

**Mayor’s Office of Criminal Justice
Local Law 25 of 2018 Report
January 31, 2022**

I. Introduction and Reporting

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

As of January 4, 2022, there were 1,287,104 outstanding criminal warrants in the City of New York, as set forth below.

Court	Outstanding Warrants	Percent of All Outstanding Warrants
Summons	813,670	63%
Criminal	421,080	33%
Supreme	52,354	4%

This represents an approximate 2% reduction from the 2021 total (as of January 12, 2021).

II. Background

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

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

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

¹ MOCJ NYC. “Summons Reform: One Year After Legislation (CJRA)” 5 Sept. 2018, https://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/09/summons_ref_factsheet_v3.pdf. Compared to the 2021 total, there was an approximate 1% decline in the number of outstanding warrants for CJRA-eligible offenses in the 2022 total.

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

III. 2021 Updates

The COVID-19 public health emergency continued to impact every aspect of daily life in New York City, including the operation of the criminal justice and court systems. In relevance to this report, courts modified their practices with respect to the issuance of warrants for failure to appear: in the Criminal Court summons part, for example, appearances on most cases were adjourned until July 26, 2021; consequently, with the exception of a limited number of individual cases, no warrants for failure to appear were issued between March 2020 and that date. Criminal parts in Supreme Courts in each of the five boroughs likewise issued very few warrants for failure to appear while in-person operations were limited. Following the resumption of in-person appearances, judges continued to allow virtual appearances in certain instances. The New York Criminal Justice Agency (CJA) continued to send out notifications via robotext, live calls, letters, and – beginning in May 2021 – email, reminding defendants of their upcoming court appearances and notifying them if their appearance was changed to a virtual appearance. Notably, however, data on whether defendants did or were required to appear virtually is not as complete as data for in-person appearances, making an accurate failure to appear rate difficult to calculate.

In sum, continued interruptions of in-person operations throughout the New York City court system made 2021 another anomalous year for purposes of reporting trends on warrant issuance and clearance. Over the course of the next year, and as the easing of the public health emergency allows, MOCJ will continue to make best efforts and work with criminal justice partners to seek the accuracy of records regarding outstanding criminal warrants, facilitate the reduction of outstanding criminal warrants, and seek access to efficient processes for members of the public to rectify inaccurate criminal warrants in furtherance of Local Law 25.