sound launching pad to addressing high rates of “bench” warrant issuances. Additionally, the Clerk of the Circuit Court of Cook County is on the verge of providing the public with remote access to searching information on warrants – addressing the issue of defendants’ fear of arrest at the various courthouses.

II. THE CHALLENGE

On May 30, 2019, the W. Haywood Burns Institute, in collaboration with MacArthur’s Foundation Safety and Justice Challenge, published a comprehensive report illustrating arrest disparities among Chicago’s neighborhoods. An in-depth analysis concluded that minorities in Chicago were arrested at disproportionate rates for various offenses – in 2017, for example, Blacks were nearly 10 times more likely than whites to be arrested.

Perhaps most importantly, the report found that *warrants* were among the highest arrest offenses among minorities in Chicago. These arrests primarily stemmed from moving traffic violations, but arresting officers would later discover active warrants, resulting in arrests. A later, more detailed analysis discovered that the majority of the warrants were a result of defendants *failing-to-appear* in court for their respective low-level aged case.



Source: CPD Arrest Data, 2015-2021

III. THE STRATEGY/SOLUTION

One of four solutions supported by the MacArthur Foundation, with a firm understanding that non-violent misdemeanor warrants were indeed a leading cause for arrests in Chicago, was a plan built around reducing the massive warrant backlog aged anywhere from 5-25 years. Figure 2 illustrates the immense amount of files that met the criteria in one of the six suburban court districts' file rooms.



Fig. 2 (Bridgeview File Room – Warrant Section)

Less than one percent of the cases had a recorded private lawyer or assigned public defender in the Clerk of the Circuit Court's Records Management System, *Odyssey*. The remaining cases were untouched and had no court activity for years, and sometimes decades.

The principal goal of the strategy was to Quash/Recall (legal term for deactivating a warrant) the massive amount of pre-selected untouched low-level cases on file. Unlike traditional court appearances and because of the age of the defined cases, litigants were not required to be present during scheduled court sessions.

The Clerk of the Circuit Court of Cook County, Cook County State's Attorney's Office, and the Office of Chief Judge, developed the following sequential steps:

- a) CRITERIA: Three Justice partner government offices to agree on the *criteria* of cases to be reviewed (see addendum I);
- b) RETRIEVAL: Clerk of the Circuit Court to retrieve selected/approved cases;
- c) ASA REVIEW: Assistant State Attorney (ASA) staff to review and reject/approve cases;
- d) DELIVERY OF CASES TO JUDICIARY: Assigned Judges to hear cases; (*new process);
- e) DECISION: Court disposition determination.
- f) COMMUNICATION: Quash/Recall orders sent to law enforcement agencies (*new process).

**It is important to note that throughout the project, project leads were constantly investigating procedures to create efficiencies at key milestones. Working closely with all justice partners, new steps were created to expedite the massive Quashing/Recalling of thousands of warrants.*

The initial number (total universe) of eligible cases identified at the beginning of the project was **17,425** (see fig. 3), with District 6 (Markham) having the highest number of cases to review, and District 2 (Skokie) having the least amount of cases to review.

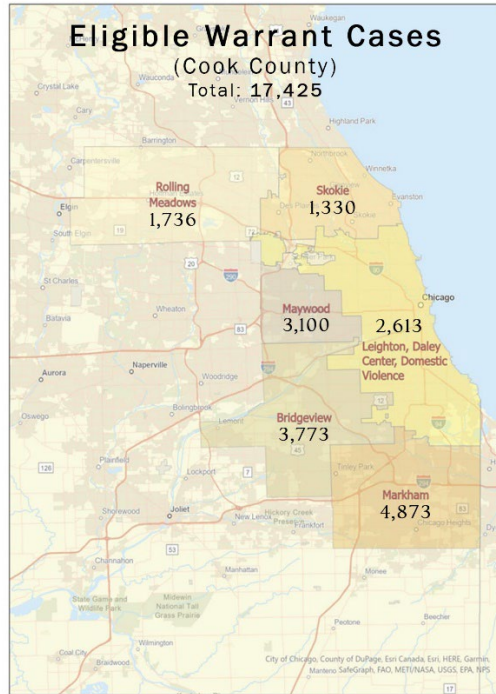


Fig. 3

Strategically assigning dedicated Judges to the project was crucial. Although cases are typically addressed in originating courtrooms, assigning court sessions with Judges who graciously agreed to address the warrants in their respective districts facilitated the process.

The following Judges, from their respective districts, were designated by Chief Judge Timothy Evans to address the Warrant cases for the project:



District 1
Hon. Gerardo Tristan



District 2
Hon. Shelley Sutker-Dermer



District 3
Hon. Jill C. Marisie



District 4
Hon. Ramon Ocasio, III



District 5
Hon. Margaret Ogarek



District 6
Hon. George Canellis

can revolutionize the volume of case for court sessions and bring the system up to speed in further addressing the massive backlog.

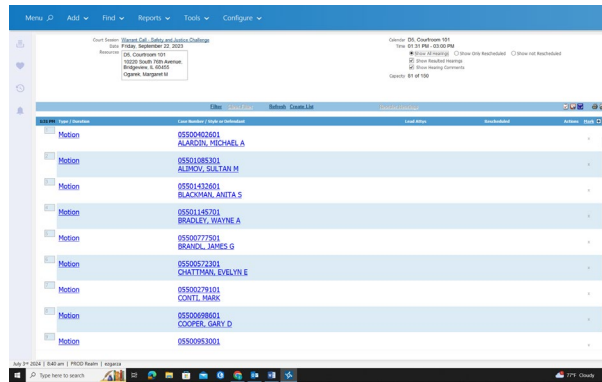


Fig. 6

V. RESULTS

To date, 8/27/2024, over **14,000** cases have been Quashed/Recalled as a result of the project. This was accomplished through **142** schedule court sessions countywide (see fig. 7). District 6, due to the large universe of cases identified early on in the strategy, had the highest number of court calls – over 40.

DISTRICT	COURT DATES		DISTRICT	COURT DATES					
District 1: Chicago	• July 28, 2021	• August 29, 2022	District 4: Maywood	• July 16, 2021	• July 20, 2022				
	• August 12, 2021	• Oct 21, 2022		• September 1, 2021	• August 3, 2022				
	• September 23, 2021	• Nov 28, 2022		• October 14, 2021	• August 17, 2022				
	• October 21, 2021	• April 4, 2023		• February 16, 2022	• August 31, 2022				
	• December 20, 2021	• June 5, 2023		• March 2, 2022	• Sept 14, 2022				
	• February 22, 2022	• June 28, 2023		• March 16, 2022	• Sept 27, 2022				
	• March 28, 2022	• Sept 13, 2023		• April 20, 2022	• Oct 19, 2022				
	• June 9, 2022			• May 4, 2022	• Nov 2, 2022				
	• June 27, 2022			• May 18, 2022	• Nov 16, 2022				
	• August 5, 2022			• June 1, 2022	• Dec 7, 2022				
	• August 22, 2022			• June 15, 2022	• March 15, 2023				
District 2: Skokie	• July 14, 2021	• Dec 2, 2022	District 5: Bridgeview	• July 20, 2021	• Oct 3, 2022				
	• September 24, 2021	• Feb 10, 2023		• August 11, 2021	• Oct 24, 2022				
	• April 11, 2022	• March 10, 2023		• September 27, 2021	• Nov 7, 2022				
	• June 10, 2022	• May 12, 2023		• November 8, 2021	• Dec 15, 2022				
	• July 15, 2022	• June 28, 2023		• May 13, 2022	• Feb 1, 2023				
	• July 29, 2022			• June 3, 2022	• March 30, 2023				
	• August 12, 2022			• July 13, 2022	• May 22, 2023				
	• Sept 2, 2022			• August 15, 2022	• June 9, 2023				
	• Sept 23, 2022			• Sept 12, 2022	• July 19, 2023				
District 3: Rolling Meadows	• July 14, 2021	• March 24, 2023	District 6: Markham	• July 28, 2021	• August 31, 2022				
	• August 17, 2021	• April 21, 2023		• October 6, 2021	• Oct 19, 2022				
	• December 7, 2021	• July 24, 2023		• October 27, 2021	• Nov 11, 2022				
	• March 15, 2022			• December 15, 2021	• Dec 14, 2022				
	• June 2, 2022			• January 19, 2022	• Jan 11, 2023				
	• August 10, 2022			• April 13, 2022	• Jan 25, 2023				
	• Nov 4, 2022			• June 8, 2022	• Feb 8, 2023				
	• Nov 6, 2022			• June 22, 2022	• March 1, 2023				
	• Dec 6, 2022			• July 20, 2022	• March 15, 2023				
TOTAL	142 court calls								

Fig. 7

It is important to note that although over 14,000 case have been Quashed/Recalled, a larger number of cases were reviewed by the State Attorney’s office. On average, 15-20% of cases at each district did not meet the criteria. Figure 8 illustrates the key reasons for cases not meeting the criteria.

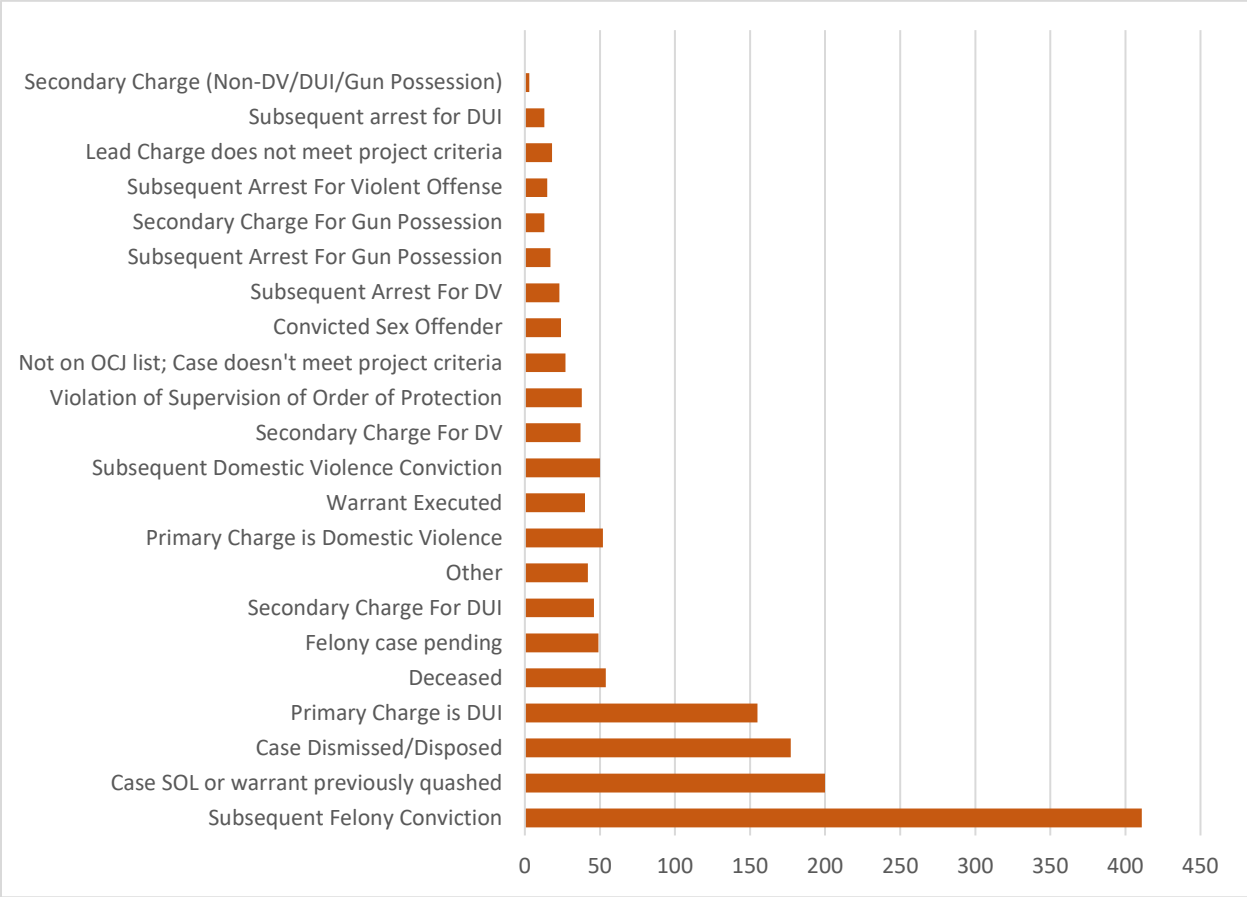


Fig. 8

VI. COMMUNICATING WITH DEFENDANTS

Perhaps the most challenging aspect of the warrant strategy is communicating with the people the project influences the most – *defendants*. As mentioned, the main purpose of the project is to start addressing aged misdemeanor cases most likely to never be addressed. The very nature of the type of cases is the extreme *age* of such cases. The likeliness of transient defendants having same contact information for cases that are 20+ years old at times is close to none.

In fact, in a small experiment which consisted of randomly selecting 100 of the over 4,000 cases Quashed/Recalled at that given point and mailing defendants regarding the most recent disposition and warrant activity, 98 (or 98%) of those letters were returned. 100% of phone numbers listed were no longer in service.

An item of opportunity is the creation of the *case online search* option. While there was an attempt to launch this portion of technology within the Clerk’s office in the fall of 2023, this effort was not successful. This option will provide defendants with easy remote access in inquiring about their case and warrant.

In absence of an online search case option for warrants Quashed/Recalled, the Clerk of the Circuit Court created a dedicated email for inquiries: warrants@cookcountycourt.com. This dedicated email has been extremely helpful for defendants influenced by the project to inquire about their cases, and has received over 350 emails to date. Equally important, warrant Clerks at the over 130 respective Law Enforcement Agencies throughout the county have used the dedicated email to inquire about active/inactive warrants.

VII. HUMANIZING THE IMPACT

While the challenge to communicate with impacted defendants exist, the dedicated email does provide a service for those proactive individuals seeking information about their warrant.

The testimony below, provided by Mr. Jose Toledo, is an example of the impact of Quashing/Recalling a low-level warrant.



"I'm happy to tell everyone about this program it has been a life changing for me.

When I had the active warrant, I've loss so many opportunities, good jobs that you could only get with a diploma or a lot of experience, so I have the experience but there was just one problem.

I had a warrant for a misdemeanor in Chicago, a mistake from my youth. The outstanding warrant was always present and most of the times, I was rejected for the jobs I wanted.

Also knowing you have an active warrant doesn't let you live your day by day as a normal citizen. I was always scared that I could go to jail any time, leaving my family without the man of the house.

It was only when this program took my case and helped me on the biggest and longest obstacle in my life. They processed my case and got my warrant away.

When I got my current job as a truck driver I wasn't sure if I had a warrant still but I still went for the job, they ran a background check and guess what, no warrant in my record. That's when I tried to find out how that happened and I was able to find out "Warrants district Court" made it happen.

I will always be grateful with them for helping me and my family to keep changing our lives for good. Now I feel like a real good citizen, no fear of going to jail and my biggest reason to thank them is that I was able to get the job I always wanted. Hope this program keeps saving people like me because we need it without their help our lives continues to be really difficult.

Thank you guys, hope you guy keep bringing happiness to many people like me and their families. Forever grateful."

VIII. ONLY THE BEGINNING

The success of the warrant strategy is a testament to strong collaboration among justice partners. Without dedicated Judges willing to review the cases, prosecutors willing to examine the cases, and Clerk staff locating files and setting up hundreds of court calls, this project would not be successful. Among the most important impact in the thousands of defendant's lives, the project has illustrated that collaboration could indeed result in great outcomes for the citizens of Cook County. Strategies like this could in fact address both *safety* and *justice* at the same time.

As a result of the project, LEA's across the county have now inquired about how to best address "old" warrants within their agencies. Often referred to as "slaughter calls", LEA's have a high interest in creating sub-strategies and collaborating with justice partners to address their police based-warrants. There is equal interest from justice partners in this type of work.

Other counties across the nation have also expressed interest in modeling the Cook County warrant project to address the hundreds of warrants filling their file rooms. Clerk and State's Attorney staff have presented on the topic at national platforms with great interest from attendees.

IX. PHASE II

Addressing non-violent misdemeanor warrants provided a window of opportunity to address additional type of warrants.

Justice partners feel strongly about now addressing non-violent *felony* warrants. The current criteria being discussed are cases that a) are 10 years or older, *and* b) non-violent charges (i.e. no gun cases, DUI, Domestic Violence/OOP, etc.). Assistant State Attorney's will review these cases on an annual basis and motion to Quash/Recall the cases where the State is unable to meet its burden due to unavailability of witnesses or other burden of proof issues.

Unlike misdemeanor cases, however, felony cases will require a slightly different (more cumbersome) process. Cases will need to remain in the originating courtroom with corresponding judges assigned to identified courtrooms. Clerk staff assigned to those courtrooms will also play a more active role. Coordination by both Clerk and State's Attorney staff in addressing felony cases will be pivotal.

X. CONCLUSION

What began as a sub-strategy to address Cook County's rising jail populations has now turned into common practice in courtrooms. For decades, thousands of active warrants have sat in file rooms across the county with no real methodological solution to address such warrants. Most importantly, it is commonly known that such low-level charges related warrants could have a devastating impact on defendants, who in large part have been living productive lives in recent years.

The new collaboration between justice partners is an example of how the criminal justice system *can* indeed provide for both *safety and justice*. Nearly 14,000 cases have been Quashed/Recalled to date in Cook County. Addressing stale warrants also provides for local Law Enforcement Agencies to focus on more pressing issues in their jurisdictions.

Cook County hopes to continue to be a national model in dealing with massive piles of aged warrants. As the project has provided value to all justice partners, the next phase will consist of addressing low-level felony warrants that are 10 years and older. Through active collaboration and with the same spirit of proactive strategies such as this, Cook County will continue to explore best practices in the space of aged warrants.

ADDENDUM I

Warrants Strategy Criteria – Updated August 2021

Stakeholders involved in the SJC Warrant Reduction strategy agreed upon the following criteria for a cases that have issued warrants, which would be target by the strategy for quashing:

- Case must be for a **misdemeanor** charge
- Case must **not** be in the **Domestic Violence Courthouse**
- Case must **not overlap** with Cook County State's Attorney's Office's (SAO) **cannabis expungement effort**
- The **issue date** of the warrant **must be older than 5 years**
- The Office of the Chief Judge utilizes its own internal categorization scheme to create a 'category' and 'sub-category' for each case based on the top charge. **Cases** with the following 'sub-category' labels are **excluded**:

<ul style="list-style-type: none"> ○ Agg Arson ○ Agg Assault ○ Agg Battery ○ Agg Crim Sexual Assault ○ Agg Crim Sexual Abuse ○ Agg Discharge of Firearm ○ Agg Kidnapping ○ Agg Robbery ○ Agg UUW – Possession ○ Armed Habitual Criminal ○ Armed Robbery ○ Armed Violence 	<ul style="list-style-type: none"> ○ Arson ○ Assault ○ Att Murder ○ Battery ○ Crim Sexual Abuse ○ Crim Sexual Assault ○ Discharge of Firearm ○ DUI ○ Kidnapping ○ Murder ○ Offender registration viol ○ Other Weapon Offenses 	<ul style="list-style-type: none"> ○ Predatory Crim Sexual Assault ○ Reckless Homicide ○ Robbery ○ Sex Offenses, with the exception the following charges (that were included for quashing): <ul style="list-style-type: none"> ▪ Statute: Sec. 11-14. Prostitution. ○ UUW - Possession ○ VOBB/VOP/Parole ○ VOOB/VOSNCO • Individual to whom warrant belongs must have no other pending cases
--	---	---

The top charge on the case must meet all of the criteria above to be eligible for consideration. The case will then move on to the SAO for further review before a final determination is made as to whether or not a motion will be made to quash the case (the SAO's reviews factors such as whether or not the case has secondary charges, if the individual whose case it is has had a subsequent arrest for violent charges.