

THE OHIO GOVERNOR'S

# WARRANT

## TASK FORCE

Report

May 2019



An examination of Ohio's system of issuing and serving arrest warrants with recommendations on prioritizing and serving outstanding warrants



**MIKE DEWINE**  
GOVERNOR OF OHIO

[www.Governor.Ohio.gov](http://www.Governor.Ohio.gov)



## Dear Fellow Ohioans,



An important function of Ohio's criminal justice system is the ability of law enforcement to protect the public by quickly apprehending offenders accused of violent crimes. The effective administration of justice also relies on the judicial system's ability to compel defendants to appear in court to answer

complaints and charges. Arrest warrants and bench warrants are critical tools used to accomplish these goals. However, the absence of an organized, statewide warrant system in Ohio has led to an overabundance of outstanding warrants for minor offenses and a growing backlog of unserved warrants for serious, violent crimes.

In February, I signed an executive order creating the Ohio Governor's Warrant Task Force. I asked this

multidisciplinary group of experts to fully examine Ohio's warrant system and to provide recommendations on how to improve the process of issuing, prioritizing, and serving warrants in Ohio. Their recommendations are included in this report.

I sincerely appreciate the work of the Ohio Governor's Warrant Task Force and thank each member for volunteering to research and debate the issues that are addressed in this report. These recommendations provide an important guide to improve Ohio's criminal justice system.

Very respectfully yours,

A handwritten signature in black ink that reads "Mike DeWine".

Mike DeWine

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## A Message from the Ohio Governor's Warrant Task Force

Over the past three months, members of the Ohio Governor's Warrant Task Force have studied Ohio's system of issuing, serving, tracking, and clearing arrest warrants. Under the direction of Governor Mike DeWine, this task force examined information from federal, state, and local authorities; law enforcement, government and court officials; and others who have addressed similar problems in other states.

This research has shown that Ohio's warrant system is fragmented, inconsistent, inefficient, and technologically obsolete. Most importantly, Ohio's system of serving and issuing warrants does not adequately protect the public, victims, or law enforcement.

The scope of the problem is best illustrated by the fact that this task force was not able to ascertain the number of open warrants in Ohio, nor the number of open warrants for serious or violent offenses. Furthermore, evidence presented to the task force indicates that law enforcement agencies are overburdened by thousands of open warrants for minor offenses.

The recommendations set forth in this report serve as a starting point to address the public safety concerns regarding Ohio's warrant system. The goal

of the task force was to provide narrowly tailored recommendations that are specific enough to be acted upon through the implementation of legislation or policy. However, these recommendations still account for the limited resources and personnel concerns of local government agencies.

Overall, the single biggest factor that will bring about positive change on this issue is leadership. Leaders from all three branches of government must work together with the shared purpose of improving Ohio's warrant system. Local leaders should be progressive in their work on warrant reform. At the same time, state leaders should strive to provide policy and guidance that does not create undue burden on local justice systems or unfunded mandates for local governments.

The members of the Ohio Governor's Warrant Task Force thank Governor DeWine for the opportunity to have a voice in this process. These recommendations reflect our varied backgrounds, our honest study of these issues, and our discussion and debate of how to best implement change within Ohio's warrant system.

Respectfully submitted,  
The Ohio Governor's Warrant Task Force



## Executive Summary

**Ohio lacks a statewide warrant tracking system. Therefore, it is unclear how many open warrants exist in Ohio. Based on research received as part of this study, members of the Ohio Governor’s Warrant Task Force estimate that the number of open warrants statewide could easily be in excess of 500,000.**



Fifteen recommendations are included in this report to encourage a more efficient warrant system that properly ensures the safety of citizens, victims, and law enforcement in Ohio and other states.

**1** Ohio should identify and prioritize a category of Tier I criminal offenses as those that create a substantial risk to public, victim, or officer safety.

**2** The Ohio General Assembly should develop legislation mandating that Tier I warrants be entered into the Law Enforcement Automated Data System (LEADS) and the National Crime Information Center (NCIC) within 48 hours.

**3** The Ohio General Assembly should develop legislation mandating a nationwide pickup radius for all Tier I warrants.

**4** Ohio law enforcement agencies should develop policies to enter all felony warrants and warrants issued for potentially dangerous offenders into LEADS and NCIC.

**5** The Ohio Office of Criminal Justice Services should make grant funding available to reimburse local law enforcement agencies for the cost of transporting offenders arrested on Tier I Ohio warrants in other states.

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**6** The Ohio Department of Public Safety and the Ohio Peace Officer Training Academy should develop updated training on LEADS and NCIC warrant entry.

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**7** Local and state law enforcement agencies should make better use of units dedicated to serving open arrest warrants. This includes, but is not limited to, U.S. Marshals Service task forces.

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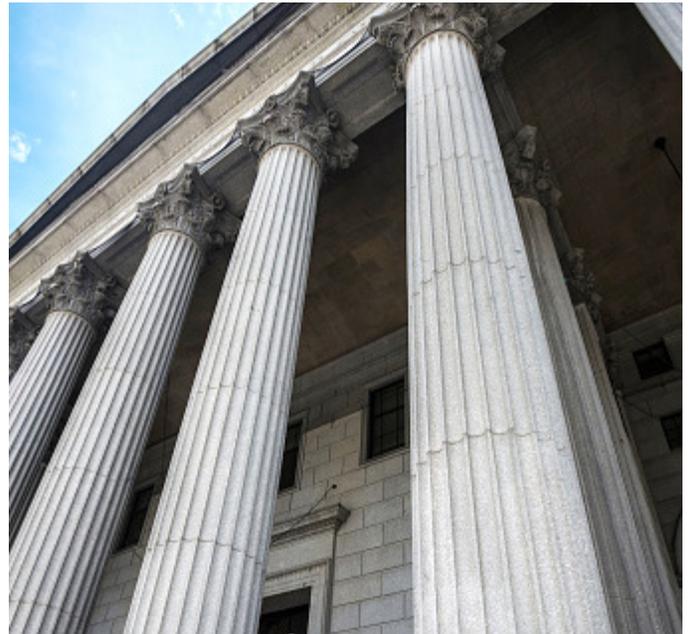
**8** The Ohio Office of Criminal Justice Services and the U.S. Marshals Service should pursue additional federal and state funding to expand local participation in U.S. Marshals Service fugitive apprehension task forces in Ohio.

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**9** The Ohio Department of Public Safety should redesign Ohio's Uniform Traffic Ticket (UTT) and submit the redesigned UTT to the Traffic Rules Committee of the Ohio Supreme Court's Commission on the Rules of Practice and Procedure for approval.

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**10** The Ohio Office of Criminal Justice Services or the Ohio Supreme Court should establish grant funding for local criminal justice systems to use technology or innovative programs to reduce the number of bench warrants issued for failures to appear.



**11** The Ohio General Assembly should develop legislation or the Ohio Supreme Court should develop rules of practice and procedure to give courts administrative options in traffic or lower-level offense cases to compel court appearances as an alternative to issuing a bench warrant.

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**12** The Ohio General Assembly should develop legislation or the Ohio Supreme Court should develop rules of practice and procedure requiring the dismissal of nonviolent misdemeanor or traffic warrants after a clear failure to prosecute.

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**13** The Ohio Collaborative Community-Police Advisory Board should direct the Ohio Collaborative Law Enforcement Agency Certification Program to create a model policy relating to best practices for Ohio law enforcement agencies on the issues of requesting, serving, entering, storing, and clearing arrest warrants.

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**14** Ohio should commit to the development of a statewide warrant database to comprehensively and effectively track the status of warrants.

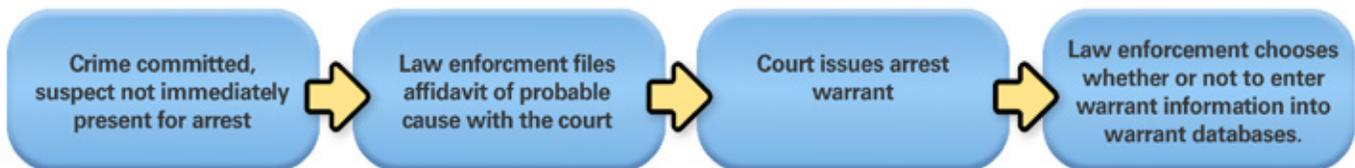
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**15** The Ohio Governor's Warrant Task Force should continue to meet quarterly to monitor the status of these recommendations.



## Warrant Entry and Prioritization of Serious Offenses

The general process for issuing arrest warrants in Ohio:



In Ohio, there are local, regional, state, and national databases for warrant entry. Local and regional warrant systems are used by individual agencies, or groups of agencies, but are inaccessible to any outside jurisdictions. Ohio's Law Enforcement Automated Data System (LEADS), operated by the Ohio State Highway Patrol, allows peace officers, the courts, and dispatch centers to share information on active warrants throughout the state. The National Crime Information Center (NCIC), which is accessible to law enforcement through LEADS, lists active warrants entered by agencies throughout the nation.

Although many Ohio law enforcement agencies use LEADS and NCIC, there are no mandates or uniform guidelines for the entry of active warrants into these systems. A study conducted for this report finds that while agencies do use their own local warrant systems,

many agencies do not enter all of their warrants, or even all of their felony warrants, into the state or national databases. This creates a substantial risk to the public, to victims, and to law enforcement officers who unknowingly encounter dangerous, wanted suspects.

### Why Agencies May Decline to Enter Warrants



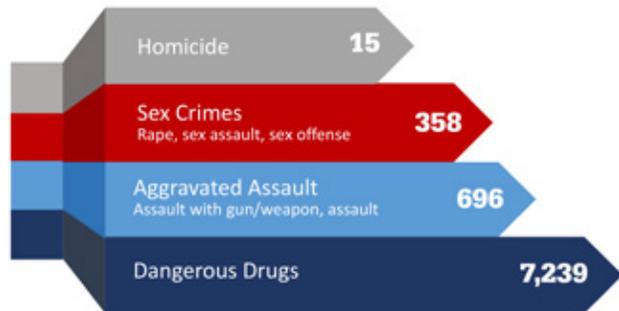
- Lack of personnel
- Lack of funding
- Lengthy and burdensome data entry requirements
- Lack of jail space
- Inability to transport suspects arrested in other jurisdictions

Because not all agencies enter warrants into LEADS, the Ohio Governor’s Warrant Task Force was unable to determine the number of outstanding warrants in Ohio. A March 2019 analysis by the Ohio Department of Public Safety of all warrants in LEADS found a total of 217,052 warrants statewide. However, because agencies are not required to enter warrants into LEADS, the number of actual open warrants is believed to be significantly greater.<sup>1</sup> To that point, research conducted by *The Columbus Dispatch* in 2018 found about 309,000 open warrants in just 12 of Ohio’s 88 counties.<sup>2</sup>

The Ohio Department of Public Safety study further found that of the 217,052 Ohio warrants in LEADS, only 18,117 were entered into NCIC.<sup>3</sup> Additional research conducted by the U.S. Marshals Service found that 17,552 of the total warrants in LEADS are for some of Ohio’s most serious offenses.<sup>4</sup> However, 58% or 10,098 of those warrants were not entered into NCIC.

### Among 17,552 most serious crimes 10,098 (58%) not in NCIC

Some of the offenses not in NCIC:

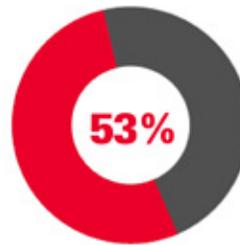


Furthermore, a random sample of 150 of those 10,098 serious Ohio warrants found that 53% of those 150 offenders had been queried by law enforcement agencies outside of Ohio following the issuance of their Ohio warrant.

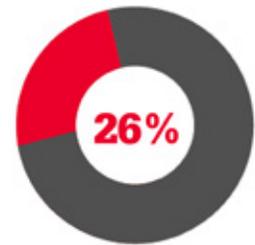
The study also showed that 26% of these offenders had additional warrants issued for their arrests by out-of-state law enforcement agencies after their Ohio warrants were issued.

### Random Sample of Warrants Not Entered into NCIC

After the Ohio warrant was issued:



Were queried for warrants in a state outside of Ohio



Had a new warrant entered in NCIC by a state outside of Ohio

This data clearly shows that the failure of Ohio authorities to enter warrants into NCIC may result in further criminal behavior in other states and serious risks to out-of-state officers and members of the public who encounter these suspects.



<sup>1</sup> Jeremy Hansford, LEADS Administrator, Ohio State Highway Patrol. Presentation to Governor’s Warrant Task Force March 7, 2019.

<sup>2</sup> *The Columbus Dispatch* and Gatehouse Media, Mike Wagner, Doug Caruso, Daphne Chen, and John Fuddy, Wanted, [www.gatehousenews.com/warrants](http://www.gatehousenews.com/warrants)

<sup>3</sup> Jeremy Hansford, Presentation to the Ohio Governor’s Warrant Task Force, March 7, 2019

<sup>4</sup> Dr. Rebekah Young, U.S. Marshals Service, Presentation to the Ohio Governor’s Warrant Task Force, March 7, 2019

## Recommendations on Warrant Entry and Prioritization of Serious Offenses

### 1 Ohio should identify and prioritize a category of Tier I criminal offenses as those that create a substantial risk to public, victim, or officer safety.

The Ohio Governor’s Warrant Task Force recommends that certain violent offenses be recognized as Tier I offenses and that law enforcement prioritize these offenses when seeking wanted suspects. Tier I offenses should include felonies defined by Ohio Revised Code Section 2901.01(A)(9) as offenses of violence, other felony offenses that pose a substantial risk to public or officer safety, and the offense of misdemeanor domestic violence.

When determining which crimes should constitute a Tier I offense, task force members worked to create a list that is broad enough to protect the public and officers but narrow enough to realistically account for the personnel and other logistical concerns of the warrant-entering agencies.

#### TIER I OFFENSES

1.	2903.01	-Aggravated Murder
2.	2903.02	-Murder
3.	2903.03	-Voluntary Manslaughter
4.	2903.04	-Involuntary Manslaughter
5.	2903.06	-Aggravated Vehicular Homicide
6.	2903.11	-Felony Assault
7.	2903.12	-Aggravated Assault
8.	2903.21	-Aggravated Menacing
9.	2903.211	-Menacing by Stalking
10.	2905.01	-Kidnapping
11.	2905.02	-Abduction
12.	2907.02	-Rape
13.	2907.03	-Sexual Battery
14.	2907.04	-Unlawful Sexual Conduct with a Minor
15.	2907.05	-Gross Sexual Imposition
16.	2907.321	-Pandering Obscenity Involving a Minor
17.	2907.322	-Pandering Sexually Oriented Material Involving a Minor
18.	2907.323	-Illegal Use of a Minor in a Nudity Oriented Material
19.	2909.02	-Aggravated Arson
20.	2909.03	-Arson
21.	2909.24	-Terrorism
22.	2911.01	-Aggravated Robbery
23.	2911.02	-Robbery
24.	2911.11	-Aggravated Burglary
25.	2919.25	-Domestic Violence
26.	2921.34	-Escape
27.	2923.161	-Discharging firearm into a habitation
28.	2905.32	-Human Trafficking

### 2 The Ohio General Assembly should develop legislation mandating that Tier I warrants be entered into the Law Enforcement Automated Data System (LEADS) and the National Crime Information Center (NCIC) within 48 hours.

An Ohio Department of Public Safety examination of Tier I offenses in LEADS found 25,283 open warrants for these crimes; however, the number of outstanding warrants for Tier I offenses is believed to be significantly higher. Furthermore, only 9,568 of those warrants had been entered into NCIC.<sup>5</sup> This further demonstrates the serious risk not only to the public, but also to officers in other jurisdictions who have chance encounters with these violent suspects. It is imperative that warrants issued for Tier I offenses be entered into LEADS and NCIC as quickly as possible after the warrant is issued by the court. A delay in entering Tier I offenses into LEADS and NCIC allows potentially dangerous offenders to remain at large, creating an unnecessary risk to public safety. **Therefore, the Ohio Governor’s Warrant Task Force recommends that the Ohio General Assembly pass legislation to require all warrants for Tier I offenses be entered into LEADS and NCIC within 48 hours after such warrants are issued.**

### 3 The Ohio General Assembly should develop legislation mandating a nationwide pickup radius for all Tier I warrants.

When entering warrants into LEADS, law enforcement agencies are required to determine the pickup radius for that warrant. The warrant’s pickup radius is the distance that the agency holding the warrant is willing to travel to pick up an offender who is apprehended in another jurisdiction. The standard pickup radiuses entered on warrants are: nationwide, statewide, within 100 miles, and within adjacent counties. If a law enforcement officer encounters a suspect with a warrant on a Tier I offense, but the suspect is outside the warrant pickup radius, the suspect would not be arrested on that warrant. **Due to the seriousness of Tier I offenses, the Ohio Governor’s Warrant Task Force recommends that the Ohio General Assembly develop legislation to require nationwide pickup radiuses for Tier I crimes.** This would greatly contribute to enhanced safety not only for law enforcement, but also for citizens both in Ohio and elsewhere.



<sup>5</sup> Jeremy Hansford, Presentation to the Ohio Governor’s Warrant Task Force, March 7, 2019

**4 Ohio law enforcement agencies should develop policies to enter all felony warrants and warrants issued for potentially dangerous offenders into LEADS and NCIC.**

The duty to apprehend individuals on outstanding warrants is widely recognized as one of law enforcement's most dangerous responsibilities. Equally dangerous are chance meetings between law enforcement and individuals with open warrants. Law enforcement officers should always have as much information as possible about the individuals they encounter. This is especially true for individuals who have outstanding felony warrants. Furthermore, entry of all felony warrants or warrants issued for potentially dangerous offenders into LEADS and NCIC contributes to the greater likelihood that the offender will be apprehended more quickly than if the warrant is not entered. Although Tier I warrants are of the most serious concern, **the Ohio Governor's Warrant Task Force recommends that law enforcement agencies in Ohio develop internal policies to enter all felony warrants and warrants for potentially dangerous offenders into LEADS and NCIC.** Bench warrants issued for potentially violent offenders, such as offenders accused of violating protection orders, should also be considered for service as if the warrant were issued for a Tier I offense.

**5 The Ohio Office of Criminal Justice Services should make grant funding available to reimburse local law enforcement agencies for the cost of transporting offenders arrested on Tier I Ohio warrants in other states.**

Local law enforcement agencies are responsible for picking up and bringing back suspects who are arrested in other jurisdictions on their open warrants. Depending on where a suspect is arrested, the cost to transport that defendant back to Ohio can be expensive for the local agency. In addition to covering the cost of gas or airfare, law enforcement also often incurs overtime costs. Some agencies rely on commercial transport companies to pick up and return offenders arrested out of state on Ohio warrants. For example, the Ohio State Highway Patrol has a contract with U.S. Corrections LLC to transport suspects arrested out of state on warrants held by the patrol. Under this contract, the service charges the patrol \$1.10 per mile for transporting suspects, with a minimum charge of \$400 per transport.

Due to lack of funding and personnel for extraditions, some law enforcement agencies decline to enter all felony warrants into NCIC despite their importance to officer safety. If law enforcement agencies are required to include a nationwide pickup radius for all Tier I warrants, as suggested in recommendation No.3, then the state should assist with the cost. **Therefore, the Ohio Governor's Warrant Task Force recommends that the state provide funding through the Ohio Office of Criminal Justice Services to develop a grant program to reimburse extradition for Tier I offenders arrested out of state on Ohio warrants.** By restricting the grants

to allow for the reimbursement of transport for those arrested on only Tier I offenses, the cost to the state will be minimized.

The Ohio Governor's Warrant Task Force further encourages both local and state law enforcement agencies to assist one another to overcome the logistical and personnel challenges associated with these defendant transport situations. Task force members heard examples of law enforcement agencies transporting suspects to their county line to be handed off to another jurisdiction for transport back to the agency holding the warrant. These incidents of teamwork are excellent examples of agencies working together to overcome logistical problems.

**6 The Ohio Department of Public Safety and the Ohio Peace Officer Training Academy should develop updated training on LEADS and NCIC warrant entry.**

There are 1,076 law enforcement agencies, 195 courts, and 90 probation and parole agencies with access to the LEADS system.<sup>6</sup> Law enforcement agencies that use LEADS pay a participation fee and are bound by the strict program rules, policies, and audit standards, which mirror federal requirements for NCIC. Because the requirements are so stringent, the entry of warrants for local law enforcement can be burdensome and time consuming, especially in the case of minor, nonviolent warrants.

The Ohio Governor's Warrant Task Force found that these stringent requirements and a misunderstanding of LEADS policies and procedures often have a chilling effect on the willingness of local agencies to enter warrants into both LEADS and NCIC.

**The Ohio Governor's Warrant Task Force recommends that the LEADS administrator at the Ohio State Highway Patrol work in coordination with those at the Ohio Attorney General's Ohio Peace Officer Training Academy to develop a training curriculum on best practices, policies, and laws surrounding the entry of warrants into LEADS and NCIC.** This training should be available to all law enforcement officers and should encourage widespread entry of warrants into LEADS and NCIC: promote clear communication between agencies, including the courts; and should instruct agencies on the use of the "notes" field in LEADS and NCIC to provide additional information on warrants.

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<sup>6</sup> Jeremy Hansford, Presentation to the Ohio Governor's Warrant Task Force, March 9, 2019



## Timely Service of Warrants

When warrants are not served in a timely manner, it not only contributes to Ohio's backlog of existing warrants but also creates a risk to public safety, possibly giving dangerous offenders time to victimize others.

A study of Ohio warrants by *The Columbus Dispatch* found that in six of Ohio's largest counties, about 92,000 open warrants were more than 10 years old. Based on the research of the Ohio Governor's Warrant Task Force, the actual number of decades-old warrants still open throughout the state is believed to be even higher. In 2005, the state of Kentucky conducted a comprehensive study of its warrants system which found that the failure to serve warrants in a timely manner contributed to its backlog of open warrants.<sup>7</sup> At the time of the Kentucky study, the average time to serve a bench warrant was 674 days.<sup>8</sup> This resulted in a backlog of about 265,000 to 385,000 unserved bench warrants.

The accumulation of decades-old warrants in Ohio can be attributed, in part, to funding and personnel shortages for dedicated law enforcement "warrant squads." Although some of Ohio's larger law enforcement agencies have task forces dedicated to serving arrest warrants, many medium- and small-sized agencies only have the personnel to attempt to serve warrants during slow shifts. Law enforcement agencies that cannot dedicate significant time to search for wanted offenders may instead rely on chance interactions with suspects, a practice that poses a risk to public safety and contributes to the warrant backlog.



<sup>7</sup> *Improved Coordination and Information Could Reduce the Backlog of Unserved Warrants*, Program Review and Investigations Committee, Kentucky Legislative Research Commission, Research Report No. 326. Greg Hager, Ph.D. July 14, 2005.

<sup>8</sup> Shane Bates, Lexis Nexis Risk Solutions. Presentation to the Governor's Warrant Task Force, May 7, 2019.

The U.S. Marshals Service (USMS) in Ohio is available to help local law enforcement agencies to seek out and arrest, in a joint and coordinated manner, people who have outstanding local, state, or federal warrants for violent offenses or offenders who have violent criminal histories. USMS provides this assistance by operating the Northern Ohio Violent Fugitive Task Force in the northern half of the state, and the Southern Ohio Fugitive Apprehension Strike Team in 22 counties in the southern half of the state.

### U.S. MARSHALS SERVICE COUNTY COVERAGE MAP OF OHIO



### U.S. Marshals Ohio Fugitive Apprehension Teams

• Sheriffs' offices.....	32
• Police departments.....	85
• Probation departments.....	10
• Prosecutors' offices.....	5
• State-level agencies.....	3
• Federal agencies.....	5
<b>Total partners.....</b>	<b>140</b>

USMS supports the participation of local agencies on the fugitive apprehension teams through the use of federal Joint Law Enforcement Operations funding. This funding can be spent only on overtime and equipment for state and local members of the fugitive apprehension teams.

USMS fugitive apprehension teams do not enter a local jurisdiction to serve a warrant without an invitation from local law enforcement unless a member from the local jurisdiction serves on the task force and coordinates for service of the warrant. USMS fugitive apprehension teams rely on the local agencies to provide information regarding their outstanding warrants that they want served and then use a combined federal, state, and local team approach to locate and arrest the wanted suspect. While the marshals have excellent working relationships with many local agencies, there is still resistance by some to federal law enforcement officers conducting warrant operations in their jurisdictions.

In 2018, USMS Ohio fugitive apprehension task forces arrested 4,964 violent fugitives throughout the state. In making these arrests, the task forces seized 163 firearms and 55.8 kilograms of narcotics. Furthermore, 88 known gang members were arrested and 117 warrants against gang members were closed. Around 91% of the warrants served by USMS fugitive apprehension teams in Ohio last year were state and local warrants.<sup>9</sup>



<sup>9</sup> Deputy Marshal James Cyphers, Deputy Marshal Brian Fitzgibbon, U.S. Marshals Service. Presentation to the Governor's Warrant Task Force, March 7, 2019.

## Recommendations for Timely Service of Warrants

**7** Local and state law enforcement agencies should make better use of units dedicated to serving open arrest warrants. This includes, but is not limited to, U.S. Marshals Service task forces.

It is clear from the research of the Ohio Governor's Warrant Task Force that dedicated units of law enforcement officers assigned to apprehend fugitives on outstanding warrants is the most effective way to quickly serve open arrest warrants. However, many agencies lack the resources to dedicate personnel to this type of unit. USMS task forces can be an innovative and collaborative approach to assist local agencies in serving open warrants.

**The Ohio Governor's Warrant Task Force recommends that law enforcement agencies work with federal task forces to apprehend suspects with active warrants.**

Agencies should also proactively seek opportunities to participate on fugitive apprehension teams. If funding and personnel are not available to staff these teams, agencies are encouraged to request assistance from USMS in clearing open warrants on violent offenders.

With further training, education, and relationship building, USMS fugitive apprehension task forces can continue to be strong assets for Ohio law enforcement agencies to quickly serve warrants.

**8**

**The Ohio Office of Criminal Justice Services and the U.S. Marshals Service should pursue additional federal and state funding to expand local participation in U.S. Marshals Service fugitive apprehension task forces in Ohio.**

Upon researching the warrant system in Ohio, the Ohio Governor's Warrant Task Force learned that discretionary funding decisions to operate USMS fugitive apprehension teams are often dependent on the state's warrant entry into NCIC. Because NCIC does not reflect the large number of active warrants that exist in Ohio, neither of Ohio's USMS task forces can maximize the amount of discretionary funding they receive to assist local agencies in serving warrants. This fact demonstrates the importance of entering warrants into NCIC because an increase in the number of entered warrants could potentially increase the amount of funding available to Ohio's two USMS task forces.

**The Ohio Governor's Warrant Task Force recommends that Ohio Office of Criminal Justice Services and USMS also explore federal and state funding that could assist in expanding and enhancing these task forces.**

Additional federal funding could possibly allow for local agencies that are not represented on USMS task forces to assign personnel on either a full-time or part-time basis. An increase in state funding through the Ohio Office of Criminal Justice Services would also allow for expansion of these task forces or for the funding of local dedicated warrant units. Ideally, grant funding would allow every county in Ohio to have a law enforcement representative assigned to one of USMS task forces. This collaboration and cooperation among the federal, state, and local agencies would logically increase the number of open warrants that the task forces could serve.

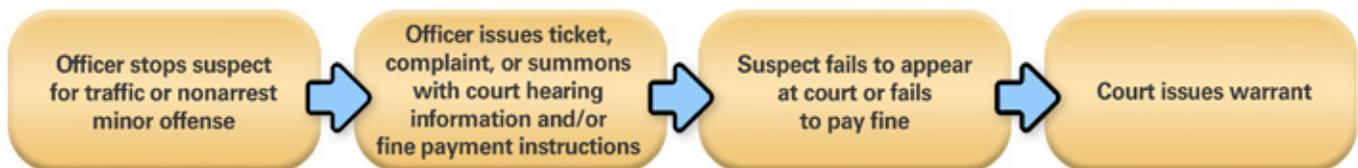




## Bench Warrants and Failure to Appear

Bench warrants are typically issued by a court in cases where the defendant fails to appear before the judge on a summons or complaint. These types of warrants account for tens of thousands of Ohio's unserved warrants. Bench warrants are often issued in minor cases, such as traffic violations, but can also be issued in any situation where an offender fails to appear for a hearing.

### The general process for issuing bench warrants in Ohio:



The Ohio Governor's Warrant Task Force found that a bench warrant backlog exists in Ohio due to the large number of bench warrants that are issued and the overall inability of law enforcement to proactively serve most bench warrants. Because of personnel and time restrictions, authorities typically only enforce bench warrants for minor offenses when the suspect has another chance encounter with law enforcement.

Proactive efforts to help ensure that defendants with minor violations appear in court have been shown to contribute to an overall reduction in the number of bench warrants issued by the courts.

### Typical Reasons for Failures to Appear:



- Afraid of incarceration
- No money to pay fine
- Lack transportation to court
- Forget court date
- Confused about court date
- Unwilling to leave work
- Do not live in the area
- Views ticket as unimportant

# Recommendations to Increase Court Appearances and Reduce the Issuance of Bench Warrants

**9** The Ohio Department of Public Safety should redesign Ohio's Uniform Traffic Ticket (UTT) and submit the redesigned UTT to the Traffic Rules Committee of the Ohio Supreme Court's Commission on the Rules of Practice and Procedure for approval.

A study examining outstanding bench warrants and failures to appear in New York City courts by the University of Chicago found that standard citations used to issue complaints or summonses failed to clearly display the time, date, and place of defendants' court hearings.

Following a redesign of the ticket to better highlight court information, instances of failures to appear decreased by 13%.<sup>10</sup>

As a result, researchers estimated that 17,000 fewer bench warrants would be issued for failure-to-appear cases.<sup>11</sup>

<sup>10</sup> *Using Behavioral Science to Improve Criminal Justice Outcomes, Preventing Failures to Appear in Court.* University of Chicago Crime Lab, www.urbanlabs.uchicago.edu/labs/crime, January 2018.

<sup>11</sup> *Id.*

The Ohio Governor's Warrant Task Force recommends that the Ohio Department of Public Safety redesign the Ohio UTT to more prominently feature the time, date, location, and contact information related to court appearances and submit the redesigned UTT to the Ohio Supreme Court's Commission on the Rules of Practice and Procedure for review. Furthermore, it is recommended that local jurisdictions review the design of their criminal citations to reflect the same type of changes.



The Ohio Governor's Warrant Task Force studied the Ohio Uniform Traffic Ticket (UTT) and several other citations used by law enforcement agencies throughout the state. Similar to New York City's old citations, Ohio's tickets do not prominently display court information. As found in the University of Chicago study, the design of the tickets can be a factor that may contribute to defendants failing to appear for their court dates.

**10** The Ohio Office of Criminal Justice Services or the Ohio Supreme Court should establish grant funding for local criminal justice systems to use technology or innovative programs to reduce the number of bench warrants issued for failures to appear.

**11** The Ohio General Assembly should develop legislation or the Ohio Supreme Court should develop rules of practice and procedure to give courts administrative options in traffic or lower-level offense cases to compel court appearances as an alternative to issuing a bench warrant.

The aforementioned University of Chicago study also examined the use of text message reminders to defendants with upcoming court hearings. Researchers found that when texts with pertinent hearing information were sent prior to court dates, failures to appear and the accompanying bench warrants were reduced by 26%.<sup>12</sup>

**7 days before court**  
Helpful reminder: go to court Mon Jun 03 9:30AM. We'll text to help you remember. Show up to avoid an arrest warrant. Reply STOP to end texts. www.mysummons.nyc

**3 days before court**  
You have court on Mon Jun 03 at 346 Broadway Manhattan. What time should you leave to get there by 9:30AM? Any other arrangements to make? Write out your plan.

**1 day before court**  
Remember, you have court tomorrow at 9:30AM. Tickets could be dismissed or end in a fine (60 days to pay). Missing court for ##### can lead to your arrest.

**Consequence Message**  
1 [Since you missed court on Jun 03 (ID#####), a warrant was issued.]  
2 [You won't be arrested for it if you clear it at 346 Broadway Manhattan.] www.mysummons.nyc

A similar program recently conducted by the Franklin County Municipal Court called defendants 24 hours in advance of their scheduled court hearings. Between May of 2018 and March of 2019, 74,799 reminder calls were made to these defendants. Other courts throughout the state are experimenting with pilot programs that use technology or innovation to reduce the number of people who fail to appear in court for traffic citations or other minor violations.

The Ohio Governor's Warrant Task Force recommends that the Ohio Office of Criminal Justice Services or the Ohio Supreme Court offer grants to local criminal justice systems to promote the use of technology or innovative programs to help reduce the number of bench warrants issued in the state. This technology could include programs that call or text defendants to remind them of court dates; programs that allow for defendants who have no transportation, or cannot take time off of work, to appear in court via video teleconferencing; and programs that allow for tickets to be paid online.

According to professor Daniel J. Flannery's research of the Fugitive Safe Surrender Program, those who turn themselves in on an active warrant often do so for practical reasons, such as the need to get a driver's license or the desire to get a job.<sup>13</sup> To compel defendants to appear in court on minor citations and summonses, the Ohio Governor's Warrant Task Force recommends that the state examine the use of administrative restrictions as an alternative to issuing bench warrants.

Ohio Revised Code Section 4503.13 gives municipal courts, county courts, and mayor's courts the ability to report defendants with outstanding warrants to the registrar of motor vehicles. Upon receipt of such a report, the registrar is prohibited from issuing a certificate of registration for any vehicle owned by the suspect. The Ohio General Assembly should explore other types of administrative blocks that the courts could issue on driver's licenses, hunting licenses, concealed carry licenses, state certificates, state tax returns, or other state services that are not essential to daily living. In lieu of issuing a bench warrant in a traffic or minor misdemeanor case, a court could choose to impose these types of administrative restrictions on the defendant. When the defendant attempts to receive one of the restricted services, they would be alerted to the existence of the warrant and instructed on how to clear it. Once the defendant's case is resolved, the administrative restrictions could be lifted. These administrative restrictions would only apply in traffic or lower-level misdemeanor cases.

In addition to rules of policy and procedure, the Ohio Supreme Court should develop training and education for courts on best practices in issuing, recalling, auditing, and clearing warrants. The curriculum should include alternative options to issuing warrants in lower-level cases, and innovative warrant reduction policies.



<sup>12</sup> Using Behavioral Science to Improve Criminal Justice Outcomes, Preventing Failures to Appear in Court. University of Chicago Crime Lab, www.urbanlabs.uchicago.edu/labs/crime, January 2018.

<sup>13</sup> Wanted on Warrants, the Fugitive Safe Surrender Program, Daniel J. Flannery, Kent State Ohio University Press 2013 at page 30.



## Overall Reduction of Existing Warrants

A significant number of the hundreds of thousands of open warrants in Ohio are believed to be outdated, obsolete, and no longer subject to meaningful prosecution. The study by the Ohio Governor's Warrant Task Force of Ohio's warrant system found that many jurisdictions conduct no meaningful audit of existing warrants, primarily due to funding and personnel shortages.

Research conducted for this report by the Ohio State Highway Patrol and the U.S. Marshals Service sought to identify open warrants for Ohio suspects who died before their warrants were cleared. By examining the death records of the Social Security Administration and the Ohio Bureau of Motor Vehicles, analysts found 5,426 open warrants in LEADS for people who are likely deceased. These warrants cannot be cleared until a verification of death is performed by the local agency holding the warrant, and the warrant is canceled by the court that issued it.

In addition, there are also open warrants for suspects who are already in prison which, depending on the nature of the charge, could either be pursued or dismissed. Furthermore, task force members found that many warrants are no longer viable for prosecution for various reasons including the unavailability or unwillingness of witnesses to testify.

In some cases, a warrant might be considered obsolete if there has been an overt act indicating a failure to prosecute or execute the warrant. This typically occurs when a suspect is apprehended in another jurisdiction and the agency holding the warrant refuses to retrieve the suspect for transport back to the court that issued the warrant. Although these warrants are removed from LEADS after an agency fails to pick up an offender on two occasions, the warrant remains open in the issuing court, thus contributing to Ohio's backlog.

## Recommendations for Reducing Ohio's Warrant Backlog

- 12** The Ohio General Assembly should develop legislation or the Ohio Supreme Court should develop rules of practice and procedure requiring the dismissal of nonviolent misdemeanor or traffic warrants after a clear failure to prosecute.

A law enforcement agency holding an open warrant should have an affirmative duty to execute or clear that warrant when the whereabouts of the suspect are known to the agency. In these situations, failure to execute the warrant or serve the suspect with a summons in lieu of the warrant is a contributing factor to the large number of open misdemeanor and traffic warrants in Ohio. This often occurs when a suspect is arrested in a different jurisdiction on a minor offense and the agency holding the warrant declines to retrieve the suspect or issue a summons in lieu of the warrant. In these cases, the suspect is released, yet the warrant typically remains open.

The Ohio Governor's Warrant Task Force believes that failure to extradite or transport a suspect arrested on an outstanding lower-level warrant in another jurisdiction, including another jurisdiction within Ohio, should constitute a failure to prosecute. Therefore, that warrant should be removed from LEADS and cancelled by the issuing court. **The Ohio Governor's Warrant Task Force recommends law enforcement agencies that refuse to pick up a suspect detained in another jurisdiction on a nonviolent misdemeanor or traffic warrant be required to request dismissal of the charge and cancellation of the warrant from the court where it was issued.**

Of note, task force members also examined the practice of some jurisdictions to dismiss misdemeanor warrants as "unenforceable" after multiple attempts to locate a suspect. The Ohio Governor's Warrant Task Force is largely against dismissing warrants solely because a suspect hasn't been located and concluded that each case should be individually evaluated before dismissing a warrant as unenforceable.

- 13** The Ohio Collaborative Community-Police Advisory Board should direct the Ohio Collaborative Law Enforcement Agency Certification Program to create a model policy relating to best practices for Ohio law enforcement agencies on the issues of requesting, serving, entering, storing, and clearing arrest warrants.

Due to the overwhelming number of warrants in Ohio and the inability to effectively and efficiently serve and audit them, local law enforcement agencies across the state should update their internal policies related to serving warrants. **The Ohio Governor's Warrant Task Force recommends that the Ohio Collaborative Community-Police Advisory Board create a statewide model policy to help develop a more efficient warrant system.**

The Ohio Collaborative Community-Police Advisory Board, which is a multidisciplinary group consisting of law enforcement, elected officials, academia, and the faith-based community, was formed in 2015 to improve the relationship between Ohio's law enforcement agencies and the diverse communities they serve. As such, members of the collaborative have developed seven best-practice model policies that they recommend to local law enforcement agencies.

The new model policy would provide standardized best practices covering actions such as auditing old or obsolete warrants, prioritizing entries of warrants into LEADS and NCIC, establishing protocols for the transport of offenders from other jurisdictions, establishing protocols for the cancellation of warrants, and working with clerks offices and courts on issues related to warrants.



## Statewide Warrant Tracking

As previously documented in this report, there is no comprehensive statewide database in Ohio to track warrants. While LEADS has the capability of tracking warrant information, the fact that agencies put a limited number of warrants into LEADS renders it ineffective to comprehensively track, store, and clear all warrants issued in the state. A statewide electronic warrant system to track warrants would significantly reduce Ohio's warrant backlog; increase the entry of warrants into the federal NCIC system; reduce the amount of time between a warrant being issued and that warrant being served; allow for instant information about the issuing and canceling of warrants; allow courts, law enforcement agencies, and other entities to share address and suspect information relating to defendants; and allow for the auditing of existing warrants.

As a result of Kentucky's 2005 study, the state implemented its computerized eWarrant system. The system is a web-based application and repository that allows for warrants to be issued, processed, stored, and served. It was designed to manage any warrant-related court document signed by a judge and served by law enforcement. The Kentucky eWarrant program is tailored

to fit the way each county processes arrest warrants, criminal summonses, and bench warrants.

The Kentucky eWarrant system was initially funded by a grant from the Kentucky Office of Homeland Security. Additional funding was provided by the Kentucky Attorney General's Office and Kentucky State Police. The Kentucky judicial system established the rules for the program and oversaw changes in the statewide court procedure. The counties throughout the state were not forced to share in the cost of implementing the system.



The Kentucky eWarrant system was launched in January of 2008 in one pilot county. By 2012, the system was in all 120 counties in the state. Since the launch of the system in 2008, it has processed 2.78 million warrant documents. All warrants processed through the eWarrant system are available for access by all of Kentucky’s law enforcement agencies. The eWarrant system has increased successful service and processing of warrants in Kentucky to 85-95%. The average time to serve a warrant in Kentucky, from issuing the warrant to arrest, is now 35 days. Prior to the eWarrant system, the average time to serve a warrant was nearly two years. In addition to increasing efficiency in serving new warrants, the Kentucky eWarrant system has significantly cut the backlog of existing warrants in the state. Of the 272,000 unserved paper warrants input into the eWarrant system in 2012, within six months of full implementation:

- More than **25,000** warrants that were at least five years old had been served.
- More than **6,900** warrants that were at least 10 years old had been served.
- More than **200** warrants that were at least 20 years old had been served.

Furthermore, the Kentucky eWarrant system interfaces with the statewide court case management system, the Kentucky Open Portal Solution system (a law enforcement information database similar to the Ohio Law Enforcement Gateway), a national database for incarceration records, the Kentucky system for entering information into NCIC, and the Kentucky Department of Corrections. This interface helps audit and serve warrants that are active in the eWarrant system.

The Ohio Governor’s Warrant Task Force views the Kentucky eWarrant-type of system as a best practice in serving, processing, storing, clearing, and auditing warrants. Through leadership at the state level and cooperation at all levels of government, Kentucky has made significant progress in addressing these problems.

## Recommendation for Statewide Warrant Tracking

- 14** Ohio should commit to the development of a statewide warrant database to comprehensively and effectively track the status of warrants.

Ohio should follow the same process as Kentucky and become a leader in how it handles this difficult challenge. Success on this issue will better promote public safety and ensure that Ohio’s criminal justice system operates more effectively and efficiently. **Ohio should commit to the development of a statewide warrant database to comprehensively and effectively track the status of warrants.**

The Ohio Governor’s Warrant Task Force should create a subcommittee to study the possibility of developing a statewide warrant database. This subcommittee should have representation from the Ohio Supreme Court, the Ohio Attorney General’s Office, the Ohio LEADS Office, the Ohio Association of Municipal/County Court Clerks, the Ohio Judicial Conference, the Ohio Criminal Sentencing Commission, InnovateOhio, and other relevant agencies. The subcommittee should develop guiding principles, receive input from affected stakeholders, identify funding, and create a timeline for full implementation of an eWarrant-type system.

The subcommittee should also examine how state and local governments can better share information about suspects to facilitate the service and clearing of warrants and summons. If such an eWarrant-type system is established, data on its implementation and impact on warrants should be gathered and analyzed. This information should be disseminated in a timely manner to all applicable partners, funders, legislative bodies, and other stakeholders.

The subcommittee should also study the issue of a public warrants database in Ohio. Many local courts have websites and records management systems that allow individuals to determine whether they have active warrants. Information presented to the Ohio Governor’s Warrant Task Force indicated that many people who have warrants for lower-level cases are not aware of the warrant, and if they could determine their warrant status online, they would clear the warrants on their own volition. The task force believes that transparency with respect to most of Ohio’s open warrants will better protect the public and victims as well as promote efficiency with the criminal justice system. A public website could also help law enforcement clear warrants based on tips from the public.

Any publicly accessible statewide warrant website should be modified to exclude secret indictments or cases that are sensitive to law enforcement. The website should also be sufficiently redacted to protect citizens from identity theft.

## Continued Monitoring

- 15** The Ohio Governor’s Warrant Task Force should continue to meet quarterly to monitor the status of these recommendations.

The Ohio Governor’s Warrant Task Force should continue to meet quarterly to monitor the status of the recommendations contained in this report. The task force should also monitor compliance with the recommendations of the former National Instant Criminal Background Check System (NICS) working group. The NICS system is used in conducting background checks during firearms purchases. The NICS working group was formed in 2015 to examine whether Ohio agencies were compliant with their NICS reporting obligations.

Quarterly meetings of the Ohio Governor’s Warrant Task Force should include a NICS compliance update, and reports from any subcommittees on relevant legislation, policy, programs, or research pertaining to Ohio’s system of issuing, serving, storing, and clearing warrants.

## Additional Considerations:

### The Fugitive Safe Surrender Program



Another effective program to clear the backlog of existing warrants is the Fugitive Safe Surrender Program. The Fugitive Safe Surrender program was established in Cleveland, Ohio, in 2005 by The U.S. Marshals Service and later continued in Ohio by then-Attorney General

Mike DeWine. The program allows individuals with warrants to safely turn themselves in at a location in their community that is not affiliated with the police or the courts. The Fugitive Safe Surrender program is not a warrant amnesty program, and individuals who turn themselves in on violent or serious felony warrants are taken into custody. Fugitives who participate in these events typically have warrants on lower-level offenses. The goal is to completely resolve such cases during the event, which is usually held at a church or other faith-based organization.<sup>14</sup>

The Ohio Governor’s Warrant Task Force sees value in this type of program and other similar innovative programs. Local communities and justice systems should be encouraged to consider these initiatives when analyzing warrant backlogs.

### Email Address

As the Ohio Governor’s Warrant Task Force continues working on these important issues, interested parties are invited to provide ideas, information, or feedback on the issue of warrant reform to the task force by emailing [warranttaskforce@dps.ohio.gov](mailto:warranttaskforce@dps.ohio.gov).

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<sup>14</sup> *Surrender and Anticipated Outcomes to Inform Program Evaluation*, Joseph Galanek, Janelle Duda, Daniel J. Flannery, Jeff Kretschmar, and Frederick Butcher; The Begun Center for Violence Prevention, Research, and Education, Case Western Reserve University; Cleveland, OH as reported in the *Journal of Qualitative Criminal Justice and Criminology*, Volume 4, Number 2, November 2016.

THE OHIO GOVERNOR'S

# WARRANT

## TASK FORCE Report

*May 2019*

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