

The State of Warrants in Cook County

Full Report

April 4, 2017



Contents

Overview	3
Causes of Warrants	3
Age of Warrants	4
Volume of Warrants.....	5
Violation Warrants – Probation/Supervision/Conditional Discharge.....	5
Bond Forfeiture.....	8
Arrest Warrants	9

Overview

Warrants are often seen by the public as a key law enforcement tool to keep the public safe: a simple sheet of paper that carries extraordinary power to marshal officers across the region to nab a dangerous suspect on the run.

In reality, the majority of warrants are not issued for suspects in a crime.

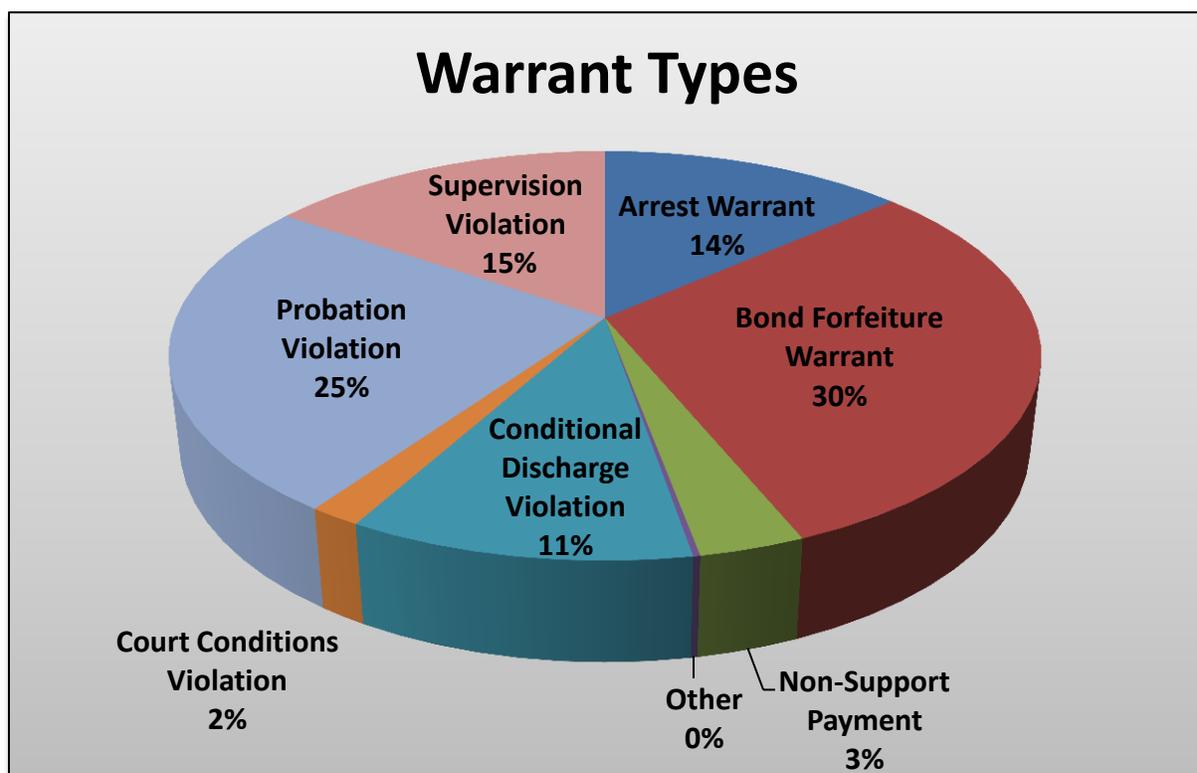
Warrants are more often issued for individuals accused of violating court mandates, such as conditions of probation or supervision, which in turn are frequently tied to low-level crimes and even traffic, petty ordinance or regulatory violations.

Yet, even when the initial infraction may be arguably insignificant, the implications are damaging: such warrants can lead to immediate arrest and even weeks in jail before the accusations are resolved, sometimes in favor of the accused. Meanwhile, jobs are lost, families are disrupted and police are distracted from their primary mission to reduce violence.

This report aims to provide a clearer understanding of outstanding warrants held by the Cook County Sheriff's Office. The report's findings are based on an analysis of a first-of-its-kind, exhaustive audit of more than 40,000 outstanding warrants.

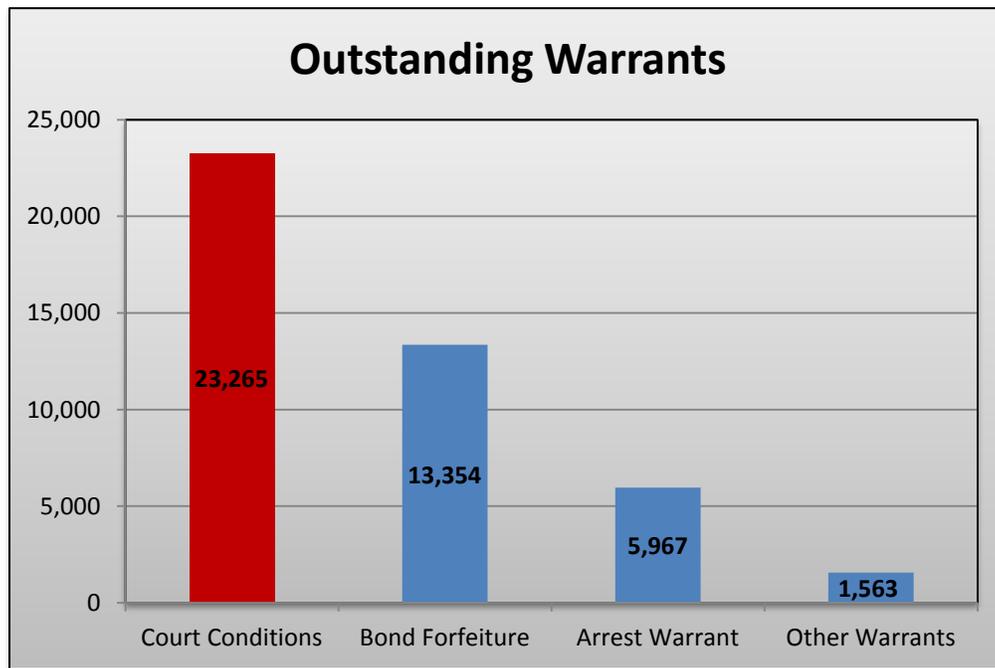
Causes of Warrants

Warrants can be issued for several reasons, among them: for the arrest of a suspect in a crime, for violating bond on a pending case, for failing to meet a court order (such as failure to pay child support) or for failing to meet standards set for probation or supervision. In Cook County, there were 44,149 outstanding, audited warrants as of January 2017.



The chart above depicts the types of outstanding warrants currently held by the Cook County Sheriff's Office.

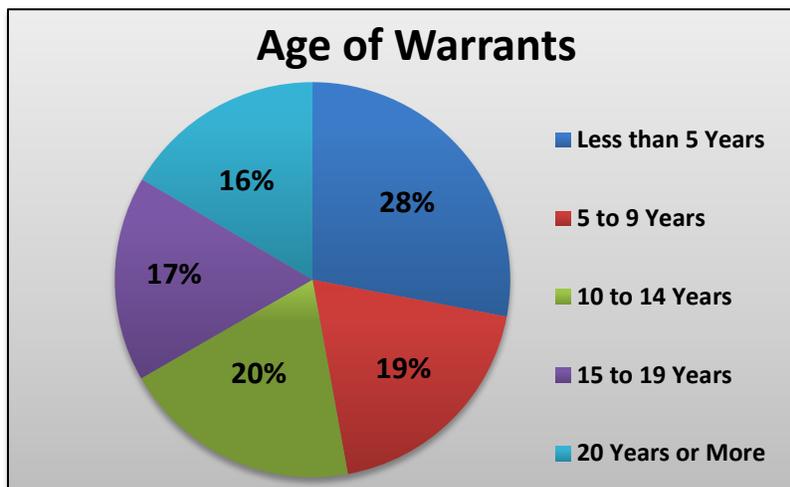
A majority of warrants originated because an individual allegedly violated conditions set by the court, including rules tied to probation, supervision or conditional discharge. These violation warrants could stem from a failure to show up for a program or pass a drug test. This category made up 53% of all outstanding warrants.



The chart above depicts the origin of outstanding warrants held by the Cook County Sheriff's Office.

Age of Warrants

Regardless of the type or underlying charge, warrants do not have a set expiration date. Agencies are required to validate the accuracy of warrants every year. However, the volume of outstanding warrants makes any detailed, thoughtful review impractical. Further, judges have the authority to quash warrants and judges do not routinely review old warrants. About 23,000 warrants, or roughly 53%, were a decade or more old, and more than 7,000 of those were 20 or more years old.



The chart above depicts the age of outstanding warrants held by the Cook County Sheriff's Office.

The oldest outstanding warrant was issued in 1966 for allegedly forfeiting bond on charges that included aggravated kidnapping. The defendant, if alive, would be 88 years old today. Many outstanding warrants of considerable age are also tied to far less significant charges. For example, an arrest warrant remains outstanding for a 1980 theft charge for a man who was 32 then and would be 68 today.

Nearly 3,000 warrants are outstanding for individuals who would be 65 years or older today, and several would be more than 100 years old.

Volume of Warrants

In Cook County approximately 59 warrants are issued to the Sheriff's Office every regular court day – totaling up to 14,700 in 2016ⁱ. For perspective, the total number of new felony cases filed in a year in Cook County is roughly 30,000ⁱⁱ. The proportion at which different types of warrants are issued is similar to the breakdown of outstanding warrants, with violation warrants (probation, supervision, conditional discharge) accounting for 49% of all warrants issued in 2016, or about 7,000 warrants. That amounted to nearly 30 violation warrants every regular court day in 2016.

While the vast majority of warrants are resolved rather quickly, tens of thousands of warrants still linger for decades. For example, 76% of the 7,438 warrants issued in the first six months of 2016 were resolved by January of 2017. Yet, 1,801 warrants remained outstanding.

Violation Warrants – Probation/Supervision/Conditional Discharge

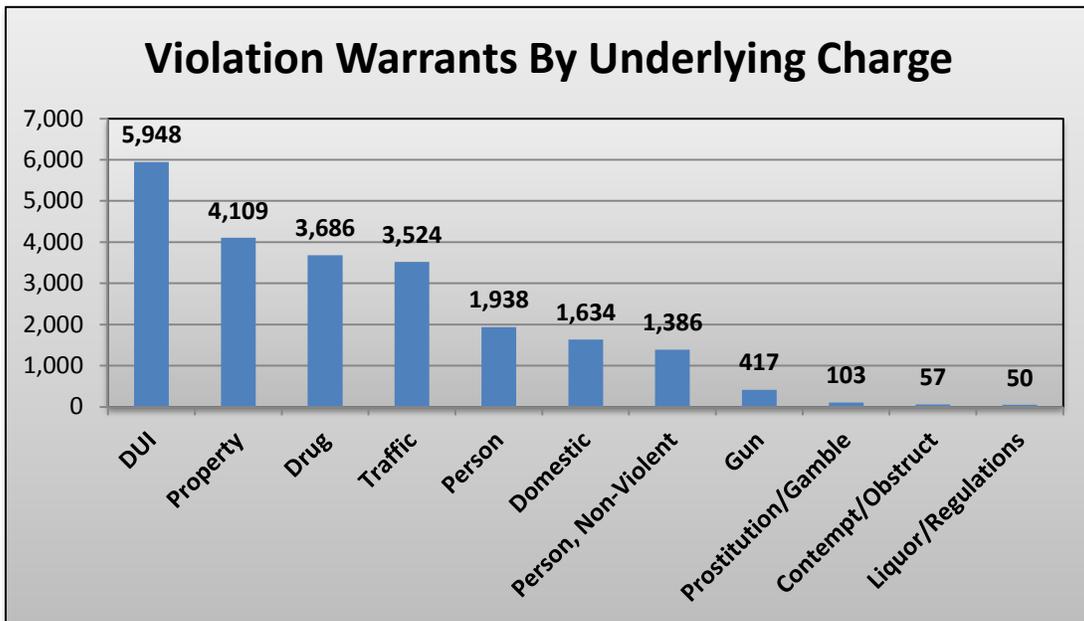
A driver of old, outstanding warrants are those stemming from alleged violations of court conditions, such as probation, supervision or conditional discharge. These warrants generally do not allege new crimes. They allege the defendant failed to follow court orders, such as attending programs, meeting with probation officers or passing drug tests.

Such requirements are typically imposed as part of a defendant's court sentence as a way to help ensure they don't commit future crimes. It is important to note that if a warrant for such violations is outstanding for years, the individual is unlikely to have come into contact with local law enforcement in that time. If they did, the warrant would likely have been executed.

Probation, supervision and conditional discharge requirements are set by a judge and often include a mix of periodic check-ins with a probation officer, payment of restitution or court fees, drug testing and program attendance. Compliance is overseen by the Circuit Court of Cook County, usually through the probation or social services departments. Officers of those departments can move to violate an individual for failing to meet one or several of the pre-determined conditions. A violation can also stem from a subsequent arrest, though such warrants are likely to be executed in connection with the secondary arrest.

The resulting warrants are often strict. They can result in a 'no bond' warrant in which the individual is held in custody until they can be brought before a judge, a process that can take weeks if the individual is arrested outside of Cook County. Other options sometimes do exist. A defendant could have their probation or supervision terminated 'unsatisfactorily,' which would remain on their criminal record and likely reduce a future court's leniency toward future charges.

Key to understanding the potential gravity of a violation warrant is the age of the case and the underlying charge involved. The following information comes from the 22,852 audited violation warrants for which underlying charges were validatedⁱⁱⁱ.

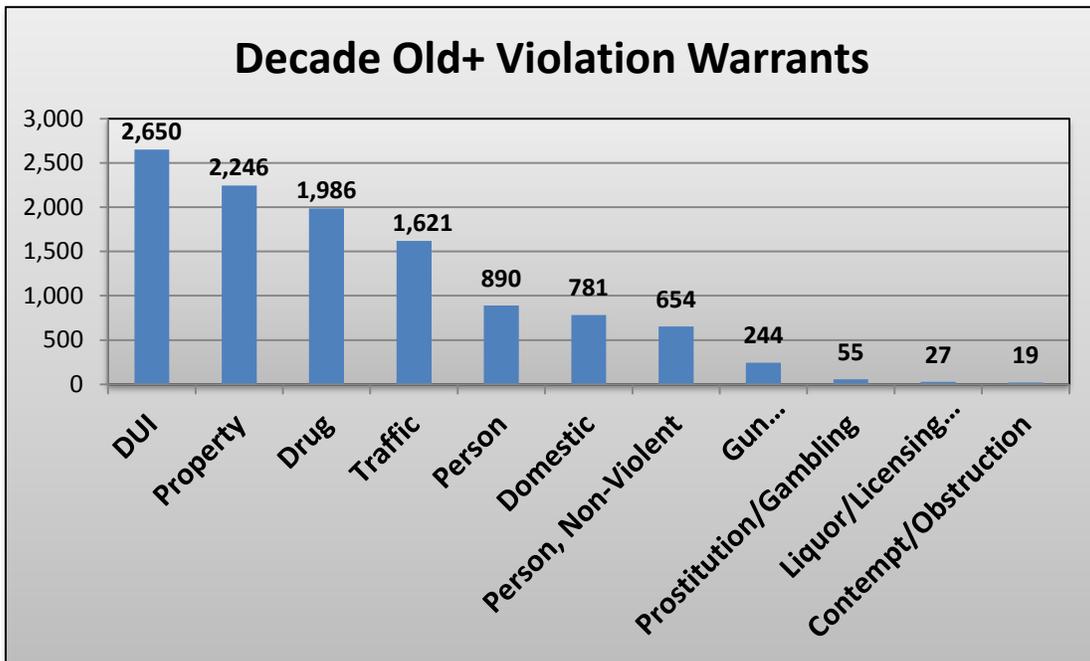


The chart above depicts the underlying charge for outstanding violation warrants held by the Cook County Sheriff's Office

Violations related to DUI, property, drug and traffic offenses make up 76% of outstanding violation warrants. Underlying traffic charges, typically driving on a suspended or revoked license, alone account for 15% of all such outstanding warrants. Also of note, within the drug category are 323 marijuana related underlying charges and two simple drug paraphernalia underlying charges. Within the property category are underlying charges that include burglary and car theft, but also 1,200 theft-related, 113 property damage and 60 trespass-related charges.

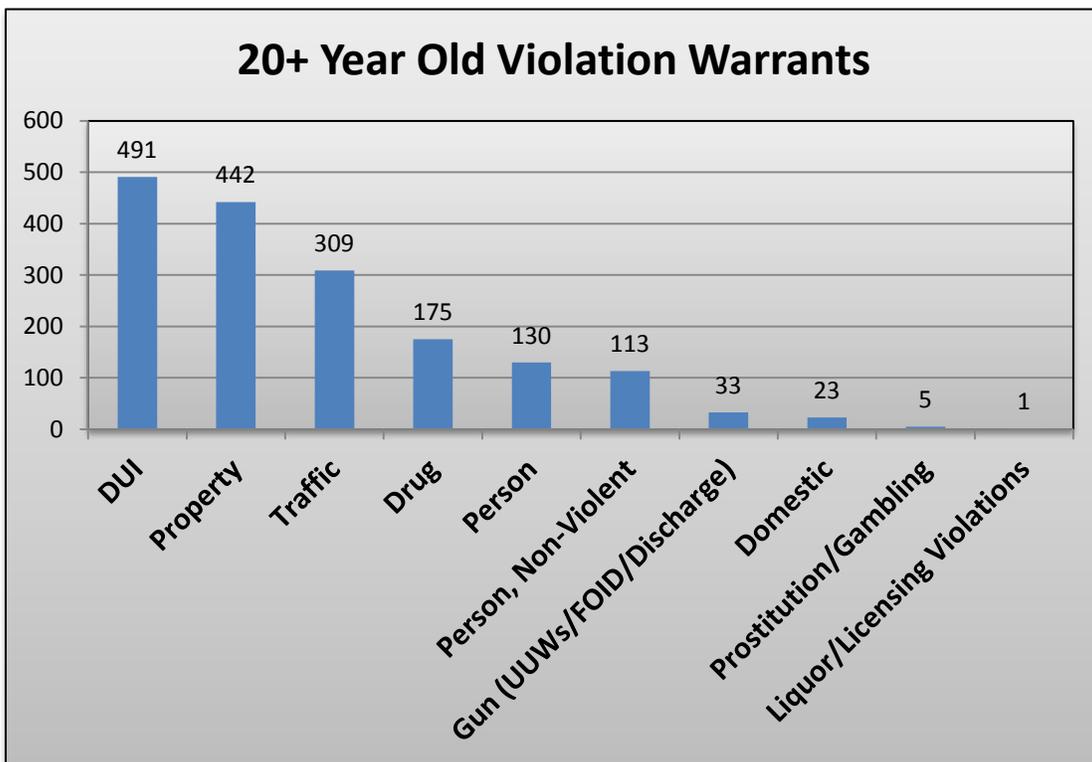
To look at these types of outstanding warrants by age is also revealing. Again, no extensive process exists for the justice system to review such warrants and balance the expense of arresting and holding someone against the public interest of holding the defendant accountable. Plus, the public is typically in the dark because the impetus for the alleged violation is not readily available to the public.

In early 2017 there were 11,173 outstanding, audited violation warrants that were a decade or older. The majority of them were tied to underlying charges related to DUI, property, drug or traffic offenses: 8,503, or 76%.



The chart above depicts the underlying charge for decade old+ violation warrants held by the Cook County Sheriff's Office.

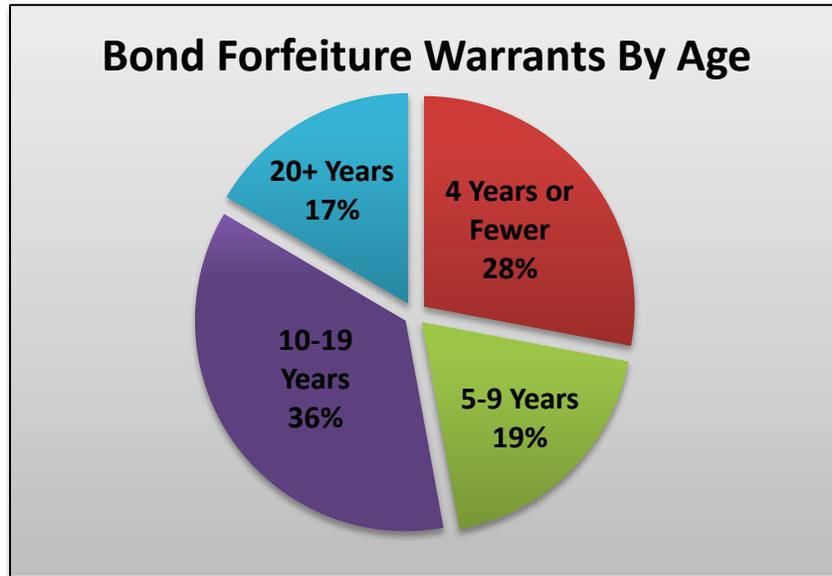
Looking even further back, there were 1,722 outstanding, audited warrants that are 20 or more years old for violations of court orders. Again, these aged warrants follow the same pattern for underlying charges. Notably, more than 300 were tied to traffic charges and there were five outstanding violation warrants where the underlying charge was related to prostitution or gambling.



The chart above depicts the underlying charge for 20+ year old violation warrants held by the Cook County Sheriff's Office.

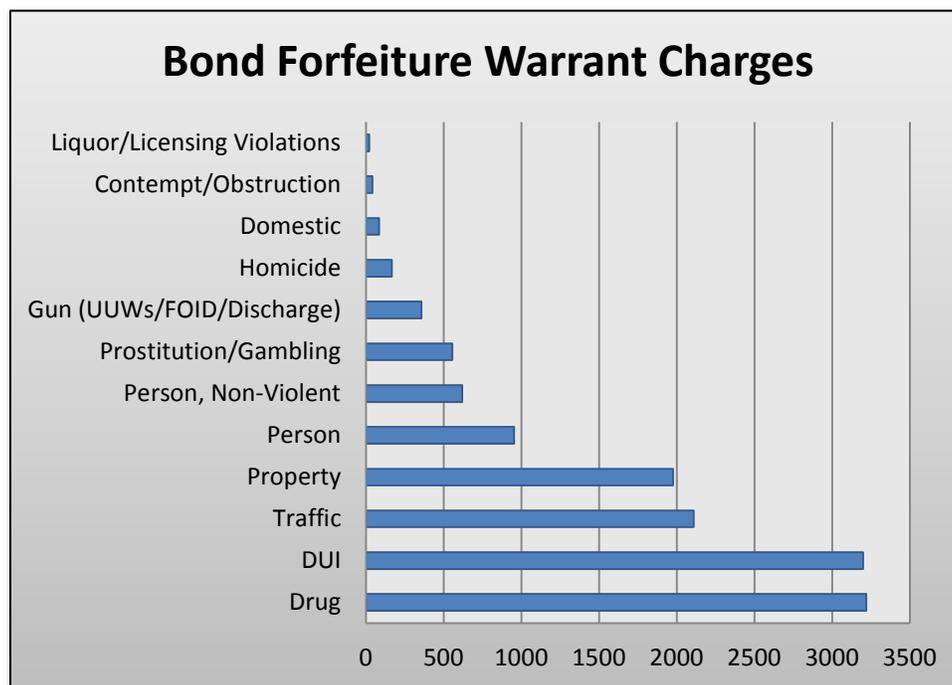
Bond Forfeiture

Bond forfeiture warrants (BFW) totaled approximately 13,000, accounting for 30% of all audited outstanding warrants. These warrants are issued by a judge when a defendant fails to show up for a court date. The majority of these warrants, 53%, have been outstanding for a decade or longer.



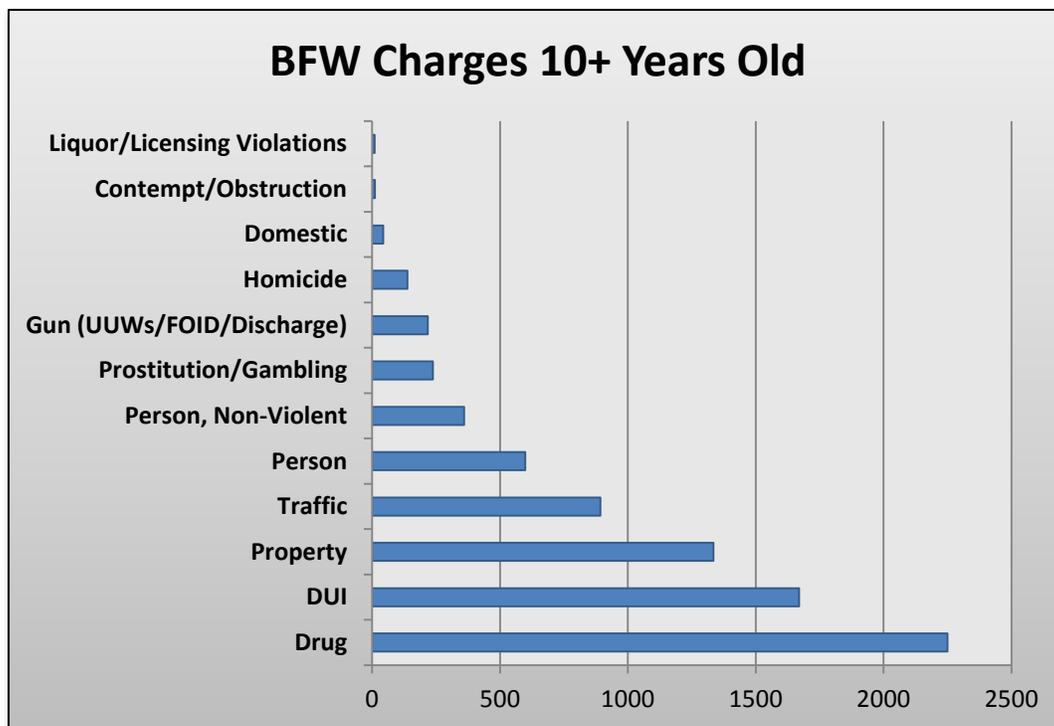
The chart above depicts the age of outstanding BFWs held by the Cook County Sheriff's Office.

BFWs are based on underlying charges that range from traffic to homicide. The largest proportion is for forfeiting bonds on drug charges. Only 12% of outstanding bond forfeiture warrants are for person-related, homicide, gun or domestic violence charges.



The chart above depicts underlying charges for outstanding BFWs held by the Cook County Sheriff's Office.

The distribution of charges tied to all BFW warrants generally held the same for such warrants that were a decade or more old. Of note, there were 799 outstanding BFW warrants that were 15 or more years old for marijuana, prostitution, traffic (not-DUI) and trespassing related charges.

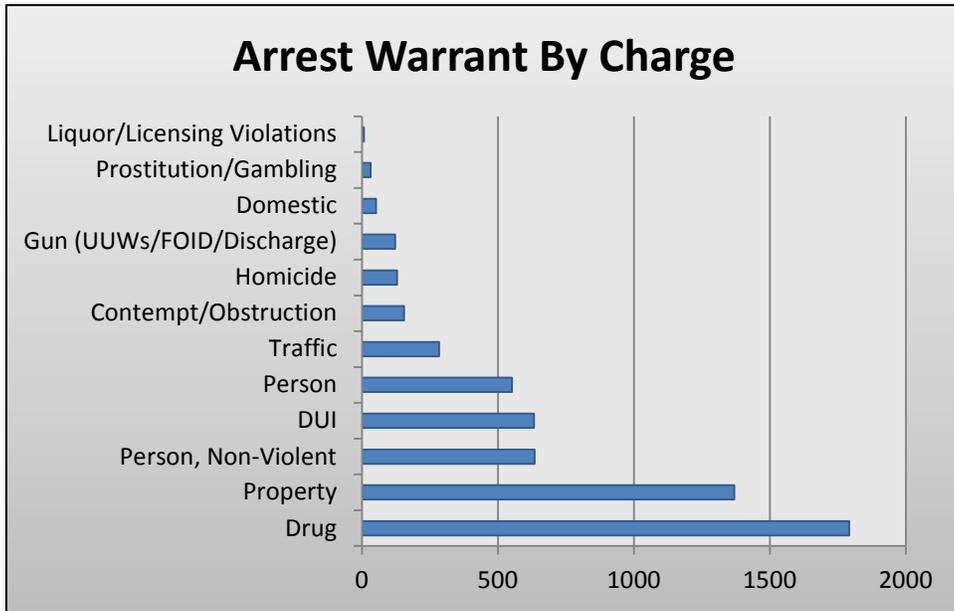


The chart above depicts underlying charges for outstanding BFWs 10+ years old held by the Cook County Sheriff's Office.

Arrest Warrants

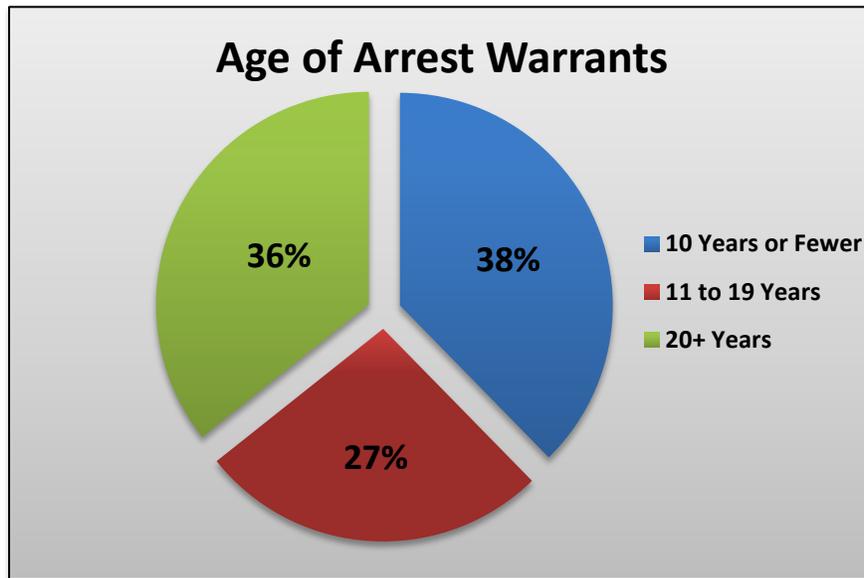
Arrest warrants should typically be issued when a criminal charge is made, but the defendant is not in custody. However, as part of the extensive audit of outstanding warrants by the Sheriff's Office, it was discovered the judiciary has previously labeled bond forfeiture warrants as 'arrest warrants.' This means the number of arrest warrants analyzed in this report is likely significantly inflated and that many of them, particularly very old ones, are actually warrants that were issued because a defendant didn't show up for court.

The majority of these warrants are not related to violent crimes or crimes against people – contrary to what would be expected in situations where a charge is handed down and a defendant is not already in custody. In all, roughly 54% of these warrants are related to drug and property charges.



The chart above depicts the underlying charges for outstanding arrest warrants held by the Cook County Sheriff's Office.

Meanwhile, 36% of outstanding arrest warrants, approximately 2,100, were issued more than 20 years ago.



The chart above depicts the age of outstanding arrest warrants held by the Cook County Sheriff's Office.

ⁱ This figure does not count warrants that were issued and executed within the same day to avoid counting warrants issued in error or those quickly resolved within the same day.

ⁱⁱ According to 2015 figures provided by the 2015 Annual Report of the Illinois Courts, Administrative Office of the Illinois Courts.

ⁱⁱⁱ This review consolidated the more than 240 charge types involved into discernible and logical categories for general analysis. This review did not include 413 violation warrants for which the underlying charge had not yet been determined by the audit.