

Improved Coordination and Information Could Reduce the Backlog of Unserved Warrants

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Robert Sherman
Director

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Summary

There are an estimated 265,000 to 385,000 unserved arrest warrants in Kentucky, and all counties face problems with accessing the information needed to serve them. In part, this is because there is no statewide system for issuing, tracking, and serving most warrants. From county to county, different criteria govern when a warrant is issued; different agencies hold the unserved warrants; and different law enforcement agencies attempt to serve them, using different policies and procedures.

There are other problems throughout the warrant process that have combined to create the backlog, such as a lack of accountability for warrants generally and policies that allow large numbers of warrants to be issued and remain unserved indefinitely. The situation is not unique to Kentucky. There are large backlogs of warrants in most local jurisdictions in the United States.

There are three primary types of criminal warrants discussed in this report: bench warrants, complaint warrants, and indictment warrants. Complaint warrants are initiated by a sworn complaint by a citizen or law enforcement officer, usually filed with the county attorney. A bench warrant is typically initiated by a court and is issued when a defendant fails to appear in court as required or otherwise disobeys a court's order. An indictment warrant is an arrest warrant issued after a grand jury has voted to indict a defendant for committing a felony offense.

In the report, complaint warrants are usually analyzed separately from bench and indictment warrants due to differences in how information is maintained on the types of warrants. Information on bench and indictment warrants issued since 2000 is available from the CourtNet database administered by the Administrative Office of the Courts. Each county is responsible for maintaining information on complaint warrants. A few counties maintain electronic databases of unserved complaint warrants, but most counties use paper-based filing systems.

Bench and Indictment Warrants

The majority of unserved warrants in the state are bench warrants issued as part of the courts' contempt power, often, but not always, issued in connection with minor crimes or traffic violations. Thirty-one percent of the bench and indictment warrants issued since 2000 have been recalled. For bench and indictment warrants that have not been recalled, the more serious the offense, the more likely a warrant will be served. More than 30 percent of warrants for misdemeanors have not been served. Approximately 16 percent of felony warrants have not been served.

The number of bench and indictment warrants issued and the number served has been increasing steadily, while the number recalled has remained about the same. Nonetheless, the backlog continues to increase because more warrants are issued each year than are

served or recalled. The number of unserved bench and indictment warrants grew by approximately 28,000 per year over the past three years.

Complaint Warrants

Between 55,000 and 85,000 unserved complaint warrants existed in Kentucky as of the first quarter of 2005. This estimate was developed based on data on unserved complaint warrants from Fayette, Franklin, Grayson, Jackson, Jefferson, Kenton, and Madison Counties.

Unserved complaint warrants include felonies, misdemeanors, and violations. In each of the seven counties, the largest category of unserved warrants was misdemeanors. As a percentage of all unserved complaint warrants, felony warrants ranged from about 6 percent in Kenton County to 69 percent in Jefferson. Theft offenses were the most numerous unserved complaint warrants for every county except Jefferson. Most unserved warrants for theft offenses were for theft by deception, which is typically committed by presentation of a bad check.

Based on the data collected from the seven counties, the typical length of time since issuance for unserved complaint warrants was 3 years and 9 months.

No Comprehensive Statewide Database of Warrant Information Exists

Because most current systems are not connected and most warrants are not visible statewide, wanted persons can have many types of interactions with government agencies without ever being arrested. A wanted person could renew a driver's license, renew a car registration, get a hunting license, receive public assistance, collect unemployment, go to court on another case, buy a gun, get a traffic ticket, and possibly even go to jail on other charges and be released, all without the warrant being served. A statewide electronic system could address that problem by providing immediate access to complete and accurate warrant information.

Having accurate information available in the jails and prisons would ensure that any new warrants issued while a person is incarcerated are served prior to release. Instant visibility of cleared warrants at law enforcement agencies could prevent serving the same warrant multiple times. Instant lookup at traffic stops and other encounters helps law enforcement determine the level of caution needed to ensure the safety of officers and the public, and can ensure that all outstanding warrants are served, especially from other jurisdictions.

A statewide warrant data system that tracked all warrants of all types would make better oversight and accountability possible. Problems could be pinpointed and solved more easily both at the state and local levels. Law enforcement agencies' performance could be evaluated and performance goals could be set.

A pilot project for a limited electronic system is planned for Clark and Woodford Counties to handle complaint warrants that have the necessary identifying information and that are for more serious crimes.

Major Conclusions

The report has five major conclusions.

1. The system is fragmented, with no single agency responsible for managing warrants. Maintaining an updated warrant database and responding to requests for information about the status of warrants is necessarily a costly and time-consuming endeavor that requires the cooperation of several agencies in two branches of government. In some jurisdictions, an agency has stepped up to perform the task and has coordinated with other agencies to create a cohesive system. In other counties, the agencies lack a spirit of cooperation and understanding of each other's role in the warrant process. As a result, the process lacks clearly defined or understood responsibilities.
2. Most unserved warrants were issued for writing bad checks or failing to comply with court orders. Most were issued for misdemeanors or lesser offenses. These warrants have a potentially indefinite life span if not served or recalled, yet they receive the least attention from law enforcement. The result is an increasing backlog of warrants as law enforcement continually prioritizes newer, more serious warrants for service.
3. There is little oversight or accountability to ensure warrants are handled properly. There are no statewide database or reporting requirements, so information about agencies' performance is not available and they are not held accountable. In most localities across the state, no one knows how many warrants have been issued or how many have been served.
4. There is little financial incentive to serve warrants and little disincentive not to serve them. Law enforcement agencies receive \$30 per misdemeanor warrant served and \$20 per felony warrant served, and then only if the wanted person is convicted, the arrest fee is assessed by the court, and the fines and costs are actually paid by the defendant. If law enforcement does receive the money, it does not usually cover the costs of serving the warrants. With little oversight or accountability, there may be no penalty for failing to serve them.
5. There is a lack of access to needed information, both about the status of a warrant and about the wanted person. The information that is available is too compartmentalized and difficult to access. In the absence of a statewide database, counties have developed their own systems that, in most areas, cannot communicate with each other. The result is an inability to access warrant

information across jurisdictional lines and, therefore, lost opportunities to serve arrest warrants.

Recommendations

The report has 27 recommendations.

- 1.1** If it is the intent of the General Assembly to reduce the number of warrants issued for bad checks, KRS 455.160 could be amended to increase the bad check dollar amount at which a warrant may be issued from \$100 to \$300.
- 2.1** If it is the judgment of the General Assembly that an independent organization is needed to ensure statewide collaboration and quality improvement in the serving of warrants, the Criminal Justice Council could be designated for that purpose or another organization could be created. Any organization charged with this objective should have adequate representation from the executive and judicial branches of government. That organization should be given the responsibility and adequate authority to oversee and direct the development of a cohesive, unified warrant system, including the development of a comprehensive, statewide database; and to recommend any changes in statutes, regulations, and court rules necessary to ensure the adoption of the system throughout the state.
- 2.2** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, seek to implement periodic review policies pursuant to which prosecutors and courts will review and recall warrants for minor crimes that are unlikely to result in prosecution if an arrest is made.
- 2.3** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization, as part of its development of a cohesive warrant system, should consider the effectiveness of the bad-check diversion programs in use and recommend which, if any, should become statewide models.
- 2.4** The Administrative Office of the Courts should encourage all District Courts to adopt a policy of providing a written notice stating the next court date or payment deadline before the defendant leaves court.
- 2.5** The Administrative Office of the Courts should encourage courts to refer all eligible cases to the Transportation Cabinet for suspension of the driver's license in lieu of issuing a bench warrant.

- 2.6** The Administrative Office of the Courts should identify those offices that remind defendants about upcoming court dates and attempt to evaluate the effectiveness of their policies. AOC should consider expanding the notification policy to other offices to the extent resources allow. AOC should also explore the feasibility of setting up an automated reminder system.
- 2.7** The Administrative Office of the Courts should encourage judges and court clerks to implement policies that allow defendants to resolve at the clerk's office warrants for failure to pay fines.
- 2.8** The Administrative Office of the Courts should ask courts to adopt a policy of immediately notifying Pretrial Services when a defendant in the program fails to appear and postponing the issuance of a bench warrant for a brief time to allow Pretrial Services the chance to contact the defendant to return to court.
- 2.9** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, research the effectiveness of postcard and telephone contact programs in other jurisdictions and consider recommending their implementation.
- 2.10** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should develop a uniform warrant form for use across the Commonwealth, ensure it is made easily available in electronic and paper form, and consider recommending legislation that would require that all arrest warrants be entered on that form.
- 2.11** The courts and the Administrative Office of the Courts should consider adopting a policy of routinely providing pretrial interview forms to law enforcement at the time a warrant is issued for defendants who have failed to appear.
- 2.12** Until a uniform warrant form is developed and implemented, the Administrative Office of the Courts should consider changing the format of its bench warrant form to provide space for an alternate address and place of employment, and should train deputy clerks to include any such information on the warrant when it is available in the court file.
- 2.13** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, facilitate the exchange of ideas and information among law enforcement agencies about the effectiveness of different procedures to serve warrants.

- 2.14** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, address the issue of arrest fees for law enforcement and consider proposing legislation to create a unified fee structure and to require assessment of the fee by judges when an arrest has been made.
- 3.1** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, ensure that procedures are in place to promptly update the system regardless of the way in which a warrant is cleared.
- 3.2** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1 to oversee and direct the development of a comprehensive statewide database, the Unified Criminal Justice Information System Committee of the Criminal Justice Council should be directed to work with that organization to accomplish this.
- 3.3** The Unified Criminal Justice Information System Committee and Kentucky State Police should review the feasibility of Internet access to the Law Information Network of Kentucky and the National Crime Information Center and report their findings to the council or other organization described in Recommendation 2.1.
- 3.4** The Unified Criminal Justice Information System Committee should determine the options for a legally binding electronic signature for complainants and, if necessary, request legislation or court rule changes to allow the use of such a signature.
- 3.5** Before proceeding beyond the e-Warrant pilot, the Unified Criminal Justice Information System Committee should develop a memorandum of understanding among the Commonwealth Office of Technology, the Administrative Office of the Courts, and any other pertinent agencies that establishes how information can be exchanged between e-Warrant and CourtNet.
- 3.6** The e-Warrant project's managers should present their validation plan for warrants to be included in the National Crime Information Center database to the FBI and obtain FBI approval before proceeding beyond the pilot.
- 3.7** A goal for the e-Warrant project should be that all warrants will be generated electronically, signed electronically, and stored electronically in databases that are accessible to all law enforcement agencies, courts, prosecutors, correctional facilities, and other parties with a need to access them. If necessary, statutory and court rule changes should be requested to specify that an electronic warrant is valid and how an electronic warrant should be served.

- 3.8** A goal for the e-Warrant project should be that the eventual e-Warrant system will automatically query other systems, including, but not limited to, the government and public databases listed in this chapter 1) when a warrant is issued, to populate and verify as many identifying fields as possible; and 2) at frequent intervals thereafter to develop alternative addresses and leads to finding the wanted person.
- 3.9** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, evaluate the creation of a statewide network of warrant operations centers.
- 3.10** The Unified Criminal Justice Information System Committee, or an organization created as described in Recommendation 2.1, should study the implications of following the FBI's request to place all warrants in the National Crime Information Center database.
- 3.11** If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, develop a proposal to address serving and clearing out-of-county warrants statewide, as well as the financial implications of extradition.
- 3.12** The Unified Criminal Justice Information System Committee should publish standards for criminal justice software procurement and interoperability by all state and local criminal justice agencies and require all agencies to submit their plans for automated criminal justice systems to UCJIS to ensure they will work with other state and local systems in Kentucky.

Chapter 1

The Number and Types of Unserved Arrest Warrants

Introduction

In early 2004, a fugitive who was wanted for rape appeared in court in Jefferson County in connection with an unrelated domestic violence case. It was one of a series of court appearances the court had set to ensure the defendant did not leave town. The fugitive voluntarily attended the court appearance and then left without being taken into custody despite the existence of the unserved arrest warrant for rape. Louisville law enforcement and court officials stated that this is not an isolated incident.

There is no statewide system for issuing, tracking, and serving most warrants. Each county has its own system.

Jefferson County is not the only county with difficulty serving the large number of arrest warrants that are issued, nor is it the worst. There are at least 265,000 unserved warrants in Kentucky, and all counties face problems with accessing the information needed to serve them. In part, this is because there is no statewide system for issuing, tracking, and serving most warrants.

Each county has its own system set up by local officials. From county to county, different criteria govern when a warrant is issued; different agencies hold the unserved warrants; and different law enforcement agencies attempt to serve them, using different policies and procedures. As a result, the systems vary in effectiveness and efficiency, and communication from county to county is limited.

A standardized process and better access to information would facilitate the serving of warrants and help decrease the backlog, but it would not address the key impediment to improving Kentucky's warrant process: the lack of clear accountability. Issuing, tracking, and serving warrants involve the executive and judicial branches of government, with responsibility divided among different agencies that handle distinct pieces of the process.

There are other problems throughout the warrant process that have combined to create the backlog. Many warrants, which may remain unserved indefinitely, are issued for minor violations and crimes. There is a perception among some who work in the system that there is insufficient screening of complaints and that warrants are issued too easily.

Defendants can quickly discern the culture of a criminal justice system, whether it is too overworked to bother with less serious offenders or whether it is determined to enforce its orders (U.S. Department. Office 40). Most unserved warrants were issued in connection with minor crimes, yet law enforcement generally has not tried alternatives to personally serving these minor warrants. Law enforcement generally lacks adequate access to needed information about warrants and the wanted person. Some law enforcement agencies may also lack the necessary motivation to serve warrants.

Kentucky is not alone in facing a growing backlog of unserved warrants. According to an article in the *Washington Post*, there are large backlogs of warrants in most local jurisdictions (Eggen). In Washington State, there were at least 255,000 unserved warrants as of the year 2000. Commenting on the backlog, the Chief Justice of the Washington Supreme Court stated, "Each warrant represents yet another court order that is being ignored. Respect for law and order, for courts, and for judges, has been diminished" (Guy).

Description of This Study

How This Study Was Conducted

For this report, staff interviewed state and local officials, collected and analyzed data, and reviewed other states' policies.

The 2004 General Assembly approved Senate Resolution 207, requesting the Program Review and Investigations Committee to study the issuing, tracking, and serving of criminal warrants in the Kentucky criminal justice system. On November 9, 2004, the committee authorized this study.

In conducting the study, staff conducted site visits and interviewed local court and law enforcement officials in Fayette, Franklin, Grayson, Jackson, Jefferson, Kenton, and Madison Counties. Some of these counties could not provide information on the number and composition of their unserved warrants. In those counties, the actual warrants were made available and staff counted or estimated the total number of outstanding warrants, selected a sample, and recorded data about them.

Staff interviewed officials with the Administrative Office of the Courts, the Justice and Public Safety Cabinet, the Kentucky State Police, the Department of Probation and Parole, the Department of Criminal Justice Training, the Unified Criminal Justice Information System, the Transportation Cabinet, the Center for Rural Development, and the Federal Bureau of Investigation. Staff

also researched various aspects of the warrant process and use of criminal justice information systems in other states. Finally, staff conducted legal research on Kentucky's laws governing the warrant process and on liability issues related to the serving of criminal warrants.

Organization of the Report

The remainder of Chapter 1 provides an overview of the general process of issuing, tracking, and serving warrants; introduces some of the major problems identified; and presents the data that was collected and analyzed. Chapter 2 discusses the warrant process in greater detail, including variations among the counties studied, problems at each stage of the process, and aspects of other states' warrant systems. Chapter 3 focuses on the current and future use of criminal justice information systems in tracking arrest warrants.

Appendix A contains examples of the three types of arrest warrant forms. Appendix B describes the process used to develop a statewide estimate of the number of unserved complaint warrants. Appendix C details the methods used to retrieve and analyze bench and indictment warrant data, while Appendix D lists counties ranked by length of time to serve warrants. Appendix E explains the collection and analysis of complaint warrant data for the seven study counties. Appendix F is the Administrative Office of the Courts' response to this report, and Appendix G is the joint response of the Justice and Public Safety Cabinet and the Commonwealth Office of Technology.

This report has five major conclusions:

1. The system is fragmented, with no single agency responsible for managing warrants. In some jurisdictions, an agency has stepped up and coordinated with other agencies to create a cohesive system. In others, the agencies lack a spirit of cooperation and understanding of each other's role in the process.

Major Conclusions

1. The system is fragmented, with no single agency responsible for managing warrants. Maintaining an updated warrant database and responding to requests for information about the status of warrants is necessarily a costly and time-consuming endeavor that requires the cooperation of several agencies in two branches of government. In some jurisdictions, an agency has stepped up to perform the task and has coordinated with other agencies to create a cohesive system. In other counties, the agencies lack a spirit of cooperation and understanding of each other's role in the warrant process. As a result, the process lacks clearly defined or understood responsibilities.
2. Most unserved warrants were issued for writing bad checks or failing to comply with court orders. Most were issued for

2. Most unserved warrants were issued for writing bad checks or failing to comply with court orders. Most were for misdemeanors or lesser offenses. They have an indefinite life span yet receive the least attention from law enforcement. The result is an increasing backlog.

3. There is little oversight or accountability to ensure warrants are handled properly. There are no statewide database or reporting requirements. In most places, no one knows how many warrants have been issued or served.

4. There is little financial incentive to serve warrants and little disincentive not to serve them. Law enforcement receives a fee for service if the wanted person is convicted and the fee assessed and paid.

5. There is a lack of access to needed information, both about the status of a warrant and about the wanted person.

misdemeanors or lesser offenses. These warrants have a potentially indefinite life span if not served or recalled, yet they receive the least attention from law enforcement. The result is an increasing backlog of warrants as law enforcement continually prioritizes newer, more serious warrants for serving.

3. There is little oversight or accountability to ensure warrants are handled properly. There are no statewide database or reporting requirements, so information about agencies' performance is not available and they are not held accountable. In most localities, no one knows how many warrants have been issued or how many have been served.

4. There is little financial incentive to serve warrants and little disincentive not to serve them. Law enforcement agencies receive \$30 per misdemeanor warrant served and \$20 per felony warrant served, and then only if the wanted person is convicted, the arrest fee is assessed by the court, and the fines and costs are actually paid by the defendant. If law enforcement does receive the money, it does not usually cover the costs of serving the warrants. With little oversight or accountability, there may be no penalty for failing to serve them.

5. There is a lack of access to needed information about the status of a warrant and about the wanted person. The available information is too compartmentalized and difficult to access. In the absence of a statewide database, counties have developed their own systems that, in most areas, cannot communicate with each other. The result is an inability to access warrant information across jurisdictional lines and, therefore, lost opportunities to serve warrants.

Issuing, Tracking, and Serving Criminal Warrants: An Overview

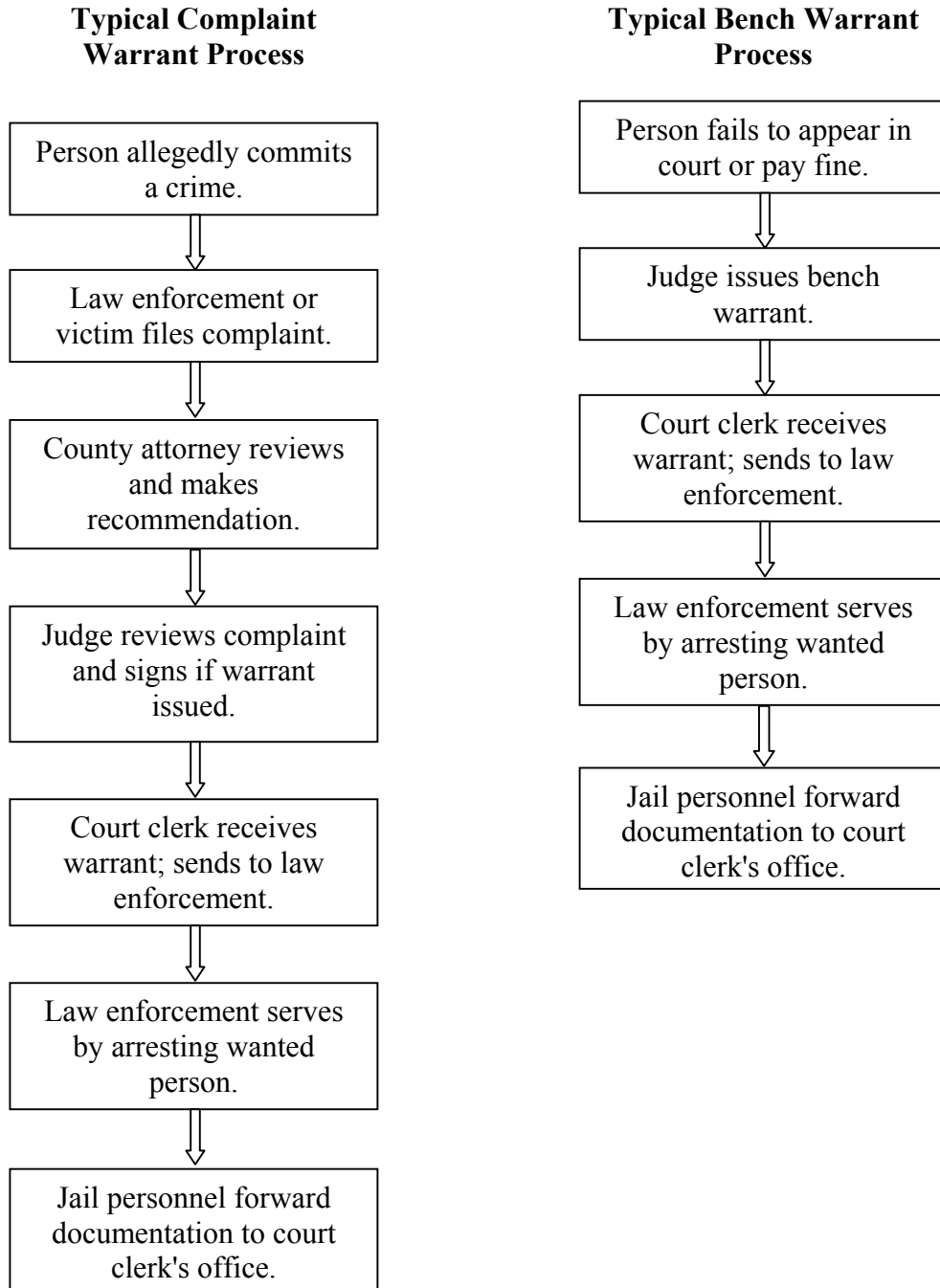
An arrest warrant is a court order commanding peace officers to arrest the wanted person. This report focuses on complaint, bench, and indictment warrants.

The warrant process involves both the executive and judicial branches of government through the functions of prosecutors, law enforcement officers, judges, and court clerks. An arrest warrant is a court order directed to all peace officers in the Commonwealth. By its terms, it commands them to arrest a named person for a specified offense and bring the person before the court.

There are three primary types of criminal warrants discussed in this report: bench warrants, complaint warrants, and indictment

warrants. Warrants of all three types are to be served by law enforcement, but they differ in the way they are issued and, consequently, in the information that is maintained about them. Figure 1.A illustrates the typical bench and complaint warrant processes. Except for its different origin, the process for the indictment warrant is similar to that for the bench warrant.

Figure 1.A
Processes for Complaint and Bench Warrants



Complaint warrants are initiated with a sworn complaint by a citizen or law enforcement officer, usually filed with the county attorney.

Complaint warrants are initiated by a sworn complaint by a citizen or law enforcement officer, usually filed with the county attorney. Typically, the county attorney reviews the complaint, prints the warrant, and makes a recommendation to the judge. The judge then reviews the complaint, determines whether to issue a warrant, and, if issued, signs the warrant and forwards it to the court clerk for distribution to law enforcement. Unserved complaint warrants are physically held by law enforcement, the clerk's office, or the county attorney's office. The location varies from county to county.

A bench warrant is initiated by a court and is issued when a defendant fails to appear or otherwise disobeys a court's order.

A bench warrant is typically initiated by a court and is issued when a defendant fails to appear in court as required or otherwise disobeys a court's order. The court clerk's office prints the warrant, and the warrant information is retained in the court's database. The judge signs the warrant, and the clerk forwards it to law enforcement to serve.

An indictment warrant is an arrest warrant issued for a felony offense after a grand jury has voted to indict the defendant.

An indictment warrant is an arrest warrant issued for a felony offense after a grand jury has voted to indict a defendant for committing the charged offense. An indictment warrant is printed by the Circuit Court clerk's office, and the warrant information is retained in the court's database. As with the other warrants, the judge signs it, and the clerk forwards it to law enforcement to serve.

Sometimes a judge recalls an arrest warrant before it is served. This could happen for any number of reasons. It may be because the wanted person has voluntarily surrendered and resolved the matter or because more information has come to light that indicates the original warrant was issued in error.

The different types of warrants do not look the same although they contain some of the same basic information, when available: description of the crime and information about the wanted person, such as name, date of birth, operator's license number, height, and weight. Examples of warrants are included in Appendix A.

After a warrant is signed by a judge, it is distributed to law enforcement officers, who will try to serve the warrant by arresting the wanted person.

The law enforcement agency responsible for serving the warrants in that county will pick up the warrant at the clerk's office and attempt to serve it by arresting the wanted person. Once the wanted person is located, the officer will take steps to verify that the warrant has not been served already or recalled by the court. If the warrant is still active, the officer will take the wanted person to jail. Jail personnel will forward documentation of the arrest to the clerk's office.

Legal Processes Not Included in This Study

There are other types of legal documents that were not included in this study. A criminal summons is an order requiring a defendant to appear in court. Summonses must also be served by law enforcement.

There are other types of warrants and legal documents that are beyond the scope of this study, including juvenile arrest warrants, parole violation warrants, and criminal summonses. All of these documents also are to be served by law enforcement, and therefore compete with criminal warrants for the attention and resources of local law enforcement agencies.

A criminal summons, which is issued frequently, is a court order requiring a defendant to appear in court at a specific date and time to answer criminal charges. The crime at issue is often less serious than those for which a warrant is issued, but that is not always the case. Just as with arrest warrants, if a summons is never served, the wanted person may never be brought before the court to answer the pending criminal charges. There is a backlog of unserved criminal summonses as well.

Each County Handles Warrants Differently

No two counties process warrants the same way. There are variations at every step in the process.

The counties analyzed for this report follow the general process described above, but there are variations from county to county at every step in the process. These differences can impact the number and nature of a county's outstanding warrants.

The policies of the local prosecutors, circuit clerks, judges, and law enforcement agencies all impact the warrant process. County attorneys vary in the extent to which they screen complaints and recommend that a warrant or criminal summons be issued. Judges have some discretion in deciding whether to issue a warrant or summons. Some circuit clerks simply pass along signed warrants to law enforcement agencies; others play a more active role in warrant tracking. Different law enforcement agencies within each county are responsible for serving warrants, and each responsible agency has different internal policies governing the process. Even the warrants themselves look different depending on the county of issuance and the type of warrant.

The lack of any comprehensive statewide warrant database has led to other differences among the counties. In order to avoid liability for arresting the wrong person or serving the same warrant more than once, law enforcement officials in each county have devised their own procedures for confirming a warrant has not been served or recalled before officers will execute it. Some counties use computerized databases, others rely on the existence of the original

unexecuted warrant at a central location, and some combine both methods.

Kentucky's Unserved Criminal Warrants

There is no central source of warrant information. The information that is available is compartmentalized based on the type of warrant and county of issuance.

No centralized, statewide repository of information on all types of warrants exists, and the information that is available is compartmentalized and difficult to access. Because the three types of warrants originate with different agencies and are processed differently from county to county, the information about them is held in various places and forms. In order to develop a statewide estimate, staff had to combine data from several sources. The details are provided in Appendix B.

CourtNet data were obtained for bench and indictment warrants as well as for Jefferson County's complaint warrants.

The Administrative Office of the Courts (AOC) operates CourtNet, a database containing information on bench and indictment warrants from all 120 counties. AOC provided data on all bench and indictment warrants in CourtNet issued between January 1, 2000, and January 27, 2005.

Staff obtained complaint warrant data from databases in three counties and by manually reviewing unserved warrants in four other counties.

Staff also obtained CourtNet data on Jefferson County's served and unserved complaint warrants, but the system contains no information on complaint warrants for other counties. To better characterize the number and composition of complaint warrants, staff used the CourtNet data for Jefferson County and also focused on six other counties. Electronic databases that would allow for easy and convenient access are limited to the more populous counties. In addition to Jefferson County, Fayette and Kenton Counties each have an electronic repository for unserved complaint warrants. Both counties provided information from their databases about unserved complaint warrants.

The four other counties studied use databases for limited purposes but also rely on paper file systems, as is typical for most other counties. In order to learn about unserved complaint warrants in Franklin, Grayson, Jackson, and Madison Counties, staff manually went through each county's unserved warrant files, recorded relevant information, and then checked the status of the warrants to confirm they had not been served.

Because the data on warrants came from different sources, there was different specific information available about the different types of warrants. Data on bench and indictment warrants included information about warrants that were issued and served. The complaint warrant data contained information only about warrants

that were not served. The complaint warrant data also included information about the wanted person's address; the bench and indictment warrant data did not. These types of differences restricted the comparisons and analysis that could be performed.

At Least 265,000 Arrest Warrants Are Unserved

To estimate the total number of warrants, staff combined the bench and indictment warrant information with complaint warrant information and developed an estimate for the rest of the state.

To estimate the total number of unserved arrest warrants for the state, staff used the bench and indictment warrant data supplied by AOC for the state as a whole and the complaint warrant data collected for the seven counties. AOC's electronic database only includes information on warrants statewide issued since late 1999, so they provided data on warrants issued since January 2000. As described in Appendix C, the number of unserved bench and indictment warrants issued before 2000 can be estimated but doing so requires making assumptions, which necessitates that the estimates be a range of values. The state total of unserved complaint warrants must be extrapolated from the seven counties analyzed. The complaint warrant data started at different dates, depending on the county.

As shown in Table 1.1, staff estimated that there are 265,000 to 385,000 unserved arrest warrants in Kentucky.

Table 1.1
The Estimated Number of Unserved Bench, Indictment, and Complaint Warrants

Type of Warrant	Range of Estimates
Bench	205,000 to 293,000
Indictment	5,000 to 7,000
Complaint	55,000 to 85,000
Total	265,000 to 385,000

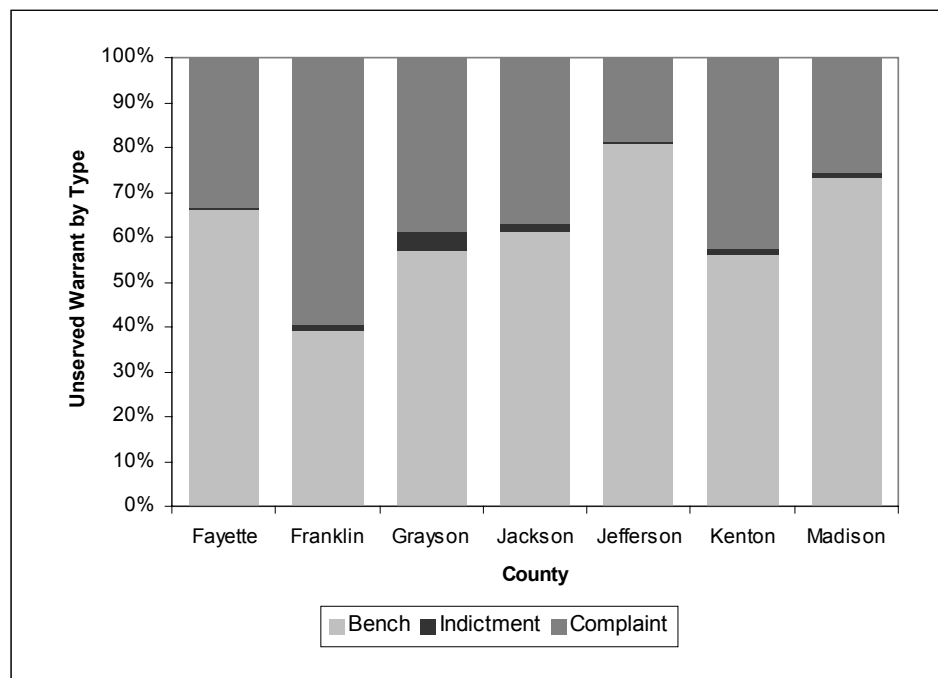
Source: Program Review staff's analysis of bench and indictment warrant data from the Administrative Office of the Courts and extrapolation of complaint warrant data from Fayette, Franklin, Grayson, Jackson, Jefferson, Kenton, and Madison Counties.

The majority of unserved warrants in the state are bench warrants issued as part of the courts' contempt power. These warrants are typically issued when defendants do not appear in court or pay fines as required. They are often, but not always, issued in connection with minor crimes or traffic violations. According to some law enforcement officials, these are often the warrants that are given the least priority to serve.

Because of data limitations, little more can be said about the entire population of unserved arrest warrants. It is possible, however, to combine the different data sets to characterize warrants by type and severity of crime for the seven counties studied.

Figure 1.B below shows the distribution of unserved arrest warrants by type and county. Bench warrants make up more than half the total unserved warrants in every county except Franklin, in which complaint warrants are the predominant type. Indictment warrants are a small percentage of the total in each county.

Figure 1.B
Types of Unserved Arrest Warrants by County

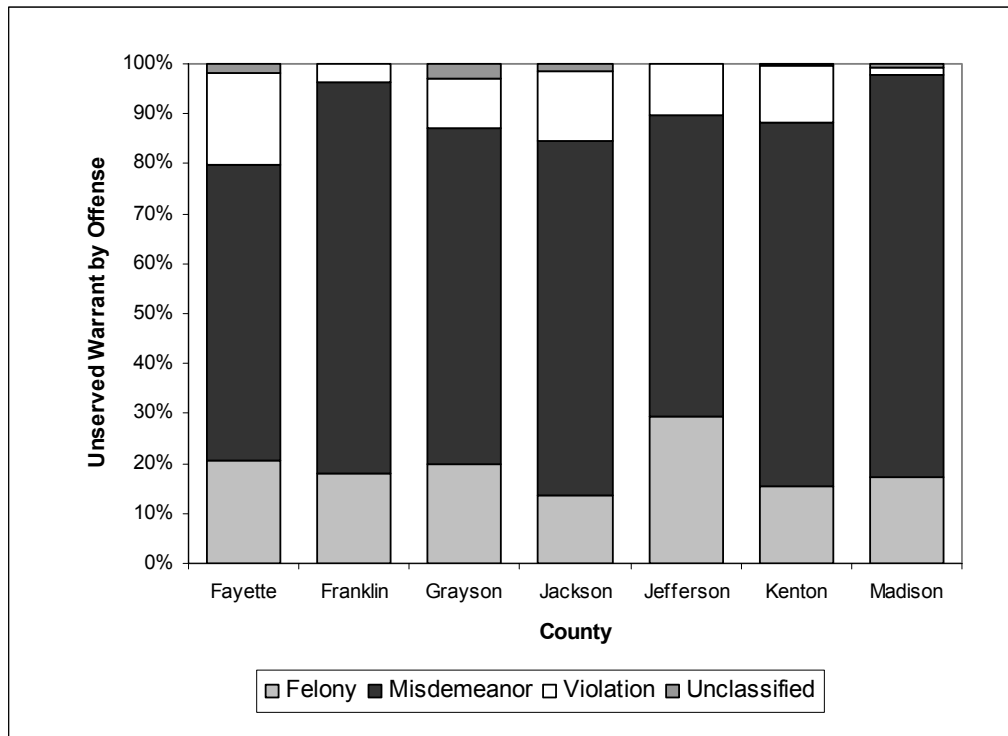


Note: Jefferson County's distribution for nonsupport warrants is estimated.

Source: Program Review staff's analysis of bench and indictment warrant data from the Administrative Office of the Courts and analysis of complaint warrant data from the counties listed.

As indicated in Figure 1.C, unserved warrants in each of the seven counties are predominantly for misdemeanors.

Figure 1.C
Offense Severity for All Unserved Warrants by Selected County



Note: Jefferson County’s distribution for nonsupport warrants is estimated.

Source: Program Review staff’s analysis of bench and indictment warrant data from the Administrative Office of the Courts and analysis of complaint warrant data from the counties listed.

Previous Reports on Jefferson County’s Warrant Backlog Have Included Summonses

Reports of more than 54,000 unserved warrants in Jefferson County were based on statistics that included criminal summonses. Counting arrest warrants only, there were approximately 41,000 unserved as of the end of 2004.

The Louisville Metro Criminal Justice Commission (LMCJC) has produced warrant statistics for Jefferson County since 2000 based on data provided by AOC. In producing the statistics, LMCJC counted criminal summonses and warrants together, which is a common practice in the criminal justice field. LMCJC did not include indictment warrants because it determined that indictment warrants were being served adequately and other warrants presented the most urgent problem. Recent media reports of more than 54,000 unserved warrants in Jefferson County were based on the December 2004 statistics from LMCJC.

Both approaches use data from the Administrative Office of the Courts (AOC), which may be inaccurate.

For this report, Program Review staff distinguished between summonses and warrants. Table 1.2 indicates the differences in the total for Jefferson County with and without summonses. For whichever approach is used, AOC has pointed out that CourtNet data are not the official record and may be inaccurate.

Table 1.2
Jefferson County's Warrant Backlog as of December 2004

Type of Warrant	Count
Bench	28,900
Unservd Division Nonsupport bench (estimate)*	1,690
Unknown**	4,378
Unservd Division Complaint (estimate)	6,135
Total Unservd Division	12,203
Indictment	N/A
Total Arrest Warrants	41,103
Summonses	13,371
Total Arrest Warrants and Summonses	54,474

* Reports indicated that about 60 percent of nonsupport warrants in the Unservd Division were bench warrants. Staff broke these out separately.

** These are warrants that might be bench warrants or complaint warrants. A further discussion is included in Appendix C.

Source: Program Review staff analysis of data from LMCJC, which was originally provided by AOC.

Analysis of Arrest Warrant Data

The remainder of the chapter presents the analysis of arrest warrant data, first for bench and indictment warrants, and then for complaint warrants.

The Number of Unservd Court Warrants Is Large and Growing

CourtNet is the statewide database of information from the courts' 120 case management systems.

AOC operates CourtNet, a consolidated database containing information from all 120 counties. CourtNet receives updates every 15 minutes from the court case management software in each county. The case management information is maintained by the court clerk's staff in order to track cases and prepare dockets. The software allows the clerk to enter bench or indictment warrant information related to a case and to print a warrant for the judge's signature. AOC provided Program Review with data on all CourtNet warrants issued since January 1, 2000. Any unserved warrants issued prior to 2000 were not included.

Warrants issued for defendants in cases with criminal charges were included in this report. All others were excluded. Some Jefferson County warrants were excluded because of problems with the data.

For this report, only warrants issued for a defendant with criminal charges were included. Warrants issued for witnesses, attorneys, and other third parties were excluded, as were warrants in civil and other noncriminal cases. Because a case can involve multiple charges, staff selected the most serious charge in each case and

assigned that severity to the warrant. The severity of an offense can range from violation of a traffic or local ordinance to a capital crime.

Because of problems with the way some Jefferson County bench and complaint warrant data were coded in the database, a portion of the warrants were excluded from the analysis. See Appendix C for further explanation. Assuming that the percentage served and the time it took to serve these warrants is comparable to other bench warrants, there should be little difference in the statistics.

AOC indicated that the CourtNet warrant status might be unreliable. Staff found 4.4 percent of warrants shown as active were not.

AOC indicated that the warrant status shown in CourtNet might not be reliable. At the request of staff, circuit clerks around the state manually verified a sample of 343 warrants classified as active. Based on the results, staff estimated that 4.4 percent of the warrants listed as active in CourtNet are not active because they have been recalled or have already been served.

Approximately 161,000 bench and indictment warrants for criminal defendants issued since 2000 remain unserved.

There were 166,367 bench and indictment warrants for criminal defendants issued since 2000 and classified as still outstanding in CourtNet as of January 27, 2005.¹ As shown in Table 1.3, reducing this number by 4.4 percent results in approximately 161,000 unserved court warrants.

Table 1.3
Estimates of Total Unserved Bench and Indictment Warrants

Type of Warrant	Corrected Estimate for 2000 to 2005	Pre-2000 Estimate	Estimated Totals
Bench	156,000	49,000 to 137,000	205,000 to 293,000
Indictment	4,300	600 to 2,200	5,000 to 7,000
Total	161,000	49,000 to 139,000	210,000 to 300,000

Note: Estimated numbers are rounded to indicate they are not exact.
 Source: Program Review staff's analysis of bench and indictment warrant data from the Administrative Office of the Courts.

Considering warrants issued prior to 2000, the total of unserved court warrants may be as low as 210,000 or as high as 300,000.

This total does not include an unknown number of unserved warrants issued before 2000. Using approximations described in Appendix C, staff estimated that there were probably at least one-third as many older outstanding warrants, or 49,000, but the number of warrants issued prior to 2000 could be as high as

¹ This number includes 4,627 unserved Jefferson County warrants coded as complaint warrants that most likely are bench warrants. In addition, 1,690 unserved Jefferson County nonsupport warrants were reported to be bench warrants and were added to the corrected estimate for 2000-2005.

139,000. The statewide estimate of unserved court warrants, therefore, ranges from 210,000 to 300,000.

In the remainder of this chapter, all counts are as shown in CourtNet for warrants issued since 2000, without corrections to the number of unserved warrants and without the estimated pre-2000 warrants.

Because AOC provided information about both served and unserved warrants, it was possible to determine whether the number of unserved warrants is growing and to estimate the rate of growth. In order to minimize the impact of warrants issued prior to 2000, only the years 2002 to 2004 were used. Staff had to assign an arbitrary service date to warrants that had no date and an arbitrary recall date for recalled warrants. These calculations are explained in Appendix C.

Although the number of warrants served has increased, the number issued has increased as well, leading to a backlog that has grown by approximately 28,000 in each of the last three years.

Table 1.4 shows that the number of warrants issued and the number served has been increasing steadily while the number recalled has remained about the same. Although the number of warrants issued is known, the numbers of warrants recalled and served each year were estimated due to limitations in the data. See Appendix C for further explanation. Nonetheless, the backlog has been increasing because more warrants were issued each year than were served or recalled. The number of unserved court warrants grew by approximately 28,000 per year over the past three years. This illustrates the worsening nature of the warrant backlog.

Table 1.4
Growth of the Backlog of Bench and
Indictment Warrants From 2002 to 2004

Year	Issued	Recalled	Served	Increase in Backlog
2002	159,350	50,613	80,150	28,587
2003	170,177	50,656	91,795	27,726
2004	180,053	51,899	99,514	28,640

Source: Program Review staff's analysis of bench and indictment warrant data from the Administrative Office of the Courts.

Almost all indictment warrants are issued for felony or capital offenses. More than 80 percent of bench warrants are issued for misdemeanors or violations.

Most indictment warrants (almost 99 percent) are issued for felony or capital charges, while most bench warrants (69 percent) are issued for misdemeanors. The remaining bench warrants are split between felony charges (17 percent) and violations (14 percent).

Almost a third of all court warrants are recalled. More violation warrants are recalled than are served.

As shown in Table 1.5, of the more than 800,000 bench and indictment warrants issued since 2000, approximately 255,000

(31 percent) have been recalled. Only 7 percent of capital warrants were recalled, but one-fifth of felony warrants and one-third of misdemeanor warrants were. For violations, more warrants were recalled than served.

There are several reasons a judge might recall a warrant. The defendant’s lawyer may request the warrant be recalled in exchange for a promise that the defendant will appear. If the warrant is for failure to pay fines, the judge generally will recall the warrant if the defendant pays the fine at the clerk’s office. In some jurisdictions, older warrants are reviewed after a time and the warrants that are no longer needed are recalled. Based on the AOC data, it was not possible to determine why specific warrants were recalled.

Table 1.5
Recalled Bench and Indictment Warrants by
Severity of Offense
(For Warrants Issued January 2000 to January 2005)

Offense Severity	Total Issued	Recalled	
Capital	876	57	7%
Felony	185,693	36,398	20%
Misdemeanor	529,736	173,167	33%
Violation	107,183	45,260	42%
Total	823,488	254,882	31%

Source: Program Review staff analysis of bench and indictment warrant data from the Administrative Office of the Courts.

Court warrants for more serious offenses are more likely to be served and are served more quickly.

Table 1.6 shows that the more serious the offense, the more likely a warrant will be served. More than 40 percent of unrecalled warrants for violations remain unserved, as do more than 30 percent of misdemeanors. Approximately 16 percent of felony warrants have not been served. All but 4 percent of warrants for capital crimes were served.

Table 1.6
Unserved Bench and Indictment Warrants by Severity of
Offense as Percentage of Warrants Not Recalled
(For Warrants Issued January 2000 to January 2005)

Offense Severity	Total Issued and Not Recalled		Unserved	
Capital	819		35	4%
Felony	149,295		24,534	16%
Misdemeanor Violation	356,569		111,977	31%
	61,923		25,194	41%
Total	568,606		161,740	28%

Source: Program Review staff analysis of bench and indictment warrant data from the Administrative Office of the Courts.

A handful of offenses accounted for the majority of unserved court warrants. Bad check, operator's license, vehicle insurance, and alcohol charges predominated.

Table 1.7 summarizes the most common offenses within each of the above categories of bench and indictment warrants. The only capital offense with unserved warrants was murder. Cocaine possession and trafficking account for more than a third of the controlled substance warrants. Bad checks account for a significant number of the theft by deception warrants for both felonies and misdemeanors. Offenses related to driver's licensing and vehicle insurance account for a major portion of the misdemeanor warrants, while public intoxication and consumption of alcohol dominate the violations.

Table 1.7
Unserved Bench and Indictment Warrants by Specific Type
of Offense as Percentage of Warrants Not Recalled
(For Warrants Issued January 2000 to January 2005)

Type of Offense	Number	Within Type, Percent With This Offense	Percent Unserved
Capital:			
Murder	35	100 %	4 %
Felony:			
Theft by deception	5,850	23	21
Controlled substances	5,033	20	13
Family offenses/nonsupport	4,312	17	23
Misdemeanor:			
License offenses	26,565	23	40
Theft by deception	23,949	21	28
DUI	19,176	17	39
Vehicle insurance	11,603	10	39
Controlled substances	9,160	8	32
Violation:			
Public alcohol	13,942	55	44
Speeding/reckless driving	7,235	28	41

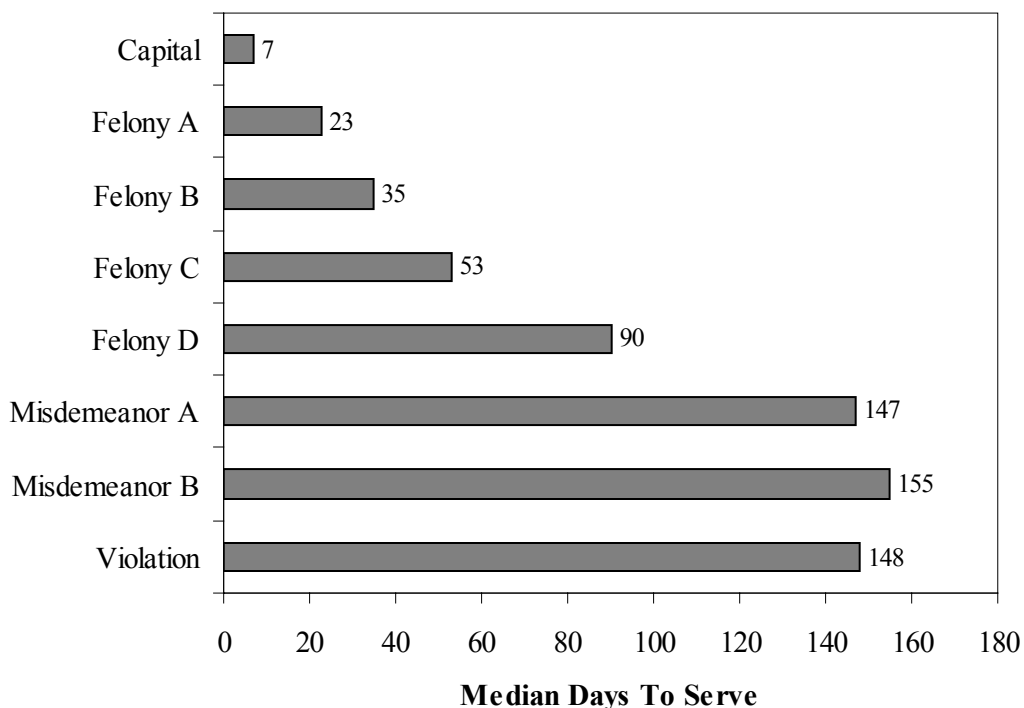
Source: Program Review staff analysis of bench and indictment warrant data from the Administrative Office of the Courts.

Because most court warrants are bench warrants, looking at the top contributors might suggest ways to reduce the number of bench warrants issued.

Most of these warrants are bench warrants, issued after a wanted person has already appeared in court and been charged. These numbers, therefore, represent the number of times a defendant failed to appear in court, pay a fine, or comply with a court order in particular types of cases. They do not reflect the actual prevalence of different types of crimes or crime reports. The value of looking at specific offenses is to determine whether the number of warrants being issued could be reduced by alternative measures, either before taking legal action or after entering the court system. If certain types of cases are more likely to result in bench warrants, perhaps additional actions could be taken to encourage compliance or resolve the issue through other means.

The time taken to serve warrants for different types of offenses is another measure of prioritization. As shown in Figure 1.D, as the seriousness of the charge increases, the typical time taken to serve a warrant decreased. It took approximately 150 days to serve the median misdemeanor or violation warrant issued in the period from January 2000 to January 2005.² The time to serve felony warrants ranged from 90 days for Class D offenses to 23 days for the more serious Class A offenses, and 7 days for capital offenses.

Figure 1.D
Median Days To Serve Bench and Indictment Warrants
by Seriousness of Charge
(For Warrants Issued and Served January 2000 to January 2005)



Source: Program Review staff's analysis of bench and indictment warrant data from the Administrative Office of the Courts.

² If the warrants were listed in the order served, the median would be the time to serve half of the warrants.

Severity of offense again was most strongly associated with the time it took to serve the warrant.

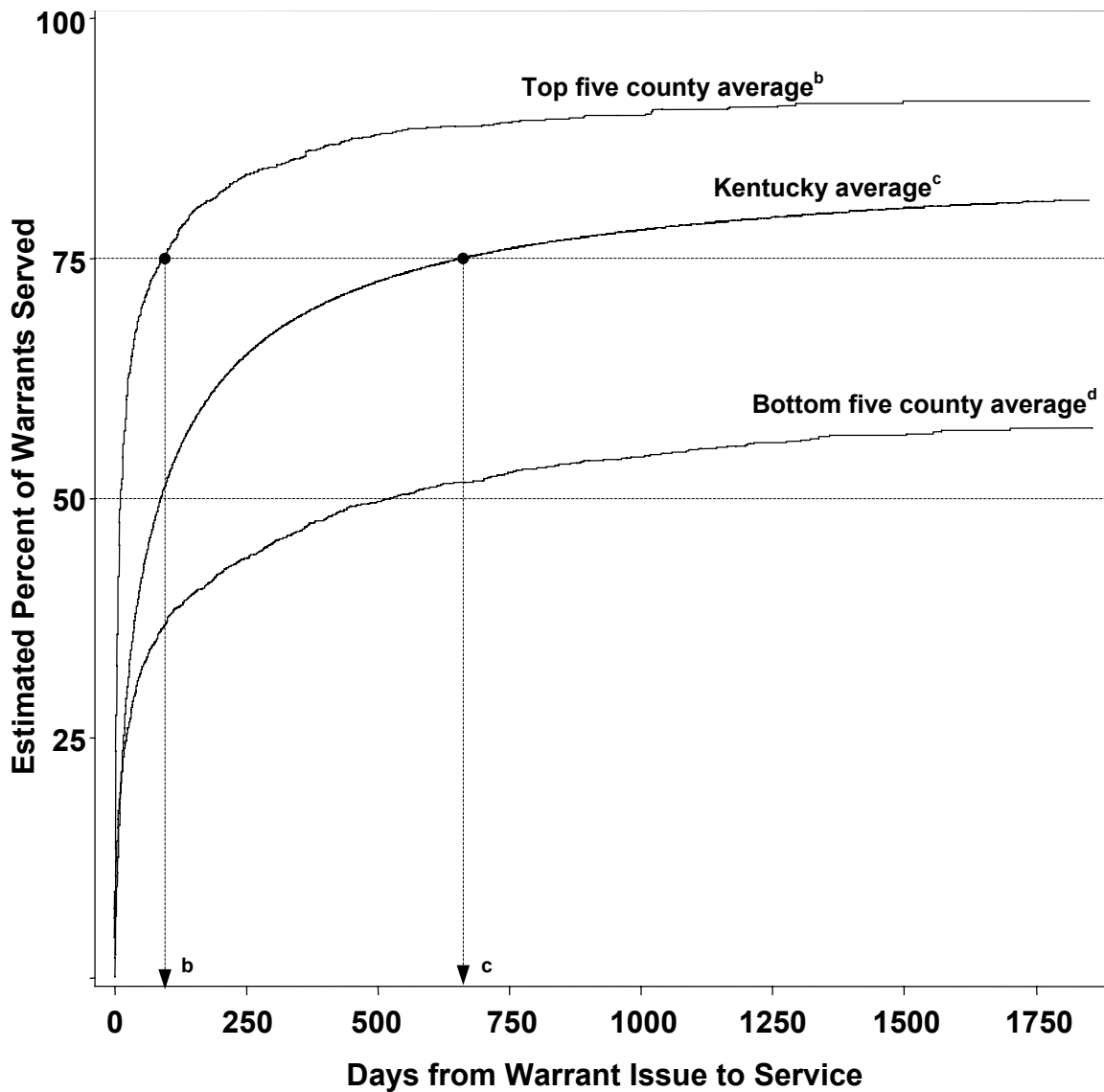
A more detailed analysis was done to estimate the expected time to serve a given percentage of court warrants. In order to allow a reasonable time for serving, only warrants issued from January 2000 through December 2003 were considered. Unlike Figure 1.D, the estimate included both served and unserved warrants and took into account the fact that the unserved warrants have an unknown time to serve. Using this approach, the severity of the offense again was the factor most strongly associated with time to serve.

Counties vary widely in their time to serve warrants. The average time to serve 75 of 100 court warrants was 674 days.

There was a wide variation among counties' estimated time to serve court warrants. The time it would take to serve 75 percent of warrants was chosen for purposes of comparison. Figure 1.E compares the most extreme counties with the Kentucky average. In the five counties with the most rapid warrant service, if 100 warrants were issued today, 75 would be served in approximately 123 days. The Kentucky average was 674 days to serve 75. In the five counties with the least rapid warrant service, the number served would not reach 75 in the foreseeable future. It is unknown why the counties' time to serve warrants varied so widely. A county's policies, geographic location, and resources may all play a role. Appendix D lists the complete county rankings.

Although Jefferson County has received much publicity for its number of unserved warrants, the county ranked within the top fifth of counties in estimated time to serve. Jefferson County was 24th among the 120 counties, taking an estimated 300 days to serve 75 of a given 100 warrants. Among the 10 most populous counties, Jefferson County ranked second.

Figure 1.E
Estimated Service Rate of Bench and Indictment Warrants
Based on Warrants Issued From January 2000 to December 2003^a



^a Service rates were estimated using a “survival function” that takes into account unserved warrants.

^b Harlan, Green, Metcalfe, Washington, and Caldwell Counties had the most rapid service. On average, an estimated 75 of a given 100 warrants would be served within 123 days in these counties.

^c Across Kentucky, an estimated 75 of a given 100 warrants would be served within 674 days.

^d Knox, Greenup, Knott, Spencer, and Shelby Counties had the least rapid service. On average, it was estimated that of a given 100 warrants, the number served would not reach 75 in the foreseeable future in these counties.

Source: Program Review staff analysis of bench and indictment warrant data from the Administrative Office of the Courts.

Significant Numbers of Complaint Warrants Are Unserved

Between 55,000 and 85,000 unserved complaint warrants existed in Kentucky as of the first quarter of 2005.

Between 55,000 and 85,000 unserved complaint warrants existed in Kentucky as of the first quarter of 2005. This estimate was developed based on data on unserved complaint warrants from Fayette, Franklin, Grayson, Jackson, Jefferson, Kenton, and Madison Counties.

The seven counties varied as to population, whether they were more rural or urban, and whether they were border or interior counties. Some counties were selected based upon information gathered from meetings with AOC staff and staff from the Louisville Metro Criminal Justice Commission.

For each county, staff first identified and met with law enforcement and court officials with responsibility for issuing or serving complaint warrants. Fayette and Jefferson Counties provided electronic databases of their warrants. Kenton County provided a report listing all the warrants in their database. For the other counties, staff manually counted and recorded information from a sample of complaint warrants. Following this step, staff verified that the warrants were still unserved by comparing warrant information to case information in CourtNet. Program Review staff compared the information to confirm the warrants were still unserved. Some counties had a relatively high percentage of served warrants classified as unserved. See Appendix E for further explanation.

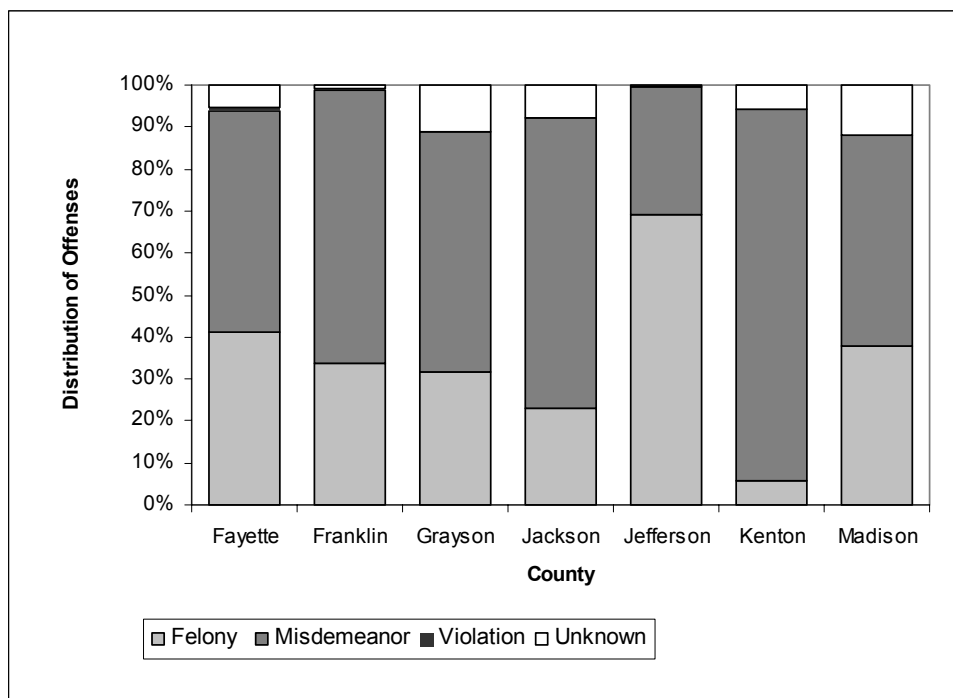
Types of Complaint Warrants

Misdemeanors outnumber felony unserved complaint warrants.

Unserved complaint warrants include felonies, misdemeanors, and violations. Figure 1.F shows the distribution by severity of offense for each of the counties. Felony unserved complaint warrants range from about 6 percent in Kenton County to 69 percent in Jefferson County.

Jefferson County's distribution may include slightly fewer felonies than shown. Many of Jefferson County's complaint warrants were for nonsupport (failure to pay child support), which can be either a felony or a misdemeanor, depending on the amount of money owed. While it was impossible to tell from the data how many of those warrants were for felonies, based on information provided by Jefferson County, it was assumed that all were.

Figure 1.F
Percentages of Unserved Complaint Warrants
for Seven Counties by Severity of Offense



Note: Jefferson County distribution for nonsupport warrants is estimated.

Source: Program Review staff manually collected data from Franklin, Grayson, Jackson, and Madison Counties. Fayette and Jefferson Counties provided electronic databases of their unserved warrants. Kenton County provided paper records from their electronic database.

Table 1.8 details more specific variation among the seven counties. The table was constructed by calculating the three most common offense types for unserved warrants for each county. That resulted in a total of eight offense types, each of which was one of the three most common in at least one county.

Theft by deception was the most common offense among the unserved warrants in each of the seven counties. More than half of the unserved warrants were for this offense in Fayette, Franklin, Jackson, and Kenton Counties. In the latter, more than 80 percent of the unserved warrants were for theft by deception. The only other offenses that comprised more than one-tenth of a county's unserved warrants were nonsupport/flagrant nonsupport (Jefferson County, 18 percent; Grayson County, 13 percent), and theft by unlawful taking (Madison County, 11 percent).

Table 1.8
Most Common Unserved Complaint Warrants
Percentages by Type of Offense and County

Offense	County						
	Fayette	Franklin	Grayson	Jackson	Jefferson	Kenton	Madison
Theft by deception	50%	64%	35%	54%	19%	83%	14%
Theft by unlawful taking	5	8	5	9	9	1	11
Assault 4 th degree	4	4	4	2	8	1	8
Nonsupport/flagrant nonsupport	4	1	13	4	18	4	4
Terroristic threatening-3 rd degree	2	1	5	4	5	0	7
Possession of forged instrument-2 nd degree	5	2	2	3	2	0	9
Bail jumping-2 nd degree	6	1	3	0	0	0	2
Total	76%	81%	67%	76%	61%	89%	55%

Source: Program Review staff manually collected data from Franklin, Grayson, Jackson, and Madison Counties. Fayette and Jefferson Counties provided electronic databases of their unserved warrants. Kenton County provided paper records.

Theft Offenses Were the Most Common Unserved Warrants

Theft offenses were the most numerous unserved complaint warrants among the seven study counties.

Theft offenses were the most numerous unserved complaint warrants among the seven study counties. In Franklin County, 74 percent of unserved complaint warrants were for theft offenses; in Kenton County it was 85 percent. Among unserved bench and indictment warrants, theft offenses made up significant portions of both felony and misdemeanor warrants: 23 percent and 21 percent, respectively.

Theft offenses for the purposes of this section are described as any offense listed in KRS Chapter 514: theft by unlawful taking, theft by deception, theft of services, theft by failure to make required disposition of property, and theft by extortion.

Most theft offenses were for theft by deception.

Theft by Deception. Most unserved warrants for theft offenses were for theft by deception, which is typically committed by presentation of a bad check written on a closed account or one that has insufficient funds. Businesses and individuals that receive bad checks can use a private collection agency if they choose, but there is no charge to them for using the county attorney to collect the money owed. Bad-check warrants create a relatively large burden on county attorneys, local law enforcement agencies, and the judicial system. However, they also generate revenue for county attorneys who receive \$25 per bad check collected. Reducing the

number of bad-check warrants issued could significantly reduce the backlog of unserved warrants.

If the writer of a bad check fails to pay the amount due in response to a letter, a warrant or summons will be issued.

The collection process for bad checks is governed by KRS 514.040. After payment on a check is refused, it is returned to the merchant, who may then bring the check to the county attorney's office. That office will send a "10-day letter" to the writer of the check instructing him or her to pay the amount of the check, plus \$50: \$25 for the merchant and \$25 for the county attorney. The letter warns that payment must be made within 10 days or a warrant or summons will be issued. If payment is not made, the merchant may return to the county attorney's office to sign a criminal complaint. As for other complaints, a judge decides whether or not to issue a warrant or summons.

A statute requires a summons to be issued before a warrant for bad checks less than \$100.

KRS 455.160 requires that complaints for \$100 or less be handled first by issuance of a summons, unless previous experience indicates the person is unlikely to appear in response to a summons. Writing a bad check for less than \$300 is a misdemeanor; writing a bad check for \$300 or more is a felony. Data collected from the counties indicated that nearly 90 percent of the unserved complaint warrants for bad checks with known amounts were misdemeanors. The average amount of a bad check for counties for which this information was available (Franklin, Grayson, Jackson, and Madison) was \$135.

Issuing a summons instead of a warrant for bad checks less than \$300 may reduce the number of warrants issued.

Issuing a summons instead of a warrant for checks between \$100 and \$300 may reduce the number of warrants issued. It would give offenders another opportunity to pay what was owed before being arrested. This is already the policy in Jefferson County. The disadvantage to this approach is that a summons must also be served by law enforcement; however, it could save the cost of incarceration in some instances.

Recommendation 1.1

If it is the intent of the General Assembly to reduce the number of warrants issued for bad checks, KRS 455.160 could be amended to increase the bad check dollar amount at which a warrant may be issued from \$100 to \$300.

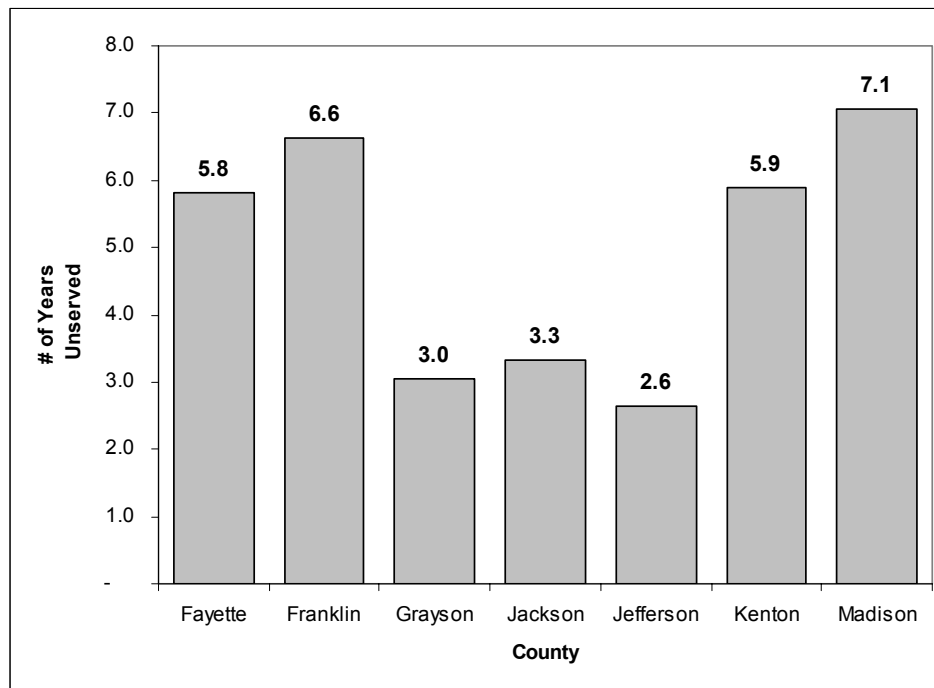
County attorneys handle bad-check complaints differently from other complaints.

Because of the volume and nature of bad-check complaints, they are handled somewhat differently from other complaints. Urban county attorney offices frequently have staff devoted to bad checks. Some county attorneys set separate policies for bad-check complaints. They may set aside certain hours on certain days to accept the complaints and may set more stringent requirements for merchants. At least one county asks merchants to obtain the date of birth and driver's license number at the time the check is written. Without that information, the county attorney will send a letter seeking to collect the amount owed, and will even issue a warrant; however, that sheriff's policy is to not serve warrants without the information. Another county attorney will not proceed unless the check was actually signed in front of the merchant, and goods or services were exchanged simultaneously.

The Typical Unserved Complaint Warrant Is More Than Three Years Old

Unserved complaint warrants tend to be several years old. Based on the data collected from the seven counties, the median length of time since issuance for unserved complaint warrants was 3 years and 9 months. Some of the sampled unserved warrants were more than 15 years old. Figure 1.G indicates that the typical age of unserved complaint warrants varies significantly by county. In Grayson, Jackson, and Jefferson Counties, the median age of unserved complaint warrants was approximately 3 years or less. In the other four counties, the typical age of complaint warrants was approximately 6 years.

Figure 1.G
Median Age in Years of Unserved Complaint Warrants by County



Note: Jefferson County distribution is estimated due to uncertainty of nonsupport warrants. Source: Program Review staff manually collected data from Franklin, Grayson, Jackson, and Madison Counties. Fayette and Jefferson Counties provided electronic databases of their unserved complaint warrants. Kenton County provided paper records.

Various county practices in handling complaint warrants can affect the median age. Some counties purged or recalled old complaint warrants to eliminate growing backlogs of warrants that had little or no chance of being served, such as warrants for minor crimes with out-of-state addresses or warrants for deceased persons. In other instances, counties purged warrants without consideration of the likelihood of service. Staff were told that in one county, a former sheriff threw out the unserved complaint warrants before leaving office. Such actions mean that a lower median age for a county's unserved complaint warrants could result from the county not maintaining warrants as long as another county, not because of a higher success rate of serving complaint warrants.

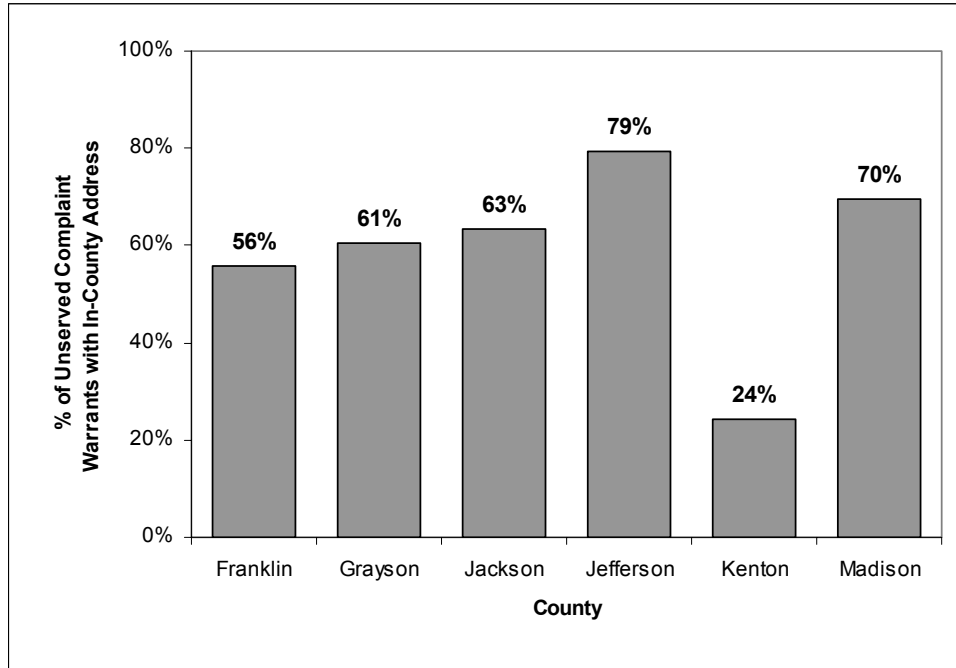
The Majority of Complaint Warrants Contain In-county Addresses for Defendants

More than one-half of unserved complaint warrants had an in-county address.

Nearly all the warrants reviewed listed an address for the defendant and, as shown in Figure 1.H, overall more than one-half were in the county of issuance. Jefferson and Madison Counties had the highest percentage of warrants with in-county addresses for defendants, 79 percent and 70 percent respectively. Kenton County

was the one county in which fewer than half the unserved warrants contained an in-county address. Only 24 percent of the warrants did so.

Figure 1.H
Percentages of Complaint Warrants With In-county
Addresses for Defendants by County



Note: Jefferson County distribution is estimated due to uncertainty of nonsupport warrants.

Source: Program Review staff manually collected data from Franklin, Grayson, Jackson, and Madison Counties. Fayette and Jefferson Counties provided electronic databases of their unserved complaint warrants. Kenton County provided paper records.

Having an address is crucial information for law enforcement. Without an address, law enforcement must rely on chance events to serve a warrant. To serve a warrant with an out-of-county address, law enforcement must send the warrant to the other county and rely on law enforcement there to serve it. If another county's law enforcement agency is unsuccessful in serving the warrant, that agency may send the warrant back to the issuing county.

Chapter 2

The Warrant System

The backlog of unserved warrants is the result of a range of problems that occur throughout the warrant process.

There is no single cause of the backlog of unserved warrants; rather, it is the result of a range of problems throughout the warrant process. The system itself lacks coordination and cooperation among the relevant agencies. Large numbers of warrants are issued, many in connection with minor crimes or offenses. These warrants remain active indefinitely until they are either served when the wanted person is arrested or recalled by the court. The result is an ever-increasing number of warrants for law enforcement to personally serve. Unfortunately, law enforcement agencies often lack access to the information needed to serve the warrants. Some agencies may lack the necessary commitment. Additionally, there are underutilized alternatives to issuing and personally serving arrest warrants that could help reduce the backlog.

This chapter will cover the process of issuing, tracking, and serving warrants in greater detail; and the lack of coordination inherent in the current system. This chapter also addresses the various problems that occur throughout the process and discusses other states' policies regarding particular aspects of the warrant system.

Issuing Arrest Warrants

Statutes, court rules, and constitutional law establish the framework for issuing complaint and indictment arrest warrants. Courts issue bench warrants as part of their contempt power. Examples of each type of warrant are included in Appendix A.

Complaint Warrants

Constitutional law requires that warrants be supported by a sworn statement that gives probable cause to believe the wanted person committed a crime.

Both the Kentucky and United States Constitutions prohibit the arrest, or seizure, of a person unless that arrest is supported by a sworn statement that gives probable cause to believe the person committed a crime (Kentucky, Section 10; U.S., fourth amendment). The complaint warrant process typically begins when a citizen or law enforcement officer files a written, sworn complaint with the local county attorney (RCr 2.02). The county attorney reviews the complaint and determines whether an arrest

warrant or criminal summons should be issued or whether no action should be taken.

If the county attorney believes a warrant or summons is appropriate, he or she prepares the warrant/summons document. This is usually a single document with boxes to be checked to indicate whether it is a summons or a warrant. It contains a brief description of the criminal complaint and has space for a bail amount and the judge's signature.

Complaint warrants are issued after review by a judge in response to citizen or law enforcement complaints.

The county attorney forwards the document to a judge for review. The judge reviews the facts of the complaint to determine whether there is probable cause to believe an offense was committed by the named defendant. If so, the judge must issue either a warrant or summons (RCr 2.04). A criminal summons is a written order notifying a person to appear in court at a particular place and time. A summons must also be personally served by law enforcement, but the person is not taken into custody.

A summons, rather than a warrant, is statutorily required with certain minor crimes, such as writing a bad check under \$100, offenses, and traffic infractions (KRS 431.410; KRS 455.160). A judge has discretion to issue a summons if there are reasonable grounds to believe the defendant will appear (RCr 2.04). In all other cases, a warrant is issued. If the judge decides a warrant is appropriate, he or she will fill in an amount of bail appropriate for the charges and sign and date the warrant.

Indictment Warrants

Section 12 of the Kentucky Constitution requires indictment by a grand jury before a citizen can be prosecuted for felony offenses. Indictment warrants may begin in several ways, but typically, the Commonwealth's attorney will bring information before a grand jury that indicates a felony was committed.

Indictment warrants are issued after a citizen is indicted by a grand jury.

Grand juries hear testimony given under oath and review evidence to determine if there is probable cause to believe the named defendant committed the charged offense. If a grand jury finds there is probable cause, it returns a true bill of indictment against the defendant. The Commonwealth's attorney can then request the court clerk to issue an indictment warrant or summons as appropriate, depending on the severity of the crime and the likelihood the defendant will appear in response to a summons. The clerk prints the warrant, and the judge sets the appropriate amount of bond, and the judge or clerk signs the warrant.

Bench Warrants

Bench warrants are issued as part of the court's contempt power when a defendant does not comply with the court's orders.

Unlike other types of warrants, bench warrants are issued unilaterally by a judge or on request by a prosecutor when a defendant fails to appear in court as ordered or otherwise fails to comply with an order of the court. A bench warrant is considered to be within the court's power to hold individuals in contempt; therefore, no supporting sworn complaint is required (RCr 2.05). After the judge makes a decision to issue a bench warrant, the clerk's office prints the warrant and the judge completes it by setting the amount of bond and signing it. The bench warrant form contains similar language and information as other arrest warrants.

Judges Can Recall Arrest Warrants

A judge can recall a warrant for various reasons. The recall must be communicated to law enforcement, which must take steps to retrieve the warrant before it is served.

A judge can recall an arrest warrant before it is served for a variety of reasons. The prosecutor may decide to dismiss the charges or the defendant may resolve the underlying matter. Whatever the reason, a judge must authorize the recall. The recall is communicated to law enforcement, which must then take steps to retrieve the warrant before it is served.

Tracking Warrants

Tracking a warrant's status is vital to the operation of the warrant system.

Tracking a warrant's status is vital to a cohesive warrant system. In order to serve a warrant, law enforcement officers must have access to accurate information about the warrant. The serving officer must know that a warrant for the wanted person exists and that it has not been previously served or recalled by the court.

There is no comprehensive statewide warrant database, but some statewide information is available through the Law Information Network of Kentucky, the National Crime Information Center, and CourtNet.

There is no comprehensive statewide warrant database, but some statewide information is available. Notwithstanding KRS 30A.055, which requires the design of an automated warrant system, there is no comprehensive statewide database of warrant information on which law enforcement may rely. There are, however, three databases that hold a limited amount of warrant information from across the state. The Kentucky State Police operates the Law Information Network of Kentucky (LINK) database, and the Federal Bureau of Investigation operates the National Crime Information Center (NCIC) database. Both LINK and NCIC primarily include warrants for serious crimes. Although LINK is a statewide warrant database accessible by all law enforcement, it holds only approximately 3 percent of the estimated unserved warrants in Kentucky. Finally, CourtNet contains information

about bench and indictment warrants statewide as well as Jefferson County complaint warrants. It does not include complaint warrants from any other county and its usefulness in tracking warrants is limited.

The courts handle all warrants, but the courts are not involved in tracking warrants.

The courts are the only entity to handle all warrants, but they are not involved in tracking warrants in most counties. In most Kentucky jurisdictions, it is a law enforcement agency that takes responsibility for tracking warrants. There are court rules governing the content of warrants and the procedures for issuing and serving them, but the courts do not consider warrants to be court documents. Courts do not keep copies of the complaint warrants they approve, and no case is opened in the court's database until after a complaint warrant is served. Bench and indictment warrant information is included in the court's database from the outset, but AOC officials state the court's database was intended for case management not warrant tracking.

Counties have devised their own methods of maintaining warrant information.

In the absence of a comprehensive statewide database, counties have devised their own methods of maintaining warrant information. Some counties maintain independent computerized databases of warrant information that can easily be searched to determine the existence of a warrant and its status. In some jurisdictions, however, a manual search of paper files is necessary. Some counties house unserved warrants with the circuit clerk; others keep them with law enforcement. In some counties, law enforcement keeps only recently issued warrants and returns older unserved warrants to the county attorney or clerk's office.

Separate, independent warrant systems prevent communication across jurisdictional lines. Law enforcement personnel can only access information about warrants issued in their county.

Regardless of the specifics, the result of these independent systems is a lack of communication across jurisdictional lines. Arrest warrants issued in one county are generally accessible only to law enforcement in that county. Law enforcement in other counties, even adjacent ones, will not know about any other counties' warrants unless they have been entered into LINK. The lack of access to other counties' warrants can have serious consequences. Lack of knowledge about warrants can place law enforcement officers in dangerous situations or result in a wanted person being set free. It can also allow wanted persons to avoid arrest indefinitely by simply avoiding the county with the unserved warrant.

Whatever method of tracking warrants is used by counties, it is important that there be a way to quickly clear warrants from the system once they have been served or recalled. Law enforcement needs accurate information about warrant status to avoid serving a

warrant more than once or serving a warrant that was recalled. Officers interviewed by staff frequently mentioned their concerns about potential liability for false arrest for serving a warrant that was no longer active.

Relying on separate paper-based warrant systems can make it difficult to clear warrants that have been served or recalled.

Difficulties recalling and clearing warrants center around the reliance on separate paper-based warrant systems. Sometimes the circuit clerks or law enforcement agencies copy a warrant and send it to other law enforcement agencies. Once there are multiple copies, recalling or clearing a warrant requires contacting all the law enforcement agencies that have the warrant. Once contacted, there is no guarantee that every agency will remove its copy from its active warrants.

Serving Arrest Warrants

Warrants can be served by any peace officer.

KRS Chapter 70 originally placed the duty to serve arrest warrants with the county sheriff but also gave authority to constables to serve them. Later, KRS 431.420 assigned responsibility to city police departments for warrants with city addresses for offenses committed within the city. The court rules direct warrants to peace officers generally and state that *any* peace officer may serve them (RCr 2.06; RCr 2.10). There is some conflict between the statutes and court rules. Attorney general opinions have interpreted all of this to mean that the courts have discretion to choose any peace officer to serve the warrants it issues.

In practice, different law enforcement agencies serve warrants in each county. In some counties, it is the sheriff's office that is responsible for all warrants. In others, the responsibility is divided based on the address of the wanted person, with city police serving warrants to city addresses and the sheriff's office serving county addresses. In still others, the responsibility is divided depending on the address and type of warrant. In Jefferson County, for example, the metro police department and other municipal police departments serve most warrants with addresses in their areas. Warrants issued by other counties and domestic violence warrants are served by the sheriff's office.

Law enforcement manages warrants in accordance with internal policies and procedures. There are no statewide requirements.

The law enforcement agency responsible for serving warrants in a county usually picks up newly issued warrants at the clerk's office and handles them according to its internal policies. There are no statewide standards or requirements governing law enforcement policies. Law enforcement may enter warrant information into an internal database, or distribute packets of warrants for patrol

officers to serve, or both. Officers may attempt to serve them through actively seeking the wanted persons or through random encounters, such as at traffic stops.

Once an officer locates a wanted person, the officer will contact dispatch to request a warrant check.

Once an officer locates a wanted person or detains a person he or she suspects may be wanted, the officer will usually take steps to determine if there is a warrant for the person that has not been served or recalled. The necessary steps vary from county to county and are dependent on the warrant tracking methods in use. In most localities, the officer must contact the local dispatcher and request a warrant check. The dispatcher may check LINK and NCIC to search for warrants for more serious crimes. The dispatcher can also check for local warrants, either by checking the warrant files personally or by contacting the agency that holds the warrants. A warrant check can be a time-consuming and cumbersome process.

If the warrant is active and the officer has identified the wanted person, the officer will make an arrest.

If the warrant is active and the officer feels reasonably sure the person detained is the wanted person, the officer will make an arrest. According to court rules, the officer does not need to have the warrant in possession at the time of arrest but must inform the defendant of the offense charged and the existence of the warrant (RCr 2.10). A copy of the warrant is provided to the wanted person at the time of arrest or as soon as practicable (RCr 2.06). Some law enforcement agencies, however, require an officer to have the warrant in hand before arresting the wanted person.

The officer will take the person to jail and leave the documentation. Jail personnel forward the documentation to the clerk's office, which uses it to update the court's database.

The officer will take the person to jail, complete the return of service information on the warrant, fill out a uniform citation form, and leave the documentation with the jail. Court rules require an officer who serves a warrant to return the signed warrant and copy of the complaint to the court that issued it (RCr 2.12). That requirement is satisfied by jail personnel who forward the citation and signed warrant to the clerk's office. After a warrant is served, the court clerk uses the paperwork to create a new case if it was a complaint warrant or to update the court's database if it was a bench or indictment warrant.

The Warrant System Lacks Coordination

Problems with the warrant process may not be solved unless the uncoordinated nature of the current system is addressed.

As described above, there are many problems throughout the warrant process that, if addressed, will improve the system and likely reduce the backlog of unserved warrants. Unfortunately, those improvements may never occur if the problems inherent to the current structure of the warrant system are not also addressed.

Issuing, tracking, and serving warrants requires the cooperation of two different branches of government and multiple separate agencies. There is no single agency that is accountable for tracking or serving warrants. Responsibility is divided among different agencies that handle distinct pieces of the process and that must coordinate their efforts to develop a cohesive system. Responsibility is assigned on an ad hoc basis according to the preferences of local officials.

In some counties, this ad hoc process works. The relevant agencies work well together and are motivated to perform well. They understand their roles within the system and the importance of the process as a whole. Those counties appear to be in the minority.

Problems with the warrant process have been addressed before but there has been no significant improvement.

The resulting systemic problems have been addressed before but have not improved significantly. In 1999, the Louisville Metro Criminal Justice Commission formed a task force to study the warrant problem. That task force brought together key personnel from all relevant agencies and issued a report with 16 recommendations to improve its system. To date, only four recommendations have been implemented although several more could be with little or no additional expense. A 2001 report from the Unified Criminal Justice Information System described Kentucky's warrant process, identified problems, and made more than a dozen recommendations for improvement at the state level. Little has changed since its publication.

To improve the system, an independent organization is needed with adequate responsibility and authority to effect change.

To date, the agencies involved have been unable to work together to achieve a solution. In order to improve the system as a whole, an independent organization is needed with representation from both the executive and judicial branches of government and from each relevant agency. That organization must have adequate responsibility and authority to effect change. The Criminal Justice Council created by KRS 17.131 has the necessary representation to take on the task and was given responsibility for creating an automated warrant system in 1998. It has not accomplished that goal and has not met since November 2003. Legislation was introduced during the last two sessions of the General Assembly to reorganize the council, but neither bill was enacted.

Recommendation 2.1

If it is the judgment of the General Assembly that an independent organization is needed to ensure statewide collaboration and quality improvement in the serving of warrants, the Criminal Justice Council could be designated for

that purpose or another organization could be created. Any organization charged with this objective should have adequate representation from the executive and judicial branches of government. That organization should be given the responsibility and adequate authority to oversee and direct the development of a cohesive, unified warrant system, including the development of a comprehensive, statewide database; and to recommend any changes in statutes, regulations, and court rules necessary to ensure the adoption of the system throughout the state.

The Longevity of Warrants Contributes to the Backlog

Arrest warrants have no statute of limitations and can remain unserved indefinitely.

Arrest warrants have no statute of limitations or expiration date and can linger unserved indefinitely. Among the warrants reviewed for this study was a Jefferson County bench warrant issued in 1987 for a traffic violation and a Madison County complaint warrant issued in 1989 for theft of services.

As a warrant ages, it becomes less likely to be served. The information on it may become outdated and law enforcement may become less willing to serve it because of liability concerns. Even if an older warrant is served, the case may be dismissed because witnesses and evidence are no longer available. Some jurisdictions have purged older warrants but not according to any policy of regular review.

Recommendation 2.2

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, seek to implement periodic review policies pursuant to which prosecutors and courts will review and recall warrants for minor crimes that are unlikely to result in prosecution if an arrest is made.

The Volume of Warrants Issued Contributes to the Backlog

Many warrants are issued for minor, nonviolent crimes. Law enforcement typically give these warrants a low priority.

Many warrants are issued in connection with minor, nonviolent crimes. Some involve arguing neighbors or friends. Some are issued because a defendant failed to appear in court or pay a fine in a traffic case. Many involve someone who wrote a bad check. Law enforcement officers stated that they prioritize warrants to be

served according to the severity of the crime, and the data analyzed in Chapter 1 is consistent with that. Law enforcement officers who serve as many warrants as possible stated they focus on serving newly issued warrants because these more often have accurate addresses and take less time to serve.

The constant influx of newer warrants, many for serious crimes, continually takes priority and attention away from the older, minor warrants.

Those practices, combined with the large volume of warrants issued, mean that some warrants for minor crimes may never be served. The constant influx of newer warrants, many for more serious crimes, continually takes priority and shifts attention away from older warrants for nonviolent crimes.

Other agencies, as well as law enforcement, should examine their policies. Officials in some jurisdictions stated that more warrants are issued than can ever be served.

The backlog of unserved warrants is the result of failures throughout the warrant process. Although this problem must be addressed through improved law enforcement policies, other agencies should examine their policies as well. Officials in some jurisdictions stated that more warrants are issued than could ever be served by law enforcement. The data on bench and indictment warrants indicate a steady increase in the number of warrants issued each year.

Issuing large numbers of warrants for minor matters, many of which are never served, could lead to a perception that arrest warrants do not have to be taken seriously—both because they are easy to get and because they may not be served. It can also obscure warrants for serious crimes and increase the likelihood they will be overlooked. In light of that, the policies that affect the volume of warrants issued should be examined and alternatives to warrants should be considered.

County Attorneys' Policies Affect the Number of Warrants Issued

County attorneys' policies can significantly affect the number of warrants issued.

When a serious crime is committed, most citizens contact the police, who then handle any warrant requests. With minor crimes, the police may refer the victim to the county attorney's office to file a complaint. County attorneys act as the gatekeeper for the complaint warrant process, and their policies can significantly affect the number of warrants issued. Their office hours, the information they require, and their screening policies all play a role. Although the complaint warrant process is an important means of achieving justice for victims of crimes, it can also provide a means through which citizens seek to harass and intimidate others. County attorneys must strike a balance between seeking justice for crime victims and discouraging abuse of the criminal justice system.

Limiting Availability of the Process

Offices that accept complaints report that if the citizen complaint process is too available, complainants sometimes abuse the system by filing a frivolous complaint to harass another person or by filing a complaint while angry only to withdraw the complaint later.

Some county attorneys limit office hours, build in cooling-off periods, or institute other policies to screen out frivolous complaints.

County attorneys handle these issues in various ways. Some limit the hours they accept complaints through the week or decline to take complaints on Monday in order to allow a cooling-off period after the weekend. Others build a cooling-off period into the process by requiring complainants to wait until the next day to sign the complaint.

One sheriff suggested that county attorneys should prosecute more aggressively complainants who swear out false complaints. Warning complainants they could be prosecuted for filing a false complaint and making more effort to convey the seriousness of the process may also discourage abuse, but none of the county attorneys interviewed warned complainants of that possibility. Some do instruct complainants that, once filed, their complaints cannot be dropped and that they may be arrested if they fail to appear in court.

At least one state has implemented stricter policies to reduce abuse of the system. Georgia courts warn complainants that warrants are a serious matter and require them to obtain a police report before filing a complaint ("Warrant Process"). If the police will not prosecute, then the complainant must pay a \$10 fee to apply for the issuance of an arrest warrant. The complainant must also appear at a probable cause hearing before the warrant is actually issued. After arrest, if the complainant fails to show up or decides to drop the charges, he or she must pay the court costs and sheriff's costs associated with the case.

Minimum Information Requirements

County attorneys vary widely in the amount of information they require before a warrant may be issued.

Different county attorneys require different amounts of information before a warrant may be issued. This affects the number of warrants issued as well as the likelihood they will be served. The Kenton County attorney's office requires a complaining witness to provide a numeric identifier for the wanted person, either date of birth or Social Security number, before the complaint can proceed. Depending on the circumstances, the prosecutor's office staff may look in CourtNet to see if identifying information for the wanted person is available there, or they may

involve the police to investigate the crime if it is sufficiently serious. Generally, however, the burden is on the complainant to provide the information. Approximately 70 percent of Kenton County's complaint warrants have a date of birth and approximately 80 percent have a Social Security number. In Jackson County, the numbers were 8 percent and 7 percent, respectively.

A 2002 survey of Kentucky county attorneys revealed a wide variety of policies ("Survey"). Nine different pieces of information are required by one or more county attorneys: name, address, date of birth, Social Security number, county of residence, age, gender, race, and a description of the person. Of the 46 county attorneys who responded, nearly every county attorney, or 93 percent, reported that they require a name before a warrant may be issued. Address was the second most commonly required piece of information, required by approximately one-half of the county attorneys responding.

Most of the surveyed county attorneys required multiple pieces of information. Seventy percent of them required two or more pieces of information. Twenty-eight percent allow a warrant to be issued with just the wanted person's name. Since law enforcement officers are reluctant to serve a warrant listing only a name, that policy can lead to the issuance of many warrants that will never be served.

County attorneys' policies affect the backlog of warrants for bad checks.

Bad Checks. Most unserved complaint warrants issued through the county attorneys' offices were warrants for theft by deception for writing fraudulent checks. As with other types of complaint warrants, the county attorneys' policies affect the backlog of unserved bad-check warrants. At least one county asks merchants to obtain the date of birth and driver's license number at the time the check is written. Another county attorney will not proceed unless the check was actually signed in front of the merchant and goods or services were exchanged simultaneously.

Several counties operate bad-check diversion programs for first-time offenders. Expansion of the programs could reduce the number of warrants in the future by educating offenders.

Several counties operate bad-check diversion programs. Madison County, among others, uses the Kentucky Alternate Program for first-time offenders. Defendants must pay a fee and attend a program to learn about balancing checkbooks and managing finances. In exchange, the charges against them are dropped from their records.

Requiring financial education for first-time offenders may reduce the number of warrants issued in the future by encouraging a change in offenders' behavior. Unfortunately, evidence concerning

the effectiveness and cost of bad-check diversion programs is limited. Therefore, it seems prudent to establish whether such programs are successful before recommending their widespread adoption.

Recommendation 2.3

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization, as part of its development of a cohesive warrant system, should consider the effectiveness of the bad-check diversion programs in use and recommend which, if any, should become statewide models.

Alternatives to Arrest Warrants

There are effective alternatives to issuing arrest warrants.

In some cases, there are alternatives to issuing an arrest warrant. Some minor crimes can be resolved through mediation, which is a way to resolve disputes that avoids the issuance of a warrant. In the counties that offer mediation, the complainant files a complaint describing the facts, just as if he or she were seeking a warrant. When a case is scheduled for mediation, the alleged offender is sent a letter setting the time and place of the mediation. If that party fails to appear, or if the mediation fails, the complainant may still proceed with the complaint.

Mediation can resolve disputes without the necessity of issuing an arrest warrant.

According to AOC's Web site, a settlement is reached in 70 percent of the cases in which a mediation hearing is held. Mediation programs exist in Jefferson, Fayette, Kenton, Boone, and Campbell Counties. According to a Jefferson County Pretrial Services employee, approximately one-third of the complaints filed in Jefferson County go to mediation, and most of those involve property issues or Class A and B misdemeanors. Expansion of this program to other counties would likely reduce the issuance of arrest warrants for minor crimes and decrease the backlog of unserved warrants.

Court Policies Affect the Number of Bench Warrants Issued

Expansion of the courts' current policies could lead to a reduction in the numbers of bench warrants issued.

Most of the unserved warrants in Kentucky are bench warrants that were issued for defendants who failed to appear in court or pay a fine. Not all defendants who fail to appear or pay are on the run (U.S. Department. Office 38). There are many other reasons defendants fail to appear in court, including a true lack of knowledge, transportation or child care problems, or incarceration elsewhere. Some of Kentucky's courts already employ policies that

reduce the failure-to-appear rate and that facilitate resolution of unserved warrants. Expansion of those policies could lead to a further reduction in the numbers of bench warrants issued and, as a result, a reduction in the backlog of unserved warrants.

Reducing Failure-to-Appear Rates

A reduction in the number of defendants who fail to appear leads to a reduction in the number of bench warrants issued. Achieving this, however, is a complex challenge. Defendants fail to appear for any number of reasons; however, there are some actions courts can take that have been shown to be effective.

Good communication with a defendant while in court can reduce the incidents of failure to appear and the resulting issuance of bench warrants.

Good communication while a defendant is in court is important to ensure understanding and compliance with the court's orders. One Kentucky pretrial officer explained that some defendants simply do not understand the importance of returning for a court appearance. Defendants who have posted bail may believe they have already paid a fine and have resolved the matter and may not realize they have to appear in court. Other defendants may believe they have a legitimate excuse for missing court because of child care or transportation difficulties, while still others may simply be too afraid of the criminal justice system to ask simple questions (U.S. Department. Office 39).

Providing a written reminder before the defendant leaves court stating the next court appearance or due date may help reduce the number of bench warrants issued by reducing the failure-to-appear rate. Some Kentucky courts already routinely provide written reminders to defendants. It is unknown how many District Courts do, but some, including Jefferson and Fayette, do not.

Recommendation 2.4

The Administrative Office of the Courts should encourage all District Courts to adopt a policy of providing a written notice stating the next court date or payment deadline before the defendant leaves court.

An Alternative to Bench Warrants

In some cases, a defendant's driver's license can be suspended in lieu of issuing a bench warrant.

Many of the unserved bench warrants in the state were issued in traffic cases. When a defendant in a traffic case fails to appear or pay a fine, the judge can issue a bench warrant, or take action to suspend the defendant's driver's license, or both. A judge may refer the case to the Transportation Cabinet for suspension of the license

pursuant to KRS 186.570. The Transportation Cabinet sends a letter notifying the defendant of the outstanding fine amount, the court location, and the case number. The defendant is given 30 days to resolve the issue or his or her license will be suspended.

During the first quarter of 2005, the Transportation Cabinet sent out 16,800 warning letters, received notice that 16,450 cases were resolved, and suspended 4,466 licenses.

If the defendant pays what is owed to the circuit clerk, the clerk notifies the Transportation Cabinet. If not, the defendant's license is suspended. During the first quarter of 2005, the Transportation Cabinet sent out 16,800 warning letters, received notice that 16,450 cases were resolved, and suspended 4,466 licenses.¹

Some Kentucky courts refer cases to the Transportation Cabinet but also simultaneously issue bench warrants. Other courts forego issuing a warrant and simply refer the matter to the Transportation Cabinet. Handling unpaid traffic fines through license suspension instead of issuing a bench warrant could result in a significant reduction in the number of bench warrants issued, thereby reducing the backlog and allowing law enforcement more time to serve warrants for more significant crimes. It can also lead to a more cost-effective resolution of the case by avoiding the costs associated with serving an arrest warrant and incarcerating the defendant.

A similar law in Ohio prevents wanted persons from renewing their vehicle registrations. Ohio law gives judges discretion to refer identifying information about any wanted person to the registrar of motor vehicles (Ohio Rev. Code § 4503.13). After that, the wanted person will not be allowed to renew his or her car registration until the registrar receives notification from the court that there are no outstanding arrest warrants for that person. The same applies for driver's licenses. Judges may choose to take this action with any type of warrant, not just those in traffic cases. This approach not only encourages wanted persons to resolve their warrants, but expired registration tags on the wanted person's vehicle also alert law enforcement to drivers who may have outstanding warrants.

Washington state has taken this approach a step further by completely decriminalizing many traffic offenses (Wash. Rev. Code §§ 46.63.010 - .020). Common traffic offenses there are considered civil infractions. A citizen cited for one has 15 days to either pay the fine or request a hearing on the matter. If neither is done, proceedings are begun to place a hold on the driver's license to prevent renewal. No arrest warrants are issued in connection with these cases.

¹ These numbers represent the total actions during that quarter. The different categories of actions do not necessarily concern the same cases.

Recommendation 2.5

The Administrative Office of the Courts should encourage courts to refer all eligible cases to the Transportation Cabinet for suspension of the driver's license in lieu of issuing a bench warrant.

Pretrial Services Policies Reduce Bench Warrants

Pretrial Services administers policies that reduce the failure-to-appear rate.

Pretrial Services is an impartial agency of the court that gathers information for the court to use in making decisions about releasing the defendant from jail prior to trial and about setting conditions of release. A pretrial officer interviews any willing defendant about family and community ties and then contacts references to verify the accuracy of the information provided. According to an AOC official, 84 to 86 percent of defendants are interviewed by Pretrial Services.

Some Pretrial Services offices in Kentucky and other states contact defendants to remind them about upcoming court dates.

Reminders. Some Pretrial Services offices in Kentucky and other states contact defendants to remind them about upcoming court dates to decrease the failure-to-appear rate. According to an AOC official, this was a statewide policy, but it was discontinued when the impact on failure-to-appear rates was inconclusive.

Jurisdictions in other states have implemented reminder programs with good results. A Pretrial Services program in California sends written reminders and calls defendants to remind them of upcoming court appearances (U.S. Department. Office 39). Counties in five states have implemented an automated reminder system that operates much like the computer-generated calls doctors and dentists use to remind their patients of scheduled appointments. A study conducted by the King County District Court in Seattle showed a significant reduction in warrant issuance rates after its reminder program was implemented (Murray; Crozier).

Recommendation 2.6

The Administrative Office of the Courts should identify those offices that remind defendants about upcoming court dates and attempt to evaluate the effectiveness of their policies. AOC should consider expanding the notification policy to other offices to the extent resources allow. AOC should also explore the feasibility of setting up an automated reminder system.

Alternatives To Serving Warrants

There are other means of resolving warrants that do not incur the costs associated with finding, arresting, and incarcerating a wanted person.

There are other means of resolving warrants that do not incur the costs associated with finding, arresting, and incarcerating a wanted person. Using appropriate alternative methods can save time and money, reduce the backlog of unserved warrants, and free law enforcement to focus on more serious crimes.

For simple failures to appear in court or pay a fine in adjudicated cases, defendants in some counties can pay the clerk's office and avoid incarceration.

Payment at Clerk's Office. For simple failures to appear in court or pay a fine in adjudicated cases, some localities allow defendants to resolve the issue voluntarily at the clerk's office without the necessity of incarceration. In Kenton County, if a defendant has failed to appear in court or pay a fine by a given deadline, a bench warrant is issued that states the exact amount owed.

These warrants are easily resolved if a defendant appears at the clerk's office to pay the fine. Deputy clerks accept the money owed and immediately recall the warrant by faxing the dispatch center without the necessity of involving law enforcement, the judge, or the jail. There is a standing court order that allows the deputy clerks to recall the warrant under those specific circumstances.

Deputy clerks are not law enforcement officers and should not be expected to serve warrants or perform other dangerous functions; however, when a bench warrant is for failure to pay a fine and the defendant wants to resolve the matter, the clerk's office should facilitate that process.

Recommendation 2.7

The Administrative Office of the Courts should encourage judges and court clerks to implement policies that allow defendants to resolve at the clerk's office warrants for failure to pay fines.

Pretrial Services facilitates service of any active bench warrants from across the state for defendants they interview.

Pretrial Services Facilitates Service of Court Warrants. When Pretrial Services interviews a defendant, staff routinely check CourtNet for unserved bench and indictment warrants on that defendant for the entire state. If an unserved warrant is found, the pretrial officer contacts local law enforcement in the issuing county and takes the necessary steps to facilitate service. For this purpose, AOC maintains a reference document with contact information for the law enforcement agencies that serve warrants in each county. This policy facilitates serving warrants and holds defendants accountable by requiring them to resolve outstanding court matters before being released from incarceration.

Unfortunately, the policy excludes complaint warrants entirely because they are not accessible through CourtNet or any other statewide database.

Pretrial Services officers take steps to contact defendants released under program guidelines who have failed to appear.

Finding the Defendant. In some cases, when a defendant fails to appear, Kentucky Pretrial Services officers take steps to contact and return the defendant to court without involving law enforcement. Any defendant who qualifies for and is released on nonfinancial conditions is considered released under program guidelines. If such a defendant fails to appear, a pretrial officer attempts to contact and return the defendant to court voluntarily without involving law enforcement to serve a warrant.

The defendant can voluntarily appear without fear of arrest, and the warrant will be recalled.

When a pretrial officer does succeed in arranging a voluntary surrender, the officer must contact the court to recall the warrant, which must then be communicated to law enforcement. That process necessitates additional time and paperwork and carries with it the risk the warrant will not effectively be recalled. In some states, the court delays issuing a bench warrant until after the Pretrial Services office has had an opportunity to try to contact the defendant who has failed to appear. That avoids the time and paperwork associated with issuing and then recalling a warrant and reduces the chance of false arrest.

Recommendation 2.8

The Administrative Office of the Courts should ask courts to adopt a policy of immediately notifying Pretrial Services when a defendant in the program fails to appear and postponing the issuance of a bench warrant for a brief time to allow Pretrial Services the chance to contact the defendant to return to court.

Law Enforcement Could Adopt Similar Policies

Pretrial Services only attempts to locate those defendants who failed to appear and who were released under the office's guidelines and nonfinancial conditions, which is a relatively small percentage. AOC stated it does not have the resources to expand the program. Law enforcement could adopt similar policies to try to resolve warrants for minor crimes more efficiently.

Some law enforcement agencies notify wanted persons of warrants by mail or phone to encourage their voluntary surrender.

Contacting the Wanted Person. In some jurisdictions, law enforcement agencies have adopted policies of attempting to notify the wanted person of an outstanding warrant by mail or phone. In many cases, the defendant will make arrangements to voluntarily surrender and resolve the warrant. It is typically used only for

bench warrants and minor crimes. Those wanted persons are not usually on the run and may respond to such a notice.

The Fayette County Sheriff's Office has staff who telephone people with warrants for failure to pay and other similar lesser crimes, such as bad checks. In Jefferson County, the metro police department sends postcard notices for criminal summonses issued but has not tried that approach for warrants. The department was unable to provide any data about the effectiveness of the summons postcard but did report that at least some people respond and resolve the matter.

In Marion County, Indiana, over a three-month period, postcard notices resulted in twice as many warrants being resolved voluntarily than were resolved through street arrests.

In Marion County, Indiana, the Pretrial Services Division of the courts has a failure-to-appear office staffed with nine full-time officers (Geilker). The officers are deputized through the sheriff's department. In addition to performing warrant sweeps and looking for wanted persons on the street, officers also resolve bench warrants by sending postcards to wanted defendants.

The division supervisor reported that these methods are an effective initial approach to serving warrants for nonviolent crimes. During the first quarter of 2005, the office mailed 3,651 postcards. In response, 447 individuals voluntarily surrendered to the court. For the same time period, the officers were able to make 213 arrests on the street. Although the response rate is only 12 percent, the cost of the postcards and postage is relatively low, and the procedure allows law enforcement to focus resources on defendants who have committed violent crimes and may be more difficult to find.

An official with the U.S. Marshals Service in Louisville stated that warning letters are sent in federal traffic cases to resolve them without the necessity of arrest. Monthly, the office sends "notice before arrest" letters to offenders who have failed to pay traffic fines. The official stated that this has been an effective and cost-efficient means of handling these warrants and estimated a response rate of 40 percent.

Recommendation 2.9

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, research the effectiveness of postcard and telephone contact programs in

other jurisdictions and consider recommending their implementation.

Collection by the Finance and Administration Cabinet

Once courts begin referring unpaid debts to the Finance and Administration Cabinet for collection, there may be a reduction in the number of unserved bench warrants.

The passage of House Bill 162 and Senate Bill 228 during the 2004 Regular Session of the General Assembly created new ways to collect debts owed the courts. The new laws provide that, after attempting to collect unpaid debts for a year, the courts can refer them to the Finance and Administration Cabinet for collection. It is anticipated that, once the process begins, the courts will recall any associated bench warrant upon referral of the debt. This will lead to a reduction in the backlog of unserved warrants.

**Inadequate and Inaccurate Information
Contributes to the Backlog**

Some warrants are never served because of a lack of accurate information identifying the wanted person or the person's address.

Some warrants are never served because law enforcement officers lack access to accurate and adequate information identifying the wanted person and his or her address. One of the most important sources of information for law enforcement is the arrest warrant itself. The quality and quantity of the information obtained at the time the warrant is issued affects the likelihood it will subsequently be served by law enforcement officers.

Officers rely on the information on the face of the warrant, so a warrant should contain the best information available to the initiating agency.

In order for a law enforcement officer to serve a warrant and arrest a wanted person, the officer must be able to find the person and be able to confirm that person is the individual named in the warrant. Accurate current addresses and numeric identifiers such as date of birth, Social Security numbers, or operator's license numbers are particularly important to facilitate service. Because warrants usually originate with the county attorney or with the court, it is important that they provide the best information available to enable law enforcement to serve the warrants.

Complaint Warrants

County attorneys' policies affect the information included on the face of the warrant.

County attorneys can affect the amount of identifying information included on the face of the warrant. A correct address, Social Security number, date of birth, or driver's license number will greatly increase the chances a warrant will be served. Any policies that facilitate the inclusion of that information will lead to fewer unserved warrants.

The form of the warrant itself may also affect the likelihood a warrant will be served, particularly in another jurisdiction. County attorneys use different forms that require varying amounts and types of information. There are AOC forms available for use but no requirement that they be used. According to the 2002 survey of county attorneys, there were at least eight different versions of the AOC warrant form in use at that time. Three county attorneys stated they did not use the AOC form ("Survey").

The use of a uniform warrant form could increase the likelihood of service, especially across jurisdictional lines. Law enforcement officers may overlook useful information on an unfamiliar form or may find there is insufficient information on the form to meet their requirements for serving a warrant. Also, a uniform warrant form would facilitate entry of warrants into LINK, which would make the warrant available across the state to any officer who might encounter the wanted person.

There are two statutes that require the use of AOC-prescribed forms for entry of information into LINK: KRS 403.737 for domestic violence orders; and KRS 431.064 for conditions of release in certain types of cases. AOC provides access to the forms through the Court of Justice's Web site.

Recommendation 2.10

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should develop a uniform warrant form for use across the Commonwealth, ensure it is made easily available in electronic and paper form, and consider recommending legislation that would require that all arrest warrants be entered on that form.

Bench Warrants

Courts may have access to information helpful to law enforcement officers trying to serve a warrant.

With bench warrants, the issue is not to require a minimum of information before issuing a warrant but to communicate relevant information that is already in the court's possession. Generally, when a bench warrant is issued, the wanted person is a defendant in a case before the court, so the person has either appeared before the court previously or has had an encounter with law enforcement. In either case, identifying information has been obtained that could be helpful to law enforcement officers attempting to serve the warrant.

Pretrial Services Information Could Facilitate Service

Pretrial Services interview forms could be very useful to law enforcement trying to locate a defendant who has failed to appear.

Any wanted person who was arrested previously and failed to appear was likely interviewed by Pretrial Services. Some of the information obtained by Pretrial Services staff could be useful to law enforcement attempting to locate the defendant to serve the warrant. Such information includes an alternate residence, contact information for the defendant's spouse or other family members, and the name and address of the defendant's employer. According to a pretrial officer, the context in which the defendant provides this information encourages accuracy. A defendant provides information to Pretrial Services hoping to secure release from jail and knowing it will have to be verified by third parties who will be contacted by the pretrial officer.

To encourage truthfulness, court rules state that any information provided by a defendant to a Pretrial Services officer is confidential, but there is an important exception to this requirement. If the defendant fails to appear in court as required, any information recorded on the completed interview form will be furnished to law enforcement officers upon request (RC4 4.08(b)). The Pretrial Services interview form includes a notice to the defendant that the information provided can be used to serve warrants.

Despite the availability of this potentially useful information, it does not appear to be used often to serve bench warrants. Law enforcement personnel indicated that their agencies do not routinely request it and that Pretrial Services offices do not routinely provide it. If the interviews were provided to law enforcement with the bench warrants when issued, the information would be available to law enforcement from the outset. A 2000 report by the Louisville Metro Crime Commission recommended that all available pretrial interviews be attached to bench warrants issued for failure to appear, but the recommendation was not implemented.

Recommendation 2.11

The courts and the Administrative Office of the Courts should consider adopting a policy of routinely providing pretrial interview forms to law enforcement at the time a warrant is issued for defendants who have failed to appear.

Information in Court Files Could Speed Service

There is sometimes other helpful information in the court file that is omitted from the warrant.

Sometimes important contact information comes out in court before a bench warrant is issued. That information may be available in the court file but never make it onto the face of the bench warrant. Staff reviewed some bench warrant court files in which there were local addresses, places of employment, and Social Security numbers in the court files but not on the bench warrants that were issued. In some cases, the address listed on the warrant was an out-of-state address, but there was a local address for the defendant in the court file. The out-of-state address was the one that was initially given to police and included on the uniform citation.

One problem with including information from the court file is the current format of the bench warrant form. It does not have space for additional addresses, employment information, or Social Security numbers. Any such information must be added by hand. Jefferson County has modified the form by adding a space for an alternate address.

Recommendation 2.12

Until a uniform warrant form is developed and implemented, the Administrative Office of the Courts should consider changing the format of its bench warrant form to provide space for an alternate address and place of employment, and should train deputy clerks to include any such information on the warrant when it is available in the court file.

Law Enforcement Lacks Access to Useful Information

Law enforcement has access to some useful databases, but other information must be searched manually.

Information on Wanted Persons. When there is insufficient, inaccurate, or outdated information on the face of the warrant, law enforcement officers must look elsewhere for information to help locate the wanted person. Law enforcement already has access to driver's license and vehicle registration information, but there are many other potentially useful databases, such as jail and prison populations, court dockets, employment information, death records, and public assistance rolls. In some cases, these databases are available, but searches must be done manually and are time-consuming. Other useful databases require a subscription or the development of connecting software to access them.

Warrant Information. Law enforcement officers cannot serve warrants they do not know about. In the absence of a statewide database, counties have developed their own tracking methods. Variations in tracking complaint warrants create a patchwork approach across the state. Counties generally lack the capability of sharing warrant information with other counties.

Law Enforcement Policies Affect the Backlog of Warrants

Law enforcement's policies impact the numbers of warrants served, but there is little information available to evaluate their performance.

Law enforcement has the responsibility for actually serving the warrants and arresting wanted persons; therefore, its policies and procedures have a significant impact on the numbers of warrants that are served. Unfortunately, there is little information available with which to evaluate law enforcement's performance. During the many interviews staff conducted with officials involved in the warrant process, some stated that law enforcement did not do all it could to serve warrants. Others stated law enforcement does a good job with the resources available.

In the absence of a statewide database and any warrant-reporting requirements for law enforcement, the only information available is staff's analysis of compiled data. As discussed in Chapter 1, staff estimated the average time it takes Kentucky law enforcement to serve 75 percent of the bench and indictment warrants issued at any given time as 674 days. There are no state or national standards regarding an acceptable length of time to serve warrants or an acceptable percentage of warrants that will remain unserved, so it is unknown how Kentucky compares.

During interviews, law enforcement officials suggested a range of ways to improve service rates and decrease the backlog: for example, assigning responsibility for warrant management to a warrant officer on the force; rotating warrants through different shifts so that attempts to serve are made at different times of day; establishing procedures to check court dockets and inmate populations; and assigning responsibility to dispatch or office employees to search available databases for information on wanted persons.

Innovative Programs

Counties have tried innovative programs to reduce warrant backlog.

In the past few years, several communities in Kentucky have tried innovative programs to reduce the warrant backlog. In 2004, Louisville Metro Police initiated a joint effort with the Jefferson County sheriff, U.S. Marshals Service, and the Secret Service.

Seventy officers spent five days tracking down and arresting people with outstanding warrants. In total, they served 346 warrants and made 72 arrests. They also discovered that 47 warrants were for people already in custody and one warrant was for a person who was deceased (Halladay). In 2003, Kenton County tried sting operations to lure wanted persons with fictitious free offers. One operation resulted in 15 arrests on outstanding warrants (Houck). In Jefferson and Fayette Counties, the courts have also gotten involved. Both counties have conducted warrant resolution or amnesty weeks during which wanted persons could come to court to try to resolve their warrants without being arrested.

These operations may be effective in the short term and serve to focus attention on the problem of unserved warrants, but they are of limited duration. Criminal justice experts note that such operations show the low priority that law enforcement agencies often give to serving warrants (Eggen). They are no substitute for steady and consistent law enforcement policies that manage warrants effectively and place a high priority on serving them.

Task Forces on Fugitives

Several communities have formed multiagency task forces to track down wanted persons.

Unlike the short-term programs described above, several communities have formed multiagency task forces that work to track down wanted persons and serve warrants. The primary advantage is staff dedicated to serving warrants.

Louisville, Lexington, and northern Kentucky all have ongoing fugitive task forces composed of officers from the U.S. Marshals Service and local law enforcement agencies. Members can bring warrants to the task force from their agencies. Once the task force adopts a warrant, it is assigned to a team that is dedicated to tracking down the wanted person.

U.S. Marshals are not limited by local jurisdictional boundaries. Local law enforcement members of the task forces are deputized as U.S. Marshals, giving them the same national jurisdiction. This eliminates the reliance on another law enforcement agency to serve an out-of-county arrest warrant.

Different law enforcement agencies have addressed the backlog of warrants in different ways and could learn from each other about the range of possible ways to improve their policies and procedures. Increased communication between agencies could

facilitate learning about practices that are effective, or not, in other jurisdictions.

Recommendation 2.13

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive system, facilitate the exchange of ideas and information among law enforcement agencies about the effectiveness of different procedures to serve warrants.

Financial Aspects of Serving Warrants

Serving warrants and extraditing defendants necessarily cost law enforcement time and money. Occasionally, law enforcement can collect a fee for serving a warrant, but it is often not enough to cover the expenses incurred.

Extraditing a wanted person from another county costs time and money. Prosecutors and law enforcement often decline to extradite if the charges are minor.

Extradition. If a warrant is issued in one county and the wanted person is arrested in another county, there are additional costs incurred. If the counties are adjacent, the arresting officer may simply drive the wanted person to the county line and transfer the defendant to law enforcement from the issuing county. If the counties are not adjacent, the arresting officer takes the person to the local jail. If there is a bond amount on the warrant and the wanted person can pay it, the jail personnel will assign a court date and release the person. If the accused cannot pay, law enforcement from the issuing county must take the time to retrieve the person at its own expense. Because of the expense involved, prosecutors and law enforcement often decline to extradite if the charges are minor.

Law enforcement agencies can receive an arrest fee if the warrant is served and a fee is assessed and collected.

Arrest Fees. State statutes prescribe arrest fees whenever a law enforcement agency makes an arrest. A judge assesses the fee after an arrest has been made and the defendant is convicted. Defendants pay the arrest fee and the circuit clerk distributes it to law enforcement. If the defendant is not convicted, if the judge does not assess the fee, or if the defendant does not pay it, law enforcement will not collect a fee for that arrest.

County officials reported that they charge varying amounts for the warrant fee. Some counties assess a flat service fee regardless of the type of warrant. Other counties use a tiered fee structure different from statute. Staff also discovered at least one county in which the sheriff charges citizen complainants a standard \$30 fee to attempt to serve a warrant.

There is confusion about the amount of the fee and who may receive it.

According to an attorney general's opinion interpreting the three relevant statutes, the appropriate fee for serving a misdemeanor warrant is \$10 and for a felony warrant is \$20 (OAG 96-34; KRS 64.060; KRS 64.090). Senate Bill 105, enacted by the 2005 General Assembly, increases the fee for serving misdemeanor warrants to \$30 while the fee for felony warrants remains \$20.

Law enforcement officials repeatedly stated that the warrant fee fails to fund even a small portion of their costs. Officers' salaries, use of police vehicles, and other administrative expenses often exceed the warrant fee. For example, the Franklin County Sheriff's Office reports it served 1,101 arrest warrants during calendar year 2004 and received \$4,278, or about \$3.89 per warrant, in fees. In contrast, sheriffs receive \$20 payment in advance to serve most civil summonses.

When the fee is assessed and collected, some law enforcement agencies retain the warrant fee even though an agency in another county served the warrant. Some law enforcement officials expressed reluctance to forward the fee because other counties did not remit the fee to them. Some counties do operate cooperatively. Staff learned of several smaller adjacent counties that agreed to informally retain the warrant fee for any warrant issued in their respective county regardless of where that warrant was served. That eliminated the need to remit payments to each other.

Recommendation 2.14

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, address the issue of arrest fees for law enforcement and consider proposing legislation to create a unified fee structure and to require assessment of the fee by judges when an arrest has been made.

Chapter 3

Information Systems Can Enhance Warrant Tracking and Service

There is no statewide arrest warrant database that law enforcement, the courts, and jails can use to search for unserved warrants. Criminal justice agencies at all levels of government do use information systems to help track warrants. Unfortunately, most of these systems do not communicate with each other and are not helpful beyond a single jurisdiction. As a result, many opportunities to serve warrants are lost.

This chapter explores why statewide warrant tracking is important and how it could be done. After the benefits and basic requirements for a warrant tracking system are presented, existing statewide and selected local systems in Kentucky are described. This chapter also describes Massachusetts' warrant system, which provides a case study of a system in two parts, each tailored to one branch of government. With that background, three scenarios for Kentucky are explored, including advantages, disadvantages, and recommendations. A proposal to ease the transition from paper to electronic warrants is presented, and the costs and savings of electronic warrant tracking are reviewed. Finally, the need to coordinate development of local and state systems is discussed.

Why Should Warrants Be Tracked Electronically?

An electronic warrant system could facilitate greater access to information.

Electronic information systems can enhance paper-based systems in many ways. This is especially true for tracking and serving warrants. Warrants that are tracked electronically can be cross-referenced, searched, and matched in ways that it would be difficult to do manually. Changes in warrant status can appear immediately and can be communicated instantly to the appropriate person. Some tasks that simply could not be done in a timely fashion by hand are possible through electronic tracking. Described below are some of the ways an electronic warrant system could facilitate warrant service and allow for better warrant management.

Lack of Electronic System Allows Wanted Persons To Avoid Service

A wanted person could renew a driver's license, renew a car registration, get a hunting license, receive public assistance, collect unemployment, go to court on another case, buy a gun, get a traffic ticket, and possibly even go to jail on other charges and be released, all without the warrant being served.

Because most current systems are not connected and most warrants are not visible statewide, wanted persons can have many types of interactions with government agencies without ever being arrested. A wanted person could renew a driver's license, renew a car registration, get a hunting license, receive public assistance, collect unemployment, go to court on another case, buy a gun, get a traffic ticket, and possibly even go to jail on other charges and be released, all without the warrant being served. An electronic system could address that problem by providing immediate access to complete and accurate warrant information.

Having accurate information available in the jails and prisons would ensure that any new warrants issued while a person is incarcerated are served prior to release. Immediate access to complete and accurate warrant information in the courthouse can provide better information to judges making decisions about setting bond and conditions of pretrial release. It could also ensure that unserved warrants on a defendant are served while the defendant is present.

Links to other information systems could help locate wanted persons.

Automated matching with other databases can facilitate locating wanted persons and obtaining additional identifying information. In addition, continual rematching could turn up new information to help serve previously unserved warrants. Some such databases are

- populations of local jails and state correctional institutions;
- criminal history;
- operator licenses;
- vehicle registrations;
- court dockets;
- Department of Employment Services;
- Department of Revenue;
- real estate property tax rolls;
- vital statistics;
- voter registrations;
- public assistance rolls (for fugitive felons);
- occupational, professional, business, and recreational licenses;
- online telephone and address directories; and
- similar databases in other states or nationwide.

Links to other information systems could help motivate wanted persons to clear up warrants.

Automated transactions to other information systems could provide ways to motivate wanted persons to take care of warrants. Such transactions could

- inform various licensing systems to suspend or prevent renewal of licenses (vehicle registrations, and operators, occupational, professional, business, and recreational licenses);
- inform the Department of Revenue to attempt to collect when fines, fees, and court costs have not been paid; and
- reverse such actions when a warrant has been cleared.

An Electronic System Would Facilitate Service and Management of Warrants

An electronic system could increase speed of service, improve officer safety, and reduce liability.

Instant visibility of new warrants at law enforcement agencies can lead to rapid and efficient service, especially for serious offenses and suspects who are likely to flee. Instant visibility of cleared warrants at law enforcement agencies can prevent serving the same warrant multiple times. Instant lookup at traffic stops and other encounters can help law enforcement determine the level of caution needed to ensure the safety of officers and the public, and can ensure that all outstanding warrants are served, especially from other jurisdictions.

The paper warrant, prone to loss or duplication, could be eliminated.

So long as the system contains reliable and authenticated electronic warrant information, it could replace paper warrants and eliminate problems due to lost, misplaced, or duplicated paper documents.

Local warrant service management could be improved.

An electronic warrant system would allow law enforcement to manage and prioritize warrant service within a jurisdiction by providing information about

- how many warrants are still active,
- which warrants are for more serious offenses,
- how old the warrants are,
- which agency and officer has primary responsibility for serving the warrant, and
- what attempts have already been made to serve the warrant.

It could also help prosecutors monitor their cases and assist them in reviewing and evaluating older warrants for possible recall.

Effective communication about warrant status across agency lines could facilitate serving warrants and managing cases.

Electronic systems can play an active role by sending e-mail notices and reminders to agencies and officers to alert them to new information and prompt them to manage cases. For example, the system could automatically issue notices when new warrants are entered, when new information is added about a wanted person,

when existing warrants are served or recalled, or when older warrants need review.

Statewide warrant data would make oversight and accountability possible. Problem-solving would be improved at all levels.

A statewide warrant data system that tracked all warrants of all types would make better oversight and accountability possible. Problems could be pinpointed and solved more easily both at the state and local levels. Law enforcement agencies' performance could be evaluated and performance goals could be set.

The National Instant Background Check system is driving the inclusion of all warrants in NCIC.

Finally, the National Crime Information Center (NCIC) has a mandate to include information on as many warrants as possible in its database in order to ensure officer safety and to meet the requirements of the National Instant Background Check system. An electronic warrant system would help Kentucky provide that information.

How Should Warrants Be Tracked Electronically?

A warrants database should contain all warrants as soon as they are issued; it should be updated immediately upon arrest or recall.

A database should contain all warrants upon issuance and should be updated immediately when warrants are served or recalled. Completeness and timeliness are key.

Entering Warrant Data Upon Issuance

For proper tracking, an agency will have to promptly and consistently enter warrant information into the database as soon as warrants are issued. All warrants are issued through the court and distributed to law enforcement to serve; however, in many counties the warrants are dispersed to different law enforcement agencies, so the court clerk is the only official whose office handles all warrants as they are issued.

In most jurisdictions, it is a law enforcement agency that takes responsibility for entering new warrants into the database. Historically, AOC has not wanted to allocate resources to a task the courts see as an executive branch function. Also, there is currently no appropriate shared database, and some of the identifying information desired by law enforcement is not needed by the court, such as fingerprint classification, scars, or license plate and vehicle information.

Using an Electronic System To Serve Warrants

Actively searching for the wanted person may involve a number of other databases.

Law enforcement officers generally serve warrants in two ways: actively seeking the wanted person or randomly encountering the

person. Finding a wanted person often requires more than going to the address on the warrant. Some agencies routinely cross-check a number of databases, such as operator's licenses, vehicle registrations, and property valuation administrator records. A warrant tracking system should interact with other systems both to indicate that a person is wanted and to obtain any new information about wanted persons on a routine basis.

An officer should be able to make an arrest based on information in the system, without having a paper warrant in hand.

In order to serve a warrant at a random encounter, the officer must know whether a warrant for the person exists. An electronic warrant tracking system should include all active warrants and should quickly provide accurate information. If the database is maintained properly, it should be considered the official warrant and not require verification from any source. A warrant printed from the database should serve as the official arrest document, if one is necessary.

Clearing Warrants From an Electronic System

A warrant is cleared when it is served or recalled. The court clerk receives the paperwork in both situations.

The warrant system must reflect cleared warrants immediately. Most of the time, clearing a warrant occurs only when the warrant is served by law enforcement or is recalled by a judge. After a warrant is served, the arrest paperwork is used by the court clerk to create a new case for a complaint warrant or to clear a bench or indictment warrant. Again, the court clerk's office is the only one that handles all warrants as they are cleared.

Every time a warrant is cleared, the system should be updated immediately.

Staff learned of situations in which a warrant was cleared informally, such as through a judge's verbal statements in court, or conversion of a warrant to a summons after issuance. It will be important to ensure that any electronic system is updated immediately, no matter how a warrant is cleared.

Recommendation 3.1

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, ensure that procedures are in place to promptly update the system regardless of the way in which a warrant is cleared.

Federal and State Warrant Systems in Kentucky

There are three systems in use and one being piloted that contain warrant information in Kentucky. Table 3.1 briefly summarizes these systems.

Table 3.1
Federal and State Warrant Systems in Kentucky

System	Agency	Description
e-Warrant	Unified Criminal Justice Information System	Pilot of an electronic warrant issuance and tracking system intended to handle all warrants in Kentucky
National Crime Information Center	Federal Bureau of Investigation	National database of warrants for serious offenses
Law Information Network of Kentucky	Kentucky State Police	Kentucky's database of warrants for serious offenses
CourtNet	Administrative Office of the Courts	Court case management system of Kentucky's Unified Courts, containing bench and indictment warrants

Kentucky's Unified Criminal Justice Information System

The Unified Criminal Justice Information System (UCJIS) Committee was established to coordinate criminal justice information system planning for Kentucky and develop statewide integrated criminal justice information systems.

The Unified Criminal Justice Information System (UCJIS) was created by KRS 17.131. The statute mandates that the UCJIS Committee issue standards, coordinate criminal justice system planning, and develop integrated criminal justice systems in Kentucky. It was conceived as a joint effort of the executive and judicial branches and state and local agencies, appointed by and operating under the Kentucky Criminal Justice Council, and chaired by the commissioner of the Commonwealth Office of Technology (COT).

The committee last met in April 2004. A revised membership list was compiled in December 2004, but the Criminal Justice Council has not met to approve it. The executive branch's reorganization of the council was not enacted by the 2005 General Assembly and this has left the council and the UCJIS Committee in limbo.

Despite the UCJIS Committee's uncertain status, its projects have continued by using staff at COT. Project management moved from COT to the Justice and Public Safety Cabinet in September 2004, and back to COT in May 2005. Project management personnel have not changed.

Recommendation 3.2

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1 to oversee and direct the development of a comprehensive statewide database, the Unified Criminal Justice Information System Committee of the Criminal Justice Council should be directed to work with that organization to accomplish this.

UCJIS projects include a number of initiatives to automate aspects of law enforcement and criminal justice in Kentucky. Funded almost entirely through grants until 2005, the UCJIS staff has implemented a Computerized Criminal History system and is in the process of piloting electronic warrant and citation systems. The fiscal year 2005 budget includes \$4.5 million in state funding for the electronic warrant project. In the future, UCJIS plans include an electronic booking system as well as other criminal justice systems.

An electronic warrant project is planned that will connect prosecutors, courts, and law enforcement. A pilot is scheduled for September 2005. This project recently received \$4.5 million in state funding.

E-Warrant Pilot Project. The e-Warrant pilot project is planned for Clark and Woodford Counties to handle complaint warrants that are eligible for entry into LINK—those that have the necessary identifying information and are for more serious crimes. The project has been in development since June 2004 and is expected to roll out in September 2005. The e-Warrant system will be Web-based with secure access and authentication for all users. This approach should allow the various users to access the system and perform their duties from anywhere, including home or office. Eventually, UCJIS plans to expand the e-Warrant system to include all warrants across the state.

An electronic citation project is planned that will connect the arresting officer, jailer, criminal history system, and courts. A pilot is being conducted in Daviess and Wolfe Counties.

E-Citation Pilot Project. The final step in clearing many warrants is the transfer of citation paperwork from the jail to the court clerk. The planned e-Citation system would complete the loop by sending information to the e-Warrant system and the courts to confirm that the warrant has been served. There is an e-Citation pilot in Daviess and Wolfe Counties and plans for expansion to Lee, Ohio, and Owsley Counties. In its pilot form, it does not interact with the e-Warrant system.

National Crime Information Center

The FBI's National Crime Information Center (NCIC) database contains warrant information for serious crimes from around the country. It has strict standards for agencies, staff, and the information they enter.

The Federal Bureau of Investigation operates the National Crime Information Center database. NCIC contains information on warrants for wanted persons and also on stolen property, missing persons, and other topics of interest to law enforcement. All states participate in NCIC by entering warrants and may use it to search for outstanding warrants from anywhere in the country.

From its inception, NCIC has requested that states enter only warrants for felony offenses. The warrant must have an extradition code to indicate whether Kentucky will extradite and from what distance. In addition to the wanted person's name, the identifying information must include at least one numeric identifier, such as a date of birth or license number. If the information written on the warrant is inadequate, entry staff may obtain additional information from other sources, such as the operator's license database.

NCIC requires 24-hour staffing by trained personnel, as well as regular verification of warrants with the original issuer.

Locations at which data is entered into NCIC must be staffed 24 hours a day by personnel who have been trained and certified to use NCIC. When a warrant is entered, the information must be checked for errors by another staff person. If the warrant is not served, after 90 days and every year thereafter it must be reviewed to verify that it is still valid. This is a time-consuming process that involves contacting the issuer of the warrant. NCIC entry points are audited on a regular basis to ensure procedures are followed. These stringent requirements assure accuracy and availability of information, but they impose considerable operating costs.

Law Information Network of Kentucky

The Kentucky State Police operates the Law Information Network of Kentucky. LINK contains more than warrants, including protective orders, and information on missing persons, stolen property, and sex offenders. Some items previously tracked in LINK have been transferred exclusively to NCIC, such as stolen vehicles and stolen firearms.

The Law Information Network of Kentucky (LINK) is the state's existing statewide warrant system. Modeled on NCIC, LINK has most of the same strict standards. LINK contains only about 3 percent of all active warrants in Kentucky.

LINK contains similar warrant information to that in NCIC but only for Kentucky cases. All Kentucky warrants that go to NCIC are entered in LINK first and then transmitted to NCIC. As of January 2005, there were 9,070 warrants in LINK. This represents approximately 3 percent of the estimated number of active warrants in Kentucky. Of these warrants, 6,309 were also in NCIC. LINK has adopted most of the same standards as NCIC, but

warrants can be entered that do not contain all the required NCIC identifying information, and warrants for lesser offenses can be entered.

LINK is available to law enforcement and other criminal justice agencies, such as the courts, prosecutors, jails, prisons, and federal justice agencies. There are three kinds of access: entry terminals, inquiry-only terminals, and satellite access. Entry agencies must be staffed 24 hours per day with trained personnel. Inquiry-only agencies must have trained staff but are not required to have 24-hour coverage. Satellite agencies do not have LINK terminals, but have an assigned terminal agency that they contact to obtain warrant information from LINK.

More than 1,400 criminal justice agencies use LINK, but only 225 have direct access. There are significant staff and computer system costs.

Statewide, 1,473 criminal justice agencies use LINK, but only 225 have direct access. There are significant costs involved in the use of LINK. Entry agencies must provide trained staff for continuous coverage. They not only have to enter the warrants but have to review and validate them on a regular schedule. In addition, a LINK entry agency must obtain a dedicated communication line and router from COT and a software license. These items are estimated to cost more than \$5,000 initially and from \$5,000 to \$18,000 per year thereafter. There are 122 LINK entry terminal agencies.

Inquiry-only agencies can inquire about warrants but cannot enter them. They do not have to review and validate warrants, but their staff must still be trained, and LINK requires that inquiry-only agencies pay for the same hardware and software as entry agencies. There are 103 inquiry-only agencies.

Satellite agencies, typically smaller ones that cannot afford the access terminal or need access infrequently, are assigned to another agency that can do inquiries for them. There are 1,248 satellite agencies, including jails, prosecutors, courts, and law enforcement agencies. At least one-half of the law enforcement agencies in the state are satellite agencies that do not have direct access to LINK.

Inquiry-only LINK access could be provided by low-cost Internet connections.

A federal regulation allows states to provide Internet access to NCIC—and, by implication, to LINK—for inquiry only (Carlile). South Carolina, for example, provides inquiry-only Internet access to NCIC through public Internet service providers (South Carolina 8). Inquiry-only operators must meet the same training requirements as entry agencies, regardless of the method of accessing the system. Using such an approach for LINK, however, would greatly reduce costs and allow more agencies to make their

own inquiries immediately when needed. A COT official expressed concerns about the ability of that office to provide secure Internet access.

Recommendation 3.3

The UCJIS Committee and Kentucky State Police should review the feasibility of Internet access to LINK and NCIC and report their findings to the council or other organization described in Recommendation 2.1.

Information Systems of Kentucky's Unified Courts

KY Courts II is a court case management system used locally in the clerks' offices.

The Administrative Office of the Courts has developed a series of court case management systems that automate the process of docketing and managing court cases in the clerks' offices. The latest of these, KY Courts II, is now in place in all counties. KY Courts II operates locally in the clerks' offices and contains information about bench and indictment warrants.

CourtNet is a read-only database of case information extracted from the clerks' office systems every 15 minutes. Of cases with warrants, more than 95 percent have identifiers that meet LINK and NCIC standards.

CourtNet is a centralized database at the AOC office. Every 15 minutes, CourtNet receives information from each clerk's system and compiles a current list of cases for the state. According to information provided by AOC, more than 95 percent of the cases with bench and indictment warrants in CourtNet contain identifiers that meet LINK and NCIC standards.

After a warrant is served, there may be a delay before the clerk learns of the event and updates the system.

CourtNet information is available via the Internet to authorized users, including law enforcement. Law enforcement officers are cautious about relying on CourtNet to locate warrants because of two key limitations. First, information in the statewide database cannot be modified directly, only through KY Courts II, which is in the clerk's office. An officer cannot update warrant status in CourtNet. Second, although the state database is refreshed frequently, it only reflects the status of warrants after the clerk has been notified of service. There can be some delay before the clerk receives the arrest paperwork or other notice that the warrant was served.

Today, law enforcement agencies see only the warrants issued in the county of their jurisdiction.

In addition, law enforcement queries to CourtNet today only show bench and indictment warrants for the county in which the agency has jurisdiction.¹ A true warrant tracking system would need to show all warrants to all agencies.

¹ Agencies can also see out-of-county warrants for anyone who has ever had a warrant issued in the agency's county.

VINE and Who's In Jail Systems

Who's In Jail will add information from other states' correctional facilities and more detailed information, such as mug shots.

The Department of Corrections recently issued a Request for Proposal with a closing date of June 1, 2005, for a renewal of the Victim Information Notification Everyday (VINE) system and a new Who's In Jail system. Although these are not warrant systems, they could be used to facilitate serving warrants by finding wanted persons who are already incarcerated.

VINE contains information about inmates in jails and prisons around the state. Crime victims and other parties interested in a particular offender can register with VINE, and the system will automatically phone or e-mail the party whenever the offender enters or leaves the correctional system and when other events occur, such as parole hearings. Although it does not track warrants, the VINE system shows how an automated system can take actions on information rather than maintain it passively.

Who's In Jail will access not only Kentucky correctional institutions but also others nationally. It will allow authorized users to place a "watch" for a wanted person, and the system will notify the user by e-mail whenever that person shows up in a covered jail or prison. The database will go beyond VINE by including detailed information such as mug shots and history of incarcerations.

Electronic Warrant Tracking in Counties

Summary of County Information System Use

Manual effort is required to ensure accuracy and to coordinate multiple systems, but counties using automated warrant systems find they are worthwhile.

Program Review staff visited selected Kentucky counties and learned about their use of local warrant tracking systems. Although a number of counties do not use information systems to track warrants, the largest counties and some others do take advantage of computerized systems and networks. Each county that uses information systems still has to invest a great deal of manual effort to ensure that all warrants are entered and their correct status is maintained in a timely manner. In some cases, two or more information systems have to be maintained separately and synchronized manually, further increasing the workload. Nonetheless, personnel in counties that use information systems find they are extremely helpful in facilitating the service of warrants. Table 3.2 gives a brief description of how each county staff visited uses information systems to track warrants.

Table 3.2
Electronic Warrant Tracking in Selected Counties

County	Type of Systems	Procedures
Kenton	Commercial software package with some local reports added	All warrants are entered at Kenton Police Dispatch Center and cross-checked with court clerk's staff. Warrants are held at the clerk's office. Officers inquire through dispatch, which faxes the paperwork to the jail after an arrest.
Fayette	Local software developed by local government	Complaint warrants are entered by court clerk's staff. Bench and indictment warrant data are sent nightly from CourtNet. Out-of-county warrants are entered by the sheriff. Complaint warrants are held by the sheriff; bench and indictment warrants, by the court clerk. Officers check the database and obtain the warrant from the sheriff or clerk.
Jefferson	KY Courts II and CourtNet, modified to handle complaint warrants	All warrants are entered into KY Courts II by court clerk's staff. Warrants are held by law enforcement and the court clerk. Officers check CourtNet but verify the warrant with the court clerk. If the original warrant is at another agency, the clerk sends a copy to the jail for use in booking.
Franklin	Sheriff uses Microsoft® Access. Frankfort Police use a commercial record management system.	Warrants with city addresses are entered into the record management system by Frankfort Dispatch. Warrants with county addresses are entered into Access by sheriff's staff. Warrants are held by law enforcement. Sheriff's deputies check with office during office hours and may have to check with dispatch. Frankfort Police check with dispatch, who may have to check with sheriff's office. Warrants are obtained from the holding agency during business hours or from dispatch after hours.

Kenton County

Kenton and Campbell Counties jointly utilize a warrant database housed in the Kenton County Police Dispatch Center.

The Kenton County Police Dispatch Center houses a database used by both Kenton and Campbell Counties to enter and track warrants. Campbell County warrants are entered and maintained by Campbell County personnel but reside in the same database so that queries from either county will search both counties' data. The dispatch center also has read-only access to Boone County's separate warrant tracking system.

Court clerk and police dispatch staff have a careful manual procedure to ensure that all warrants are captured and cleared in a timely manner.

Warrants are faxed to the dispatch center from the court clerk's office at all hours of the day as they are issued. Because the police department does not believe that CourtNet is sufficiently reliable, the clerk includes bench and indictment warrants as well as

complaint warrants. When a fax is received, dispatch center staff check the warrants against the cover sheet and verify that they have received all the warrants that were intended to be sent.

Dispatch center staff enter the warrants into the local database. If the warrant does not properly identify the wanted person, the warrant is returned to the issuer. After entry, dispatch center staff compile a list of warrants entered and fax it back to the court clerk's office for verification.

To recall a warrant, the court clerk faxes a form to the dispatch center. Dispatch center staff enter the information into the local warrant database and print a form listing all the available information on the warrant. A list of recalled warrants is faxed back to the clerk for verification. The form is filed at the dispatch center and kept for two years.

Kenton County law enforcement officers locate wanted persons and make arrests without a paper warrant.

No paper copies of warrants are given to officers. Officers in the various agencies obtain a list of outstanding warrants from the database. When a warrant is served, dispatch center staff fax a form to the jail for use in booking and then update the local system with information on who served the warrant and when.

Currently, all Kenton County Police officers have mobile data terminals, but the local warrant system is not accessible via those terminals. Officers must request dispatch to check the warrant databases and relay the information to the requesting officer. In October 2005, a new system is planned to begin operations that will allow officers to query the local warrant database from their cruisers.

Fayette County

The Lexington-Fayette Urban County Government has a local warrant database with information on all warrants to be served in the county. Data on bench warrants is transferred from CourtNet.

The Lexington-Fayette Urban County Government maintains a local warrant database containing complaint, bench, and indictment warrants dating back to the 1980s.

When a complaint warrant is issued in Fayette County, the court clerk's staff enter the warrant into the local database. Bench and indictment warrants are entered into CourtNet, and each evening, AOC transmits a file of new warrants to the local system. The clerk's staff verify these warrants and release them into the local database. The sheriff's staff enter warrants sent from other counties. Original paper complaint warrants are sent to the sheriff for service. The original bench warrants are kept at the court clerk's office but are available 24 hours a day if needed.

Officers use the local database to check for warrants and then get the original paper from the appropriate office.

All local law enforcement agencies, the jail, and the court clerk's office have access to the database. Most of the police cruisers have mobile data terminals, but the sheriff's department has only a limited number. Mobile data terminals can access the local database; officers without them have to request a check from dispatch. When needed for service, the warrant is obtained from the sheriff or court clerk.

Court clerk staff clear warrants from the local database and CourtNet separately, after arrest.

After a warrant is served, the court clerk's office receives the paperwork for the arrest and clears the warrant from the database. If the warrant is a bench or indictment warrant, the office must also update it in CourtNet.

Jefferson County

Complaint warrants in Jefferson County are tracked in CourtNet.

Complaint warrants in Jefferson County are recorded in KY Courts II and are available through the CourtNet system. Complaint warrants are kept in a separate section of the database and are not accessible in other counties. The county attorney takes complaints and sends them to the court for a judge's signature. The Pretrial Services staff enter the complaint warrants into the system after the judge signs them.

Until recently, Pretrial Services took complaints and entered them directly into the system prior to a judge's signature. Complaints entered by Pretrial Services included all the information about the complaint. The county attorney does not have access to the complaint entry features of KY Courts II. Now that the county attorney is taking complaints, less information is being entered into the system.

Paper warrants are sent to law enforcement for service, but a copy is kept at the courthouse and used if needed.

All arrest warrants are sent on paper to the appropriate law enforcement agency. The court clerk also keeps a copy, which is available 24 hours a day. Local law enforcement agencies have access to the Jefferson County warrants in CourtNet. Louisville Metro Police serve most of the warrants. Only about 20 percent of the Metro Police have mobile data terminals, so most warrant checks have to be done through dispatch. When a warrant is served, if the officer does not have a copy of the warrant, the court clerk can provide one.

Arrest paperwork is used to clear warrants that have been served. A list of served warrants is sent to all law enforcement agencies to ensure all paper copies are destroyed.

After the warrant is served, the jail sends arrest paperwork back to the court clerk. For complaint warrants, the clerk's staff create a court case, transfer the warrant information into the new case, and mark it as served. Other warrants represent cases already in the system and the clerk's staff simply mark them as served. The

clerk's staff also send a list of served warrants to all law enforcement agencies so the original documents can be destroyed if they were not used in the arrest.

Franklin County

The Franklin County sheriff and Frankfort Police serve warrants.

Franklin County probably is more representative of mid-sized counties that have multiple law enforcement agencies but no unified information system. The Franklin County sheriff and the Frankfort Police share responsibility for serving warrants. When warrants are issued, the court clerk sends them to the appropriate agency to serve.

The sheriff maintains a list of warrants in a database.

The sheriff enters warrants into a database. The office staff can check the database for active warrants and they update the database when warrants are served. Officers can check for outstanding warrants through the office during business hours. After business hours, when the database is not available, the warrants are physically carried to the Frankfort E911 Dispatch Center. The sheriff's office also faxes a current list of unserved warrants to the Frankfort E911 Dispatch Center daily.

Frankfort Police enter warrants into their record management system and download it each shift to mobile computers in officers' cruisers.

Frankfort police department staff enter warrants into their record management system and assign warrants to different districts. Officers have mobile computers in their cruisers that contain the system's warrant information as of the beginning of their shift, but the computers do not have a live connection to the department. Officers can look up information in the records system but have to contact dispatch to verify the current status of a warrant. The dispatch center has access to the department's records system and holds the paper warrants. When an officer attempts to serve a warrant, the attempt is recorded in the system. When the warrant is served, the system is updated.

Before serving a warrant, the officer has to ask for the original paper to be verified. This has to be done by hand at the dispatch center.

If an officer in one agency needs to check for warrants that might be held by the other, the officer contacts dispatch, which can check the other agency's records. During business hours, dispatch can refer to the list of warrants and contact the sheriff's office to confirm. After hours, the sheriff's warrants are at the dispatch office and can be checked by hand.

Fifth Congressional District and Center for Rural Development

The Fifth Congressional District has received federal funds for a regional law enforcement technology project.

The Center for Rural Development manages the Law Enforcement Technology project for counties in the Fifth Congressional District. This district comprises 42 counties in eastern and southeastern Kentucky. Since 2001, the project has received \$26 million in federal grants primarily to provide law enforcement with computer hardware and Internet connections. Plans include computer-aided dispatch software, a region-wide record management system, and a regional law enforcement communications system.

Proposed systems to track warrants will be built in consultation with the Kentucky State Police and UCJIS.

The record management system would be the key to sharing warrant information. The system would track activity on all warrants that are assigned to law enforcement in the entire region. The center plans to ensure that its systems use recognized standards to allow the exchange of information with other systems. In particular, center staff stated that they plan to build systems that will work with the Kentucky State Police and with UCJIS as that program moves forward.

Electronic Warrant Tracking in Massachusetts

Massachusetts provides an example of a warrant tracking system consisting of two separate but interoperating parts. The courts and state law enforcement maintain parallel systems and use electronic warrants until a copy is printed at the point of arrest.

The Commonwealth of Massachusetts has a statewide warrant tracking system that illustrates how such a system can be implemented using two interoperating components specially designed to serve two branches of government. The system consists of two components: the Warrant Management System (WMS) and the Criminal Justice Information System (CJIS).

By statute, the judicial branch is responsible for the Warrant Management System. It was developed as, and remains part of, the court case management system. In Massachusetts, citizen complaints are taken by a court magistrate or clerk and are signed by a magistrate or judge and held by the court. All the complaint information is entered directly into WMS. Bench warrants are called “default warrants” and are issued and held by the court. Indictment warrants also are held by the court. As soon as a warrant has been signed, WMS transfers the warrant information to CJIS.

The Criminal Justice Information System is the executive branch system used by law enforcement across Massachusetts. When an officer locates a wanted person, the arrest is based on the information in CJIS. The officer prints a copy of the warrant on the

spot as the arrest paper, and this is considered the official document. Officers are protected by statute from claims of false arrest if an invalid warrant appears active in the system. A transaction is sent from CJIS to WMS and the warrant is cleared *temporarily* from both systems. The warrant is not permanently cleared until the defendant actually appears in court or the warrant is recalled. If that does not occur within 30 days, the warrant automatically reactivates.

If a wanted person comes to the courthouse to pay a fine or for another reason and clears up a warrant, court staff immediately enter that information into WMS to clear the warrant from the system, and this information is transmitted to CJIS.

CJIS does not transmit warrant information automatically to NCIC. Local district attorneys and police departments determine which warrants should be entered, and local staff enter them manually into NCIC. When an officer requests a warrant check, CJIS queries NCIC as well as its own database.

With such an effective warrant query system, law enforcement became less proactive in seeking wanted persons. Changes were made to encourage more investigative work.

An unanticipated consequence of Massachusetts' system was that law enforcement put less effort into actively searching for wanted persons and depended more on random encounters. The rapid and reliable response to a warrant check at a traffic stop led some officers to reduce their investigative efforts (Massachusetts Senate). In response, CJIS is now providing each agency with a weekly list of active warrants in their jurisdiction as a prompt to serve them.

Scenarios for Electronic Warrant Tracking in Kentucky

Three possible scenarios for electronic warrant tracking in Kentucky are presented below.

Program Review staff interviewed federal, state, and local officials and studied available information to develop three possible scenarios for electronic warrant tracking in Kentucky. These scenarios are presented below along with advantages, disadvantages, and recommendations.

In the following scenarios, the term “CourtNet” has been used to refer collectively to all information systems used for case management by the Administrative Office of the Courts. It should be understood that there are KY Courts II systems in each clerk’s office and CourtNet itself is at the AOC office in Frankfort.

Scenario 1: Developing a Separate E-Warrant System

The UCJIS e-Warrant project is separate from LINK and NCIC and CourtNet. Its pilot provides electronic forms for county attorneys, judges, and law enforcement to act on complaint warrants.

One possible approach is to develop a new system separate from LINK and CourtNet. This is the approach that UCJIS has taken with its e-Warrant project. Funded by federal grants and a new \$4.5 million state bond fund allocation, it is intended to be a Web-based system accessible from anywhere by any authorized and authenticated user with an Internet connection. Initially, users will include county attorneys, judges, and law enforcement officers.

In the pilot, e-Warrant will allow the county attorney to fill out an electronic complaint form and store the information in the database. Future versions of the system will have links to other databases and will be able to include information that can be confirmed in the presence of the complainant, such as mug shots from criminal history databases.

If the county attorney decides to recommend that a warrant be issued, the complaint information will be flagged and will appear on the action list of the appropriate group of judges. Judges will log into the system and select warrants to review. When a judge approves a warrant, an electronic signature is applied and the warrant information is flagged as available for law enforcement. In some cases, the warrant information will also be transferred to LINK.

Law enforcement agencies will log into the system to find the warrants they need to serve. Officers can add comments about their progress and additional leads. Future versions of the system may be able to share information with law enforcement's record management systems.

When a warrant is served, the serving agency will be responsible for flagging the warrant as served. Future versions of the system may utilize the e-Citation system to clear warrants when the arrest is entered into the e-Citation database.

Plans call for e-Warrant to include all active warrants ever issued in Kentucky, as well as other documents, such as summonses.

Ultimately, the e-Warrant project includes plans for a statewide database that will allow entering and tracking of all complaint warrants, regardless of severity of offense or completeness of identifying information. Plans call for gradually entering all the unserved warrants issued before e-Warrant began. It is also planned that bench and indictment warrants, summonses, and other documents be included.

E-Warrant offers several benefits not available from the other scenarios.

The e-Warrant approach has several benefits. It would provide ready access to all the agencies involved in issuing, serving, and clearing warrants. It would handle warrants with any level of identifying information that the prosecutor and judge find acceptable. It would channel warrant information to LINK and NCIC as appropriate. It would include all warrants and other documents issued in Kentucky. Eventually, it would eliminate dependence on paper documents.

A method is needed to record the electronic signature of the complainant.

An unresolved issue is a way to record an electronic signature for the complainant. A complainant typically is not a system user and has not been authenticated. Therefore, some other method is required. Options being considered are thumbprint and signature pads such as are used for credit cards.

Recommendation 3.4

The UCJIS Committee should determine the options for a legally binding electronic signature for complainants and, if necessary, request legislation or court rule changes to allow the use of such a signature.

E-Warrant is expected to expand to include all warrants and other legal papers. To work with bench warrants, some kind of interface between it and CourtNet will be necessary.

Bench and indictment warrants are issued directly by the courts. A clerk prints a form from CourtNet and the judge signs it. In order to include electronic bench and indictment warrants and to avoid double entry of information, the future e-Warrant system should have a way to receive information from CourtNet when a warrant is issued or recalled. Similarly, there must be a method to send information back to CourtNet when a warrant is served. It will be important for the UCJIS Committee to establish how such information can be exchanged.

Recommendation 3.5

Before proceeding beyond the e-Warrant pilot, the UCJIS Committee should develop a memorandum of understanding among the Commonwealth Office of Technology, the Administrative Office of the Courts, and any other pertinent agencies that establishes how information can be exchanged between e-Warrant and CourtNet.

Use of the e-Warrant system to validate warrants in LINK and NCIC, as suggested by UCJIS and Kentucky State Police staff, may not meet federal requirements.

Including more warrants in LINK and NCIC would appear to require a significant increase in workload to validate the warrants according to NCIC standards. UCJIS and State Police staff stated that NCIC requirements for periodic validation of warrants in LINK and NCIC could be met by pulling e-Warrant information

into LINK on a regular basis. If a warrant were in the e-Warrant database, it would be assumed valid, and if not, it would be deleted from LINK and NCIC. Based on a reading of the NCIC Operating Manual, this does not seem to meet NCIC standards.²

Recommendation 3.6

The e-Warrant project's managers should present their NCIC warrant validation plan to the FBI and obtain FBI approval before proceeding beyond the pilot.

A periodic review of warrants in e-Warrant should be considered.

Although warrants in the e-Warrant system will be exempt from the NCIC review requirements, it is a good idea to review warrants periodically to determine whether the complainant, prosecutor, or the court still wants to pursue them or whether there is some other reason to recall the warrants.

Program Review staff found that the plans for e-Warrant were generally consistent with the direction of warrant tracking in other states and with the realities of the Kentucky warrant process. A Web-based system that includes support for all the parties in the process is commendable. Connections to other criminal justice systems are envisioned, ultimately creating a full circle from the complaint to the arrest and clearing of the warrant.

Recommendation 3.7

A goal for the e-Warrant project should be that all warrants will be generated electronically, signed electronically, and stored electronically in databases that are accessible to all law enforcement agencies, courts, prosecutors, correctional facilities, and other parties with a need to access them. If necessary, statutory and court rule changes should be requested to specify that an electronic warrant is valid and how an electronic warrant should be served.

² The Introduction to the NCIC Operating Manual states, "Validation is accomplished by reviewing the original entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, or other appropriate source or individual" (U.S. Department. *National* 54).

Recommendation 3.8

A goal for the e-Warrant project should be that the eventual e-Warrant system will automatically query other systems, including, but not limited to, the government and public databases listed in this chapter 1) when a warrant is issued, to populate and verify as many identifying fields as possible; and 2) at frequent intervals thereafter to develop alternative addresses and leads to finding the wanted person.

Scenario 2: Using NCIC and/or LINK Exclusively

In 2006, NCIC will be upgraded and states will be encouraged to enter all their warrants.

NCIC. Beginning with the new NCIC release in April 2006, NCIC will provide the ability to restrict queries to in-state warrants. At that time, NCIC will explicitly encourage the inclusion of all warrants for all offenses.

NCIC will continue to have stringent standards for staffing, training, verifying, and regularly reviewing warrants.

The new NCIC system, however, will continue to require the same 24-hour staffing and training and the same identifying information before a warrant may be entered. Also, all warrants entered will be subject to the 90-day and annual review requirements. Insufficient information would prevent some warrants from being entered at all. Entering the remaining warrants into NCIC would create a substantial new staffing, training, and reviewing workload. As of January 2005, Kentucky had only 6,300 warrants in NCIC.

South Carolina and Georgia have already eliminated their state tracking systems and rely only on NCIC; although, NCIC discourages such use of the system. South Carolina lets local law enforcement decide whether or not to enter warrants into NCIC. As a result, most warrants are not entered and so are not known outside the local jurisdiction. Georgia requires local law enforcement to enter warrants for all “fingerprintable” offenses, which include felonies and many misdemeanors. Local agencies may decide to enter additional warrants, but not all of them do. Neither state uses NCIC as a comprehensive repository of all warrants.

All warrants could be placed in LINK with only some sent to NCIC. LINK-only warrants would not have to meet NCIC standards.

LINK. According to the FBI's Criminal Justice Information Services Division, there is no requirement that state warrant systems meet NCIC standards. Therefore, in principle, it should be possible to place all warrants in LINK and avoid the verification and review standards. Warrants that were transmitted from LINK to NCIC would have to be verified and reviewed, but the bulk of the warrants could be in LINK only.

County attorneys would not be able to enter complaints directly into LINK or NCIC. Either system would require some method to handle bench warrants. LINK standards would have to be relaxed for most warrants.

A disadvantage of using NCIC or LINK as the state warrant database is that county attorneys would have to continue to take complaints using paper forms, and these forms would have to be entered into the tracking system. Further, a data interface with CourtNet would be necessary to handle bench and indictment warrants, or these would also have to be entered from paper by hand. Finally, using LINK for all warrants would require relaxing the standards that distinguish the LINK system.

Although Program Review staff do not recommend this solution, Kentucky will have to decide how to respond to the federal initiative to have most, if not all, warrants in NCIC.

Scenario 3: Developing a System Based on CourtNet

Although CourtNet is not a warrant tracking system, it does contain information about warrants. CourtNet already includes statewide bench and indictment warrant information. It has also been used in Jefferson County to enter and track information about complaint warrants. AOC does not see this as a proper use of CourtNet and would not support any expansion to handle more complaint warrants.

There could be some advantages to using the court's case management system for tracking warrants.

Based on the experience in Jefferson County, the use of CourtNet to handle complaint warrants has several advantages.

- As they are issued, all warrants go through the clerks' offices.
- CourtNet has terminals in all counties and has a means to provide access to law enforcement and others.
- CourtNet has complaint forms in the Unserved Division that capture information useful to prosecutors and law enforcement.
- After a complaint warrant is served, information from complaint warrants in CourtNet is transferred to the new court case, saving the clerks some data entry.
- When a judge, clerk, jailer, or law enforcement officer queried the system, all warrants for an individual would appear in one place.
- All warrant recalls could be handled through the same system.

There are many issues that would have to be resolved before CourtNet could be used to track warrants.

Several issues would have to be resolved, however, to use CourtNet as Kentucky's warrant tracking system.

- Funding would be needed to expand the capacity and to make some modifications to the system to facilitate its use by prosecutors and law enforcement.
- Access would have to be worked out so that county attorneys could use CourtNet to enter complaints into the system and flag them for review by judges.

- Because CourtNet is not designed as a warrant tracking system, it might be necessary to build more sophisticated query software to handle law enforcement inquiries. Similarly, it might be necessary to augment CourtNet to store different kinds of information needed by law enforcement.
- Access would have to be worked out so that law enforcement agencies could see warrants from all counties, not just their own jurisdictions.
- CourtNet is not a two-way system. It would have to be modified to allow updates to flow from the state database to the 120 separate county systems.
- A method would have to be designed to allow law enforcement to update the status of a warrant when it is served.

It is not clear whether or not CourtNet would provide a cost-effective solution, but some of the same key changes would be required if CourtNet is to function with any automated warrant tracking system.

It is unclear whether the costs of modifying CourtNet to meet the needs of a statewide warrant tracking system would be greater or less than building a separate system or using LINK and NCIC. Nor is it clear that CourtNet would work more effectively in the long run than a system specifically designed for the purpose. Any plan to include bench and indictment warrants in a fully automated system, however, will also require key changes to enable CourtNet to provide a two-way flow of information and to work with other systems.

On balance, the distinct needs of the two branches of government, the independence of their systems, and the modifications needed make this option less than ideal, but it should be kept in mind as development progresses.

Creating Separate Warrant Operations Centers

Any new tracking system will have to accommodate untracked paper warrants from the past and from areas not covered by the system as it expands. Some parties may not want to participate.

No matter what direction a warrant tracking system takes, the problem of existing paper warrants remains. Warrants issued before the database was created will still be untracked. Because such a system will have to spread across the state gradually and expand gradually to encompass more kinds of warrants, there will continue to be untracked paper warrants for some time. Even after an electronic system is fully available, some law enforcement agencies or courts may be reluctant to use it, leading to untracked paper warrants. The creation of warrant operations centers could improve warrant tracking more quickly and ease the transition from paper to electronic warrants.

The UCJIS warrant work group proposed a formal system of warrant operations centers to hold and track warrants.

Staff were informed that the warrant work group of the UCJIS Committee developed a proposal for warrant operations centers. Under that proposal, all warrants would be held by law enforcement agencies, possibly with oversight and coordination by an agency of the Justice and Public Safety Cabinet. In the description below, Program Review staff have expanded the concept to include the proposed e-Warrant system.

Each county or group of counties would have a 24-hour warrant operations center, probably at an existing dispatch center.

Each county or group of cooperating counties would designate a location for a 24-hour warrant operations center, probably at an existing dispatch center. All warrants to be served in the county or counties would be held at that center in paper form and these would be the only paper copies. Warrants could be delivered to the center physically or by fax, as Kenton County now does. Similarly, warrant recalls could be delivered the same way.

Staff at the center would maintain a database of warrant information and hold the paper copy, if any. The center also would provide NCIC and LINK entry and access.

Center staff would enter the warrant information or recalls immediately into a database, perhaps the e-Warrant database. In counties using the e-Warrant system for complaint warrants, the centers would only need to hold and enter bench and indictment warrants. It is possible that CourtNet could send bench and indictment warrants and recalls electronically to be followed by the paper warrant, reducing the workload further. The centers would also be LINK and NCIC entry terminal agencies.

Law enforcement personnel would have access to the warrant data in order to prioritize and manage their service efforts and to inquire for warrants at traffic stops and other encounters. In the absence of mobile data terminals, center staff could check for warrants. Once the e-Warrant system is in use, center staff could also check for statewide warrant information.

When a warrant is served, law enforcement would inform the center, and the staff there would fax or deliver the warrant to the jail for citation and booking. Center staff would also remove the warrant information from the database immediately and notify the originator—county attorney or court—of service. The center staff or the e-Warrant system could notify the originator by e-mail to speed the process. The paper warrant, if not delivered to the jail, would be disposed of according to an agreed protocol.

Such a system could operate without changes to CourtNet and could take advantage of the trend toward 24-hour dispatch centers. It could handle any mix of paper and electronic warrants.

A network of warrant operations centers could take advantage of the trend toward 24-hour dispatch centers serving multiple law enforcement agencies. The plan is adaptable to any mix of paper and electronic warrants and could be phased out if at a future time paper warrants were eliminated. Also, this concept has the

advantage of requiring no changes to CourtNet; although, an AOC official did raise the possibility of sending electronic notification of warrant issuance and recall.

Additional staffing might be required. There also might be a delay to get information back to CourtNet.

There are some disadvantages. Additional staffing might be required both at the local level to operate the centers and at the state level to oversee and coordinate them. Because there would be no electronic information flow back to CourtNet, the court systems would not be updated immediately when a warrant is served.

Recommendation 3.9

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, evaluate the creation of a statewide network of warrant operations centers.

Cost Implications of Electronic Warrant Tracking

Several cost savings should accrue from electronic warrant tracking systems. Smaller agencies could avoid the cost of a LINK connection or the delay of working through another agency.

Electronic warrant tracking has the long-term potential to decrease the costs of handling warrants, particularly by eliminating paper. Access to query e-Warrant and LINK databases should not be expensive because both can be accomplished through the Internet. The e-Warrant system also should serve as a means for small law enforcement agencies to report when a warrant has been served, without having expensive update access to LINK or cumbersome relay arrangements with another agency. If the e-Warrant concept is successful, it will reduce the cost barriers to smaller law enforcement agencies.

Agencies could reduce their workloads while increasing their effectiveness.

Under the current system, there is the potential for duplicated effort in trying to serve warrants. Some officers check the jail population and the court dockets for wanted persons. Jail staff check for active warrants on booking and release. The courts check for active warrants during pretrial interviews and at the bench. A warrant tracking system that exchanged information with the jail, court, and other systems would reduce the workload for a number of agencies and make them more effective.

The federal push to have all warrants entered into NCIC has significant cost implications, as would any periodic review process. However, some periodic review, perhaps computer assisted, would help reduce the number of active warrants and save

otherwise wasted time attempting to serve older warrants that are no longer meaningful.

Recommendation 3.10

The UCJIS Committee, or an organization created as described in Recommendation 2.1, should study the implications of following the FBI’s request to place all warrants in NCIC.

A statewide warrant system means that law enforcement will see warrants from the entire state, raising some cost issues.

Any statewide system of warrants has to face the question of what to do when a person is arrested in one county for failure to pay a fine in another county. When all warrants are visible, how will out-of-county warrants be handled? Should procedures be developed to allow the defendant to satisfy a warrant outside the county that issued it? Should transportation across the state be reimbursed for all warrants?

Recommendation 3.11

If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, develop a proposal to address serving and clearing out-of-county warrants statewide, as well as the financial implications of extradition.

Interoperability of Systems

It is important that automated systems be able to work together.

As more and more processes are automated, it has become more important to ensure that the systems used in different agencies can work together. Similarly, it is essential that software systems used for different but related purposes in the same agency can work together. This is referred to as the “interoperability” of systems.

Outside of law enforcement, computer systems that serve the courts, prosecutors, and correctional facilities should automatically query the warrant data and inform the appropriate officials of any outstanding warrants when a person appears before the court or a new court case is opened, when a new prosecution is begun, or when a person is booked on arrest or otherwise enters or leaves incarceration.

The UCJIS Committee has statutory authority to review and approve all criminal justice software to ensure it is compatible with the integrated system.

Under KRS 17.131, the UCJIS Committee was given the task of coordinating criminal justice agency information systems planning. By its terms, the statute includes both state and local agencies in its definition and gives UCJIS the authority to review and approve criminal justice software for compatibility with the integrated system. Based on interviews with UCJIS management and a review of the UCJIS Web site, it does not appear that the UCJIS Committee has been proactive in carrying out this task or that adequate staff would be available to do so.

Recommendation 3.12

The UCJIS Committee should publish standards for criminal justice software procurement and interoperability by all state and local criminal justice agencies and require all agencies to submit their plans for automated criminal justice systems to UCJIS to ensure they will work with other state and local systems in Kentucky.

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Appendix A

Examples of Warrant Forms

Complaint Warrants

Kenton County

This is an example of a warrant form used by the county attorney in Kenton County. It contains information about the offense using KRS and UOR (Uniform Offense Report) citations. The paper copy is sent to the judge for signature.

Jefferson County

The two-page complaint warrant from Jefferson County was printed from the Unserved Division of the court's case management system. It lists the offense but does not list the KRS or UOR information. The complaint was taken by Pretrial Services and entered into the database before the warrant was printed.

Pretrial Services no longer takes complaints. The complaint form currently used by the Jefferson County attorney's office is similar, but the data are not stored in a database. The paper is sent to the judge for signature, and court staff enter some of the information into CourtNet to assist with tracking.

It should be noted that this warrant dated October 26, 2004, had not been picked up by law enforcement when staff visited the clerk's office on January 20, 2005.

Franklin County

There are two warrants from Franklin County. These warrants were prepared by the county attorney and sent to the judge for signature.

Theft. The first warrant is for unauthorized use of a motor vehicle and is a typical warrant. It lists only the wanted person's name and address. Someone has written "need identifiers" along the bottom.

Bad check. The second warrant is for a bad check (theft by deception) that was written to the clerk's office in payment of a fine. It includes a copy of the check and a letter from the clerk's office seeking to collect the money.

Bench and Indictment Warrants

There are two bench warrants from Kenton County, both for failure to appear in court. The first is for violation of a county ordinance and is labeled “BENCH WARRANT.” The second is for a traffic offense and is labeled “WARRANT,” although it is a bench warrant. The two warrants were generated from CourtNet for the judge’s signature, and the information on them was filled in automatically from case data in the system.

The indictment warrant from Franklin County was also printed from CourtNet for the judge to sign. The information on the warrant was filled in from case data in the system.

Commonwealth of Kentucky
KENTON DISTRICT COURT
CRIMINAL COMPLAINT

stamp here if unseizable
COPY

Summons
 Warrant

COMMONWEALTH OF KENTUCKY VS.

NAME: [REDACTED] SEX: MALE RACE: WHITE DOB: [REDACTED] TATOO ON ARM- SUN
TATOO ON BACK LEG
ADDRESS: [REDACTED] PHONE NO: [REDACTED]

The Affiant, [REDACTED] says that on the 7TH day of MARCH, 2005, in Kenton County, Kentucky, the above named defendant unlawfully did violate:

KRS 508.030 UOR CODE: 00798 ASSAULT 4TH DEGREE DOMESTIC VIOLENCE

Affiant's grounds of belief as to the commission of this offense are: AFFIANT LIVES WITH ABOVE. ON THE ABOVE DATE, AT 6:30 A.M., AN ARGUMENT BEGAN. DEFENDANT PUCHED AFFIANT IN THE HEAD THREE TIMES. DEFENDANT ALSO CHOKED AND TRIED TO SMOTHER THE AFFIANT. AFFIANT HAS VISIBLE BRUSING ON ARM. DEFENDANT UNPLUGGED PHONES AND TOOK BATTERY OUT TO PREVENT VICTIM FROM CALLING POLICE. AFFIANT TRIED TO LEAVE HOME AND DEFENDANT WOULD NOT LET HER LEAVE. BRUSING ON CHEST, ARMS, NECK AND HEAD. EVENTUALLY VICTIM CALLED POLICE ON DEFENDANTS CELL. DEFENDANT FLED. This conduct is against the peace and dignity of the Commonwealth of Kentucky.

[REDACTED Signature]

Signature of Affiant

Sworn before me this 7 day of March, 2004
[Signature]
Judge, County Attorney, or Designated Official

Affiant: [REDACTED]

Witness(s): Todd Commis Elsner P.D
Photos

WARRANT OF ARREST/TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY:

You are hereby commanded to arrest the above named defendant and bring him/her forthwith before the judge of the District Court, Kenton County, Kentucky, or if he/she be absent or unable to act, before the nearest available magistrate to answer a complaint made by [REDACTED] charging him/her with the offense of ASSAULT 4TH DEGREE DOMESTIC VIOLENCE.

The defendant may give bail in the amount of \$ 2000
Date 3h, 2005
Judge *[Signature]*

KEN E.


Served by: _____ Date: _____

ke

05-1229

ENTERED
KENTON CIRCUIT/DISTRICT COURT
MAR 7 - 2005
BY *[Signature]*
MAX WOLTENBERG

AOC-315
 Doc Code: CWS
 Rev. 08-99
 Commonwealth of Kentucky
 Court of Justice
 RCr 2.02, 2.04, 2.06



Control Number **04-WS-918790**
 County **JEFFERSON COUNTY**
 Generated 10/26/2004 6:13:59PM

Criminal Complaint

COMMONWEALTH VS.

Defendant Information

Alternate Address:

[REDACTED]

Sex	Race	Date of Birth	Height	Weight
M	W	[REDACTED]	600	190

Operator License Number	State
[REDACTED]	OLKY

Complaint
 The Affiant, [REDACTED] (7th) says that on 10/22/2004 in JEFFERSON COUNTY, Kentucky, the named defendant unlawfully...
 VICTIM [REDACTED] PROVIDED BOTHE VERBAL AND WRITTEN STATEMENTS STATIGN THAT THE DEFT HAD PULLED A CHROME OR SILVER SEMI AUTOMATIC PISTOL ON THE VICTIM WHILE THEY WERE TRAVELING IN SEPERATE VEHICLES ON KY 841. VICTIM STATES THAT BOTH HE AND [REDACTED] DEFT WERE INVOLVED IN ROAD RAGE AT THE TIME. THE VICTIM WAS ABLE TO PICK THE DEFT OUT OF A PHOTO PACK ON TODAYS DATE. REPORT# 04-01-03274 WAS FILED BY THE POLICE.

[Signature]
 Signature of Affiant 6:00

Sworn to before me: *[Signature]* 10-26-04
 Officer Date

COUNTY ATTORNEY RECOMMENDATION FOR COMMONWEALTH OF KENTUCKY:

I, as Assistant County Attorney, have reviewed the allegations of the criminal complaint regarding COMMONWEALTH VS. [REDACTED] and believe that, if true, elements of the following criminal charges have been met:

W.E.T

[Signature]
 Assistant County Attorney
10-26-04 6:36
 Date Time

I recommend that the reviewing judge:

Reject matter because: _____

Require defendant to attend dispute mediation

Issue summons for defendant to appear


Issue warrant for arrest of defendant

MD 04-WS-918790



AOC-315
Doc Code: CWS
Rev. 08-99
Commonwealth of Kentucky
Court of Justice
RCr 2.02, 2.04, 2.06

Reject
 Mediation
 Summons
 Arrest



Control Number **04-WS-918790**
County **JEFFERSON COUNTY**
Generated 10/26/2004 6:13:59PM

Criminal Complaint

COMMONWEALTH VS. Defendant Information

Alternate Address: _____

Sex	Race	Date of Birth	Height	Weight
M	W	[REDACTED]	600	190

Operator License Number	State
[REDACTED]	OLKY

8/22/2004

WARRANT

WARRANT OF ARREST / TO ALL PEACE OFFICERS IN COMMONWEALTH OF KENTUCKY:
You are hereby commanded to arrest the above named defendant and bring said person forthwith before the Judge of the above-named District Court regarding the complaint and criminal charge(s) noted in the County Attorney's recommendation, both of which have been reviewed, and, based upon the information contained herein, it is found probable cause exists to believe a crime has been committed and that the defendant committed it.

The defendant may give bail in the amount of \$ _____ secured by _____
 Bail in accordance with the uniform schedule of bail is denied because:
 The amount therein is not commensurate with the nature of the offense charged;
 The defendant has heretofore failed to appear pursuant to citation, evidencing that release under the uniform schedule will not adequately guarantee his/her appearance;
 Other _____

[Signature] Judge Date *10/26/04*

Action on Warrant: _____
 Executed by delivering to: _____
 Not Executed (Reason): _____

SUMMONS

SUMMONS / TO THE ABOVE NAMED DEFENDANT:
You are hereby summoned to appear before the Judge of the above-named District Court regarding the complaint and criminal charge(s) noted above in the County Attorney's recommendation, both of which have been reviewed, and, based upon the information contained herein, it is found probable cause exists to believe a crime has been committed and that the defendant committed it. If you fail to appear at the stated time and place, you will be subject to the contempt power of the Court, which may include issuance of a warrant for your arrest.

Judge Date _____

Action on Summons: **In the Event of a Summons you must Appear:**
 Date: _____ Time: _____ Room: _____ Location: _____

Signature of Officer Date _____ Agency _____

MD 04-WS-918790



ORIGINAL

Commonwealth of Kentucky

Case No. _____

ARREST WARRANT

Franklin District Court

COMMONWEALTH OF KENTUCKY VS. _____ Soc. Sec. No. _____

Sex M Race CA Date of Birth _____ Hair _____ Eyes _____ Wt. _____ Ht. _____

Address _____ FRANKFORT, KY

WARRANT OF ARREST/TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY

You are Hereby commanded to arrest the above-named defendant and bring him forthwith before the Judge of the District Court, Franklin County, Kentucky to answer a complaint made by _____ charging him with the offense of KRS. 514.100, UNAUTHORIZED USE OF A MOTOR VEHICLE, CLASS A MISDEMEANOR. The defendant may give bail in the amount of \$ 500 secured by 10% or full cash. Bail in accordance with the uniform schedule of bail is denied because: [] The amount therein is not commensurate with the nature of the offense charged; [] The defendant has heretofore failed to appear pursuant to citations, evidencing that release under the uniform schedule will not adequately guarantee his appearance; [] Other _____

SUMMONS/TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned to appear before the Judge of the District Court of Franklin County, Kentucky, on the _____ day of _____, at 9:00 a. m. at the following location FRANKLIN DISTRICT COURT, COURTHOUSE, FRANKFORT, KY to answer to the charge of _____ in response to a complaint filed by _____ If you fail to appear at the stated time and place you will be subject to the contempt power of the court.

Issued at Franklin County, Kentucky, on 4-2, 03

Guy Hart, Judge Franklin District Court

APR 11 10 23 AM '03
SHEET
FRANKLIN
COUNTY
KENTUCKY

CRIMINAL COMPLAINT

_____, FRANKFORT, KY 40601
(Name and address of defendant, if known)

The affiant _____ says that on MAR 24, 2003, in Franklin County, Kentucky, the above named defendant unlawfully KNOWINGLY OPERATED A 1991 FOUR DOOR OLDSMOBILE, BLUE IN COLOR WITHOUT THE CONSENT OF THE AFFIANT BY TAKING SAID VEHICLE FROM THE AFFIANTS PROPERTY WHILE THE DEFENDANT WAS SUPPOSED TO BE DOING MECHANIC REPAIRS TO THE SAID VEHICLE. WHICH IS IN VIOLATION OF KRS. 514.100, UNAUTHORIZED USE OF A MOTOR VEHICLE, CLASS A MISDEMEANOR. VIOLATION CODE 00701.

FRANKFORT, KY 40601

Phone _____
Name, address and telephone number of Affiant _____

Signature of Affiant _____

Sworn to before me on MAR 27, 2003

Gill McDonald
Name/Title...

Served on the within defendant this _____ day of _____

need identified

FILE COPY

Commonwealth of Kentucky

Case No. _____

ARREST WARRANT

Franklin District Court

COMMONWEALTH OF KENTUCKY VS. [REDACTED] Soc. Sec. No. _____

Sex Race Date of Birth Hair Eyes Wt. Ht.

Address [REDACTED] FRANKFORT, KY

WARRANT OF ARREST/TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY

You are Hereby commanded to arrest the above-named defendant and bring him forthwith before the Judge of the District Court, Franklin County, Kentucky to answer a complaint made by FRANKLIN CIRCUIT COURT CLERK charging him with the offense of K.R.S. 514.040, Theft by deception. The defendant may give bail in the amount of \$ 5000 secured by 10% or full cash. Bail in accordance with the uniform schedule of bail is denied because: [] The amount thereon is not commensurate with the nature of the offense charged; [] The defendant has heretofore failed to appear pursuant to citations, evidencing that release under the uniform schedule will not adequately guarantee his appearance; [] Other _____

SUMMONS/TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned to appear before the Judge of the District Court of Franklin County, Kentucky, on the _____ day of _____, _____, at 9:00 a. m. at the following location FRANKLIN DISTRICT COURT, COURTHOUSE, FRANKFORT, KY to answer to the charge of _____ in response to a complaint filed by _____ If you fail to appear at the stated time and place you will be subject to the contempt power of the court.

Issued at Franklin County, Kentucky, on _____, _____.

W _____, Judge Franklin District Court

CRIMINAL COMPLAINT

[REDACTED] FRANKFORT, KY 40601
(Name and address of defendant, if known)

The affiant, FRANKLIN CIRCUIT COURT CLERK says that on FEB 28, 2002, in Franklin County, Kentucky, the above-named defendant unlawfully, issued a check in the amount of \$586.35 on the SHELBY COUNTY TRUST BANK, SHELBYVILLE, KY, , while knowing that said check would not be honored by drawee in violation of KRS 514.040, Theft by Deception, Class D Felony.

COURTHOUSE
FRANKFORT, KY 40601
(502) 564-7013
Name, address and telephone number of Affiant
Shawn Mabry PC
Signature of Affiant

Sworn to before me on NOV 6, 2002
Jill Cook
Name/Title

Served on the within defendant this _____ day of _____, _____.

Officer

Section Number: 300.5
Rev. Jan., 1992

COMMONWEALTH OF KENTUCKY
CIRCUIT COURT CLERK ACCOUNTING MANUAL

Section: ACCOUNTING PROCEDURES
Subsection: CASH RECEIPTS
Subject: RETURNED CHECK LETTER FORMAT

OFFICIAL NOTIFICATION

Date: 3-11-02

TO: Name [REDACTED]
Address [REDACTED]
Case/Citation/Drivers License # _____

Your check, dated 2-28-02 in the amount of \$ 586.35 was returned by the bank as uncollectible. If you have failed to redeem this check with ten days this matter will be turned over to the court for action on the returned check as well as renewed action under the matter on which your check was submitted in payment.

Your prompt attention to this matter will avoid further inconvenience.

Very truly yours,

Gene Marshall

Clerk's signature or name by om d.c.

Called Wray
Wray 8-700
5-2-02
Called with message with father
7-5-02-
left message
mother

(01-T-7818
5-31-02)


083900619

1004

Date 2-28-02 73-161/839 01

Pay to the Order of Franklin District Court \$ 586.35

Five hundred eighty six ★ **NSF** ★ Dollars

 SHELBY COUNTY TRUST BANK
P.O. Box 249
Shelbyville, KY 40066-0249

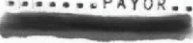
WORRY FREE CHECKING

For Fine

⑆083901618⑆1004 ⑈026 625 6⑈ ⑈0000058635⑈

001 45 051 ACCOUNT 1008625 DATE: 03/07/02

THE FOLLOWING ITEMS HAVE BEEN RETURNED AND ARE BEING CHARGED BACK TO YOUR ACCOUNT

PAYOR.....	REASON.....	AMOUNT
	INSUFFICIENT FUNDS	586.35

TOTAL ITEMS CHARGED BACK TO YOUR ACCOUNT 586.35

YOUR ACCOUNT BALANCE AFTER THIS ACTIVITY IS: 1,140,647.28

PLEASE REFER ALL QUESTIONS ABOUT CHARGEBACKS TO 227-1600

Generated: 03/09/2005

AOC-S-035 War Code: BW Rev. 12-01		Case Number 04-M-05963 Court District Court (1A) County KENTON COUNTY
Commonwealth of Kentucky Court of Justice	Warrant of Arrest BENCH WARRANT	
RCr 2.05		

Plaintiff, COMMONWEALTH VS. [REDACTED] Defendant
TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY. You are hereby commanded to arrest:

[REDACTED]
[REDACTED]
FLORENCE KY 41042

Sex	Race	Date of Birth	Height	Weight
		[REDACTED]		
Operator License Number		State		

and bring him/her forthwith before the KENTON COUNTY District Court (1A) *SSN* [REDACTED]

to answer charges that he/she committed the offense(s) of:

Chg #	UOR Code	KRS	Description	Chg Disp Dt	Chg Disp
1	0900000		COUNTY ORDINANCE		

against the peace and dignity of the Commonwealth; OR

because : FTA 3/9/05

If the court is not in session you will deliver him/her to the Jailer of KENTON COUNTY

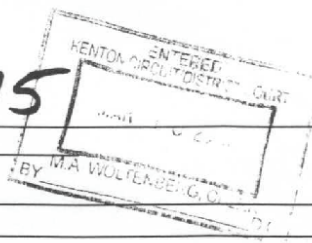
The defendant may post bail in the amount of \$ 503⁰⁰, secured by Cash
 The defendant may not give bail.

Date: Wednesday, March 09, 2005

[Signature]
Judge HON. ANN RUTTLE 716008

COPY

05/13/15



Proof of Service

(Signature of Arresting Officer) _____ Date _____

Executed by delivering _____

Not Executed (Reason): _____

DI 04-M-05963

COMMONWEALTH VS. [REDACTED]

Warrant#: @00000022327



Generated: 07/12/2004

AOC-S-035 War Code: WA
Rev. 12-01



Case Number **04-T-02391**
Court District Court (1A)
County KENTON COUNTY

Commonwealth of Kentucky
Court of Justice

Warrant of Arrest
WARRANT

Plaintiff, COMMONWEALTH VS. [REDACTED] Defendant

TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY. You are hereby commanded to arrest:

[REDACTED]
[REDACTED]
COVINGTON KY 41014

Sex	Race	Date of Birth	Height	Weight
M	W	[REDACTED]	505	140
Operator License Number				State
[REDACTED]				OLKY

and bring him/her forthwith before the KENTON COUNTY District Court (1A) [REDACTED]

SSN: [REDACTED]

to answer charges that he/she committed the offense(s) of:

Chg #	UOR Code	KRS	Description	Chg Disp Dt	Chg Disp

against the peace and dignity of the Commonwealth; OR

because : FTA 10 DAYS IN LIEU OF 961.50

If the court is not in session you will deliver him/her to the Jailer of KENTON COUNTY

- The defendant may post bail in the amount of \$ _____, secured by _____
- The defendant may not give bail.

Date: Monday, July 12, 2004

Judge HON DOUGLAS J. GROTHAUS 716010

COPY

04-3783

Proof of Service

(Signature of Arresting Officer)

Date

Executed by delivering _____

Not Executed (Reason): _____


DI 04-T-02391

COMMONWEALTH VS. [REDACTED]

Warrant#: @0000018595



Generated: 04/29/2005

AOC-S-035 War Code: WAI Rev. 4-01		Case Number 05-CR-00085-001 Court CI County FRANKLIN
Commonwealth of Kentucky Court of Justice RCr 2.05; RCr 2.06; RCr 6.52	Warrant of Arrest - on Indictment	

Plaintiff, COMMONWEALTH VS. **FRANK JEFFREY WADD** Defendant

TO ALL PEACE OFFICERS IN THE COMMONWEALTH OF KENTUCKY:

You are commanded to arrest the person named below and bring him / her forthwith before the FRANKLIN Court.

FRANK JEFFREY WADD
220 CLIFFY DRIVE
FRANKFORT KY 40601

Sex	Race	Birthday	Height	Weight	Operator License No.	State
M	W		510	175		

to answer charges that he / she committed the offense(s) of:

Chg #	UOR Cd	KRS #	Description	Chg Disp Dt	Chg Disp
1	0490120	520030	ESCAPE-2ND DEGREE IDENTIFY FACILITY		

against the peace and dignity of the Commonwealth: **OR**

because:

Memo: DETAINED IN FCRJ

If Court is not in session, you will deliver him / her to the Jailer of FRANKLIN County.

Circuit/District Clerk, JANICE MARSHALL

Date: _____, 2_____.

By _____, DC

Defendant may post bail in the amount of \$ _____, secured by _____.

Defendant may not give bail.

Date: 2 May, 2005.

William L. Gorkh Judge

EXECUTION	
<input type="checkbox"/> Executed	
<input type="checkbox"/> Not Executed because:	_____
Date: _____, 2_____.	Signature of Arresting Officer

CI 05-CR-00085-001
COMMONWEALTH VS. **FRANK JEFFREY WADD**



Appendix B

Estimating the Total Number of Unserved Complaint Warrants in Kentucky

Program Review staff estimated that there are 55,000 to 85,000 unserved complaint warrants in Kentucky. These are cumulative figures, representing all complaint warrants on file over time through at least January 2005.¹

The estimate is a range because each county operates and maintains an independent warrant system, and most counties have paper file systems. In order to evaluate unserved complaint warrants in a county that uses a paper-based system, staff had to manually go through all the files, record the appropriate information, and then check to make sure that the warrant had not already been served. Therefore, it was not feasible to evaluate data from all 120 counties, or even a significant number of them.

Staff collected unserved complaint warrant data from seven counties: Fayette, Franklin, Grayson, Jackson, Jefferson, Kenton, and Madison. County population and geographic location were important considerations in selecting these counties. The seven counties were a mix of rural and urban, border and interior, and high population and low population. Some counties were selected based on preliminary information collected from meeting with staff from AOC and Jefferson County's Criminal Justice Commission.

Information on unserved complaint warrants was collected from each of the seven counties. For each county with a paper warrant system, staff traveled to that county to meet with appropriate officials to learn about the system and then sample and record the information manually. For each county with an electronic repository, staff first met with local officials to learn about the county's warrant process and then received electronic versions of the data from those counties. Staff accumulated data from the seven counties to produce a database of nearly 16,000 complaint warrants.

AOC staff then checked many of these complaint warrants to verify that they were still unserved. Program Review staff confirmed that the AOC information matched the recorded information. It was discovered that many warrants filed as unserved had actually been served. Across the counties, the frequency at which that occurred varied from zero to nearly 50 percent. Adjustments were made to correct for this, leaving a slightly smaller data set of 15,000 warrants.

¹ Note that this is the estimate of warrants for which a paper copy is on file or for which there is an electronic record. Warrants may still be outstanding even if there are no longer records of them.

The table below lists the general statistics associated with the seven study counties.

Summary Data for Seven Counties

	Fayette	Franklin	Grayson	Jackson	Jefferson	Kenton	Madison
Number of warrants and/or summonses ¹	6,621	7,926	3,304	368	6,134 ²	9,820	1,342
Sample	*	370	223	117	*	461	132
Margin of error ³	*	9.3%	5.3%	7.5%	*	4.5%	8.1%
Estimated Unservd Complaint Warrants	5,284	2,097 to 2,371	400 to 445	306 to 356	6,134	3,254 to 3,561	651 to 766

*Fayette County and Jefferson County provided electronic data. No sampling was required.

¹Franklin County and Grayson County filed summonses and warrants together.

²In Jefferson County, 60 percent of the nonsupport warrants in the data were reported to be bench warrants. This reduced the original number of warrants from 7,824 to 6,134.

³Based on a 95 percent confidence interval.

When sampling was necessary, staff sampled a sufficient number of files from each county to maintain a 95 percent confidence level that the results were plus or minus 5 to 10 percent. The margin of error was taken into account when estimating the number of unserved complaint warrants.

To estimate the number of unserved complaint warrants statewide, staff combined two methods. The first method was a straightforward percentage calculation. Staff divided the total adult population of the seven counties by the total state adult population and then divided the number of unserved complaint warrants for those counties by the preceding quotient. The logic is that the number of unserved warrants is proportional to the state population in the same ratio as the number of unserved warrants and population in the seven counties. Calculating this equation with both the low and high estimates from the seven counties resulted in a range of 55,000 to 60,000 unserved complaint warrants in the state.

The second method used is a variant of the first. Staff placed the seven counties in population quintiles and then calculated the number of unserved complaint warrants for each quintile. If the number of unserved complaint warrants is divided by the quotient of county adult population and quintile adult population, the result is a projected number of complaint warrants for each study county by quintile. When two study counties were part of the same quintile (Franklin and Madison, Fayette and Kenton), staff weighted the respective population of each to arrive at one quintile projection.

The table below depicts the low and high estimates of unserved complaint warrants by county by population quintile. It should be noted that the quintiles are not precise. Actual population percents range from 17.2 to 21.4. Jefferson County occupied a quintile by itself, but has only 17.2 percent of the state's 18 and older population.

**Estimated Unserved Complaint
Warrants in Kentucky
by Population Quintile
(18 and Older)**

Quintile	Low	High
1	19,094	22,214
2	13,523	15,045
3	18,863	21,533
4	17,561	18,192
5	6,127	6,127
Total	75,168	83,110

Appendix C

Analysis of CourtNet Data

Cleaning and Interpretation of the Data

On January 27, 2005, the Administrative Office of the Courts extracted from CourtNet all warrants and summonses issued in District and Circuit Court since January 1, 2000, along with the charges listed for the cases in which they appear. The first step in using this information was to understand what was in the data.

Because CourtNet is a case management system, everything in it relates to a court case. Among other things, a case has one or more parties and may have warrants, summonses, and charges. Charges are not associated with a specific warrant or summons, or even with a particular party to the case. The case number contains a code indicating the kind of case (felony, small claims, and so on). The case information also shows whether it was a Circuit or District Court case. Based on these, it was possible to distinguish criminal from civil and other cases.

The age of a warrant was calculated from its issue date to the service date or, if not served, to January 27, 2005.

Many KRS sections that prescribe penalties contain several levels of offense. Charges in the AOC data were listed with a Uniform Offense Report (UOR) code, which is more specific to the details of an offense than the KRS section. Most UOR codes begin with 0, but a number of special-purpose UOR codes begin with other numbers, notably 8 and 9. AOC provided a list of the KRS sections to which each UOR belongs. AOC did not have information about the severity of UOR codes, so several methods were used to assign a severity to the charges in a case.

First, staff used a list provided by the Kentucky State Police (KSP). Because the list did not distinguish capital offenses, staff identified and coded these separately. A handful of the codes had incorrect or nonspecific severities, and these were corrected. Some of the KRS references had typographical errors, and these were corrected to make it easier to compare with the references in the AOC data. KSP also had a list of obsolete UOR codes that showed the new UOR code for each. This allowed staff to obtain a severity for obsolete UOR codes in the older charges.

Second, staff examined the UOR codes that did not appear in the KSP list, looked up the severity, and manually entered severities for 157 additional UOR codes. The severity was taken from the statute for the offense and from KRS 532.020 if the class of penalty was not defined in the specific statute.

Third, a number of UOR codes beginning with 9 were compared with the KSP list for the corresponding UOR codes beginning with 0. Comparison of the text descriptions showed that most of these were the same, so the severities were applied to the UOR codes with matching descriptions.

Fourth, a large number of charges under KRS 189.390 did not appear in the KSP list. Because these are all violations, they were coded as such.

Fifth, some of the UOR charges were “modified” charges—that is, attempting, soliciting, conspiring, or facilitating commission of a crime. Staff adjusted the severity for these based on KRS 506. The statute also allows enhanced penalties in some cases, but these could not be determined. Severities for enhanced charges were not adjusted.

Sixth, some UOR codes were known to be for local ordinance violations. These were the codes beginning with 8. Although local ordinances might be misdemeanors, most are violations. Conservatively, all local ordinance UORs were coded as violations.

Seventh, some UOR codes that were listed as “Other” in the KSP list were assigned a severity based on the type of case in which they appeared (felony, misdemeanor, or traffic). These included contempt, failure to appear, probation violations, and governor’s warrants. Some others were assigned based on the text description that indicated felony or misdemeanor.

After assigning severities to as many UOR codes as possible, the charges for each case were compared and the most severe penalty was selected. That penalty was applied to each warrant in the case. If none of the charges had a known severity, the warrant was assigned a severity according to the type of case (felony, misdemeanor, or traffic).

A review of the results showed that in many cases the most severe charge did not match the type of case. Many misdemeanor cases had charges no higher than a violation, while most traffic cases had misdemeanor charges. Staff decided to use the severity of the charges, rather than the type of case, to classify warrants in the report.

A warrant was determined to be a criminal warrant if the case itself was a criminal case or if any of the charges were criminal charges. As a result, a small number of warrants from family and nonsupport cases were included.

The warrant information also indicated the kind of party for whom the warrant was issued. A very small number of warrants were issued for witnesses, attorneys, and other third parties. More than 99.5 percent of warrants were issued for the defendant.

In the CourtNet data, there were 171,800 unserved warrants, not counting 1,087 in hold status. There were 166,367 unserved criminal warrants for defendants. All the statistics in the report were based on this latter number.

Adjusting for Warrants Already Served

AOC indicated that some warrants probably were listed as unserved even though they had been served. To determine how serious an issue this was, staff prepared a random sample of 500 warrants listed as unserved, representing 109 counties. Staff sent the circuit clerk in each county a list of the warrants for that county and requested that the paper case file be checked to determine if and when the warrants had been served or recalled. Information was received on 343 warrants, for a response rate of 69 percent. Of the 343 warrants, 8 had been served and 7 had been recalled prior to the January 27, 2005, cutoff date. This represented 4.4 percent of the responses. Based on a presumed actual rate of 10 percent or less, the margin of error for this survey was plus or minus 3.2 percent at a 95 percent confidence level.

Accounting for Jefferson County Complaint Warrants in AOC Data

The analysis of CourtNet data involved bench and indictment warrants from all 120 counties. Of these, 119 counties had no complaint warrants in CourtNet. Jefferson County, however, uses CourtNet and KY Courts II differently from the way any other county does. Because complaint warrants are included in the Jefferson County data, it was necessary to try to separate them from the bench and indictment warrants. In order to do so, staff had to understand the process used in Jefferson County.

KY Courts II data are in various divisions. The data received from AOC included only the Circuit and District Divisions. In Jefferson County only, the Unserved Division is used for complaint warrants that have not yet been served. When a complaint is filed, it is entered into the Unserved Division and given a code of "WARRANT." After a complaint warrant is served, the court clerk's office creates a case in the District Division and places it on the docket. The warrant information is transferred from the Unserved Division to this new case, and the warrant is marked as served. These served warrants continue to appear with the WARRANT code.

When a case is on the District or Circuit Court docket and a party to the case fails to appear or to comply with the expectations of the court, the judge can issue a bench warrant. These warrants are entered in KY Courts II with the code "BENCH WARRANT." They are marked as active until they are served or recalled.

Based on this process, staff assumed that all warrants in the District Division that had the WARRANT code would be served complaint warrants. Staff discovered, however, more than 4,000 active warrants with the WARRANT code in the District Division. Discussions with the Louisville Metro Criminal Justice Commission and with staff at the District Court to understand these warrants were inconclusive.

After a review of the procedures and the data, Program Review staff decided that most, if not all, of these warrants were probably bench warrants. First, staff noted that court clerks in some other counties use the "WARRANT" code for some of their bench warrants, and

Jefferson District Court staff confirmed using a similar procedure. Second, all of the warrants in question had a District Division case number, implying that a court case existed prior to issuing the warrant. Third, in many of the cases, there was a complaint summons or warrant that had been served prior to issuing the warrant in question. According to court procedure, once a case has been docketed, a warrant issued by the judge is a bench warrant. It is possible that some of these warrants were intended as complaint warrants converted from complaint summonses. If so, there is no way to tell from the data.

The AOC data in the District Division contained two sets of warrants coded WARRANT: active and served. It appeared that the first set, the active warrants, probably was bench warrants. The second set of served warrants, therefore, consisted of complaint warrants transferred from the Unserved Division as well as served bench warrants from the first set. It was not possible to distinguish these.

In the report, statistics that involved only active warrants included the warrants coded WARRANT and treated them as bench warrants. Statistics that involved served warrants excluded the warrants coded WARRANT, both served and unserved, because an unknown number of them were complaint warrants. This was an attempt to make the data comparable to data from other counties. As a result, the number of bench warrants issued across the state may be understated slightly. It is likely that statistics such as percentages served and estimated time to serve are not affected significantly because the statistics for these bench warrants are probably similar to the statistics for the other bench warrants.

If warrants from the Unserved Division are transferred to the District or Circuit Divisions when served, a combination of the District and Circuit Division data from AOC with the Unserved Division should result in all the served and unserved warrants. It would then be possible to compare statistics from this group with the set used in the report. Upon request, AOC permitted the Louisville Metro Criminal Justice Commission to provide the Jefferson County Unserved Division data for all complaint warrants still active at the end of 2004.

Further complicating matters, staff learned that about 2,800 of the Unserved Division warrants were issued by Juvenile Court for adults, mostly for nonsupport. Some of these were complaint warrants and some were bench warrants. These were placed in the Unserved Division because law enforcement cannot access Juvenile Division data. When served, these warrants are not transferred to the District or Circuit Divisions because they belong to existing cases in the Juvenile Division. Juvenile Division warrants were not included in any other set of AOC data.

To test the effect of excluding Jefferson County warrants coded WARRANT, staff repeated the statewide estimate of time to serve warrants but with a combination of the CourtNet (District and Circuit) data and the Jefferson County Unserved Division data. The Unserved Division warrants for Juvenile Court were excluded because there were no corresponding served warrants in the CourtNet data. Because the CourtNet dataset was created a month later than the Unserved Division dataset, the CourtNet data were

adjusted for warrants issued or served during that time. In the test, the number of days to serve 75 of 100 warrants in Jefferson County was 287, a difference of just over 4 percent compared with 300 days in the previous analysis. This supports the assumption that leaving out the warrants coded WARRANT had little effect on the statistics.

Estimating Time To Serve Warrants

Showing the average age of unserved warrants does not say anything about the time it takes to serve a typical warrant. Even looking at the warrants that are served does not really show how long it takes because there are unserved warrants issued around the same time, and there is no way to know for sure how long it will take to serve them. A statistical approach called “survival analysis” combines the served and unserved warrants and estimates how long it might take to serve some portion of warrants. This is equivalent to asking the question, “If 100 warrants were issued today, how long would it probably take to serve 50 or 75 of them?”

Using the SAS® System’s LIFETEST procedure, Program Review staff performed a survival analysis of bench and indictment warrants across the state and by county. In addition to generating the expected time to serve 50 or 75 of 100 warrants, the time to serve a warrant was compared with such factors as the severity of the offense, the number of charges in a case, and the number of warrants in a case. The following table shows how these variables explained variation in the service of warrants. Although all the variables were highly significant, the contribution of severity was by far the greatest.

LIFETEST Log-Rank Model Output Contribution of Variables to Time To Serve

Variable	DF	Chi-Square	PR<Chi-Square	Increment	PR<Increment
Severity	1	28022.1	<.0001	28022.1	<.0001
Warrant Count	2	37872.7	<.0001	9850.5	<.0001
Charge Count	3	38126.8	<.0001	254.1	<.0001

Estimating Pre-2000 Active CourtNet Warrants

Because the AOC data included only warrants issued since January 1, 2000, it was not possible to count the number of bench and indictment warrants still unserved from before 2000. Staff estimated a range for that number.

Looking just at the AOC data for the period 2000 to 2004, it was possible to project the numbers backward. The total of active bench warrants issued in that period was 151,464, excluding 386 that did not have a valid issue date. The next table shows the basis of the estimates. Three projections were considered: power, exponential, and linear. Typically, such a process would result in an exponential curve, but the projection that best fit the data was the power curve, and this resulted in the largest estimate of pre-2000 bench

warrants. The projection was stopped at 1985, even though it still estimated more than 6,000 warrants from that year, because it was judged unlikely that the projection would be correct that far back. The exponential projection resulted in a much lower estimate and was used as the lower value. The linear projection was based on the period 2000 to 2003 because the number of active warrants from 2004 was so large that the projection was clearly unrealistic. Even though the linear projection was a better statistical fit with the data, it was not used because the data clearly were not linear. The fit was a result of having so few data points.

Program Review staff were able to use data from the Louisville Metro Criminal Justice Commission to determine the number of active Jefferson County bench warrants issued prior to 2000. This number was 10,639, and the number of active post-2000 warrants was 22,634 (including some warrants of indeterminate type). The ratio of pre-2000 to post-2000 warrants, therefore, was 0.47. This number fell between the statewide estimates and lent some confidence to the projections selected.

Methods of Estimating Pre-2000 Bench Warrants

Projection	Ratio of Pre-2000 Estimate to Post-2000 Count	Goodness of Fit (R^2)
Power curve	0.946	0.9855
Jefferson County	0.47	N/A
Exponential curve	0.337	0.8832

A separate estimate was made of indictment warrants because the service rate for these warrants is different from bench warrants. The total of active indictment warrants issued from 2000 to 2004 was 3,984, excluding 31 that did not have a valid issue date. The table below shows the basis of these estimates. The same reasoning was used for selecting the power and exponential estimates. Applying these ratios to the post-2000 count for each type of warrant led to the upper and lower estimates given in the report.

Methods of Estimating Pre-2000 Indictment Warrants

Projection	Ratio of Pre-2000 Estimate to Post-2000 Count	Goodness of fit (R^2)
Power curve	0.574	0.991
Exponential curve	0.165	0.9103

The number of warrants projected for each type was added to the number found in the CourtNet data, and adjusted for warrants already served, to obtain the final statewide estimate of active court warrants.

Estimating the Growth of Unserved Warrants

Using the AOC data on served and unserved warrants, it was possible to estimate the growth of unserved bench and indictment warrants. It was necessary to overcome three limitations in the data: there was no information about warrants issued prior to 2000 that might have been served after 2000, some of the served warrants did not have a service date, and most of the recalled warrants did not have the date recalled.

To minimize the influence of pre-2000 warrants, the estimation was begun in 2002. This allowed two years for the previous warrants to be served. According to the service time estimates, this would be enough time to serve more than 75 percent of all warrants from prior years.

When a served warrant did not have a date, a date was calculated by adding 89 days to the issue date. This represented the average time to serve 50 out of 100 warrants in Kentucky, so it seemed a reasonable value.

When a recalled warrant did not have a date of recall, a similar calculation was done. It is known that some warrants are recalled very soon after being issued if the wanted person contacts the court to make arrangements to appear. It is also known that some warrants are recalled years after issuance. Because there was no way to calculate an average number of days to recall, 180 days was selected arbitrarily. Using other periods of time (for example, 89 days) made only a small difference in the results.

Appendix D

Projected Time To Serve Bench and Indictment Warrants by County (Based on Warrants Issued January 2000 to December 2003)

There was wide variation among counties' estimated time to serve bench and indictment warrants. The complete county rankings are listed below. It is unknown why the counties varied so widely. A few of the factors that could influence the estimated time to serve warrants include county policies governing issuing and serving warrants, a geographic location that results in warrants for many persons who reside outside the county or state, the accuracy of county data, and a county's available resources.

County	For every 100 warrants issued:	
	Days to serve 75	Days to serve 50
HARLAN	97	12
GREEN	106	14
METCALFE	136	21
WASHINGTON	150	26
CALDWELL	151	22
LYON	154	18
TRIMBLE	155	14
EDMONSON	165	23
GRAVES	168	20
CRITTENDEN	170	22
MCLEAN	181	36
ROBERTSON	195	15
TAYLOR	198	33
JESSAMINE	198	26
NELSON	224	33
MARION	242	49
HICKMAN	246	17
GRAYSON	270	34
BARREN	288	27
HOPKINS	291	35
OWSLEY	292	64
CHRISTIAN	295	40
JEFFERSON ¹	300	70
MENIFEE	300	47
OLDHAM	309	41
FRANKLIN	323	48
BOYLE	355	66
MERCER	355	37
MONROE	357	42
BRECKINRIDGE	363	57

County	For every 100 warrants issued:	
	Days to serve 75	Days to serve 50
CARLISLE	363	25
BATH	364	50
ALLEN	365	41
MUHLENBERG	366	72
DAVIESS	369	70
LOGAN	374	26
OHIO	403	41
WAYNE	406	49
JACKSON	409	99
PULASKI	416	79
ROCKCASTLE	431	57
WEBSTER	431	37
ESTILL	436	86
HARRISON	442	33
MARSHALL	476	51
CLAY	478	143
BUTLER	498	66
MAGOFFIN	507	56
KENTON	509	61
RUSSELL	522	70
WOLFE	533	85
WARREN	554	59
LIVINGSTON	568	45
FAYETTE	576	94
HART	580	85
HANCOCK	615	61
BOURBON	637	64
ADAIR	644	70
MONTGOMERY	654	99
STATE AVERAGE¹	674	89

County	For every 100 warrants issued:	
	Days to serve 75	Days to serve 50
OWEN	684	77
NICHOLAS	694	62
POWELL	700	136
ANDERSON	712	54
CASEY	733	97
LARUE	776	85
MCCRACKEN	782	84
BRACKEN	790	110
MCCREARY	794	140
MORGAN	797	121
SIMPSON	851	87
BREATHITT	863	155
LEE	867	153
LINCOLN	888	136
WOODFORD	907	100
MADISON	968	135
CUMBERLAND	983	32
MARTIN	995	150
PENDLETON	1,047	86
LETCHER	1,086	126
BULLITT	1,148	172
LEWIS	1,151	63
HENDERSON	1,163	133
CAMPBELL	1,165	123
BOONE	1,219	123
FLEMING	1,343	79
JOHNSON	1,396	214
BELL	1,396	171
HENRY	1,434	96
FULTON	1,443	110
TRIGG	1,603	136

County	For every 100 warrants issued:	
	Days to serve 75	Days to serve 50
CALLOWAY	1,712	96
TODD	1,734	97
MEADE	1,736	112
PERRY	1,796	260
UNION	*	54
MASON	*	88
SCOTT	*	121
GARRARD	*	126
HARDIN	*	127
ROWAN	*	127
BALLARD	*	146
CLARK	*	148
LAWRENCE	*	182
ELLIOTT	*	190
GRANT	*	192
CLINTON	*	197
PIKE	*	213
WHITLEY	*	238
GALLATIN	*	254
CARTER	*	281
LESLIE	*	283
CARROLL	*	305
FLOYD	*	308
LAUREL	*	338
BOYD	*	375
KNOX	*	458
GREENUP	*	469
KNOTT	*	497
SPENCER	*	500
SHELBY	*	773

* The county was not projected to serve 75 of a given 100 warrants within 5 years, the limit for this analysis. The time to serve 50 warrants was used to determine its rank among other counties.

¹ Kentucky average and Jefferson County values do not include Jefferson County warrants of unknown type. Source: Program Review staff's analysis of bench and indictment warrant data supplied by the Administrative Office of the Courts, using a "survival analysis" procedure that accounts for warrants that were not yet served.

Appendix E

Calculating the Number of Complaint Warrants in Seven Counties

Information on complaint warrants from seven counties was collected for this study. Two counties (Fayette and Jefferson) were able to produce electronic versions of their unserved complaint warrants. Kenton County provided a written report listing the warrants in its database. For Franklin, Grayson, Jackson, and Madison Counties, staff manually reviewed the warrants and collected certain predetermined data for a sample of unserved warrants. The sample for each county was used to estimate the characteristics of each county's unserved complaint warrants.

Prior to collecting any data, staff talked with court and law enforcement officials from each county. Operational issues, including how a warrant is issued, varied from county to county. Different local officials played different roles in their counties' warrant processes. Staff met with circuit clerks, county attorneys, judges, and law enforcement officials to obtain the most complete and accurate picture of the warrant process possible.

Collecting warrant data from each of the seven counties varied from county to county. No two counties stored or recorded information the same way. Consequently, staff developed a standard approach to collecting warrant data from the seven counties but modified the approach depending on local conditions. The electronic data provided by Fayette and Jefferson Counties go back prior to 1990.

The Jefferson County data were in a format similar to the CourtNet data and were cleaned using the methodology described in Appendix C. In addition, according to Jefferson County court staff, 2,815 warrants with a local charge code were nonsupport warrants. The Jefferson County attorney's child support office reported that 60 percent of these were bench warrants, so the number of complaint warrants was reduced by that amount (1,690). The bench nonsupport warrants were counted as misdemeanors when used in the report, because the county attorney and court staff indicated that most were issued in misdemeanor cases. The remaining nonsupport warrants were counted as felony warrants because the county attorney and court staff indicated that virtually all nonsupport complaints are for flagrant nonsupport.

Kenton County stores its warrant information in an electronic database but, for technical reasons, could not provide staff with an electronic version. Instead, Kenton County officials printed a report listing relevant information about each warrant in their database. Staff calculated the necessary sample size, chose a random sample, and LRC Project Center staff input information about the sampled warrants into a database for analysis.

In Franklin, Grayson, Jackson, and Madison Counties, the only complete record of unserved warrants was their paper warrant files. There was no electronic database in use that contained all of the warrants in those counties. Gathering warrant information from

these counties involved manually searching the warrant files and recording information. Recording every warrant was not possible because of the large volume of warrants.

First, staff counted the total number of files. In counties that stored complaint warrants separately, staff determined how large a sample to draw based on the total population of files. Staff then randomly selected files by roughly distributing the sample size across the entire population of warrants, which were in alphabetical order. For example, if there were 1,000 files (all complaint warrants) and the sample size was 250, staff selected approximately every fourth file.

Some counties stored complaint warrants and criminal summonses together. In those counties it was first necessary to estimate the number of unserved warrants. Staff counted all the files, randomly selected a small sample of files and counted the number of complaint warrants and the number of summonses. Using that breakdown as a baseline staff projected the number of complaint warrants in the population and the corresponding sample size.

Staff distributed the sample size across the population and randomly selected files. If a summons was randomly selected it was noted as a summons, but no information was recorded. Staff only collected information about complaint warrants.

For each county, staff randomly sampled more files than the required sample size. This was done to ensure against the possibility that some of the complaint warrants had already been served. The table below lists the percent of warrants incorrectly filed as unserved by county.

Percentage of Complaint Warrants Incorrectly Filed as Unserved by County

	Franklin	Grayson	Jackson	Kenton	Madison
% of Sample Already Served	32.6%	27.3%	10.0%	0.0%	47.2%
Agency Housing Unserved Warrants	county attorney	circuit clerk	sheriff	county police	circuit clerk

Note: Kenton County warrants are held by the circuit clerk, but warrant status information came from the Kenton County Police Department.

AOC compared information from the warrants that staff sampled with the case information in CourtNet. AOC then sent staff a list of all cases that appeared to match. Staff compared the information to determine if the warrant had already resulted in a court case, meaning that it had already been served. There were instances in which it was impossible to be certain whether a warrant and court case were related: for example, if a particular defendant was served a warrant for the same type of offense but on a different date or in a different location. Staff excluded these warrants from the analysis.

In the counties in which the initial sample size was insufficient to meet the statistical reliability measure of 95 percent confidence with a plus or minus 5 percent margin of error, staff sampled additional files.

Appendix F

Response From the Administrative Office of the Courts and Reply From Program Review and Investigations Committee Staff

Note from Program Review and Investigations Committee staff: Most of AOC's written response describes differences in interpretation of agreed-upon factual information. In a few instances, however, there does appear to be a disagreement over the accuracy of information in the report. As appropriate, Program Review staff have responded to clarify the material presented. Staff's responses are in italics.

GENERAL COMMENTS

The Administrative Office of the Courts (AOC) has participated on committees for years in attempts to improve the system of warrant management across the Commonwealth. Agreement in principle has been reached through the UCJIS Warrant Subcommittee that LINK would be the statewide warrant repository. The E-Warrant project was intended to handle complaint warrants on a local basis and forward those eligible for statewide service to LINK. Likewise, CourtNet would feed bench and indictment warrants by forwarding this information to the same system. This agreement, in principle, was based on eliminating the need to "validate" the warrant information under the LINK's current ninety-day validation requirement and subsequent annual review protocol. The current fragmented system operates solely with paper and thus requires this stringent standard. However, the planned electronic notification from both the E-Warrant and CourtNet systems will make this requirement archaic and unnecessary.

The LINK program is the repository where all law enforcement will check to determine if a warrant is active. This process removes the concern regarding service of warrants that have been cleared. Electronic notification from CourtNet and E-Warrants would close the loop of notification on recalls and service issues. Supervision of the system would then be the responsibility of the KSP as the appropriate executive branch entity with the duty and expertise to manage the system. This process will eliminate the need for any other entity to be appointed or perform oversight.

Throughout the report there are several references to the use of uniform warrant forms statewide. There exists a uniform format from the AOC for each type of warrant issued by law enforcement agencies. The consistent use of the most currently revised AOC form varies from county to county depending on the specific county attorney, commonwealth attorney and judge. Assuming that mandating a single form and its consistent use would assist in eliminating the backlog of warrants statewide is a bit disingenuous. Uniformity in format does not keep law enforcement from doing its duty – lack of access does.

It is the position of the AOC that the process utilized by the Legislative Research Commission (LRC) to “estimate” the number of active warrants is flawed. The LRC's sophisticated modeling fails to take into account that district court cases are destroyed after five (5) years; and, that most districts recall and eliminate old misdemeanor bench warrants. The study indicates the largest group of outstanding warrants is misdemeanors and the LRC extrapolated the number of warrants back to 1980. Therefore, the number of outstanding warrants may be significantly inflated and distorts the real scope of the problem.

[Reply by Program Review staff: Program Review and Investigations Committee staff conducted site visits, gathered data, and discussed policies and procedures with officials in seven jurisdictions, including some of the most populous areas of the state. Staff encountered no evidence that misdemeanor bench warrants are systematically recalled after five years nor that open District Court cases associated with unserved warrants are being systematically destroyed. As discussed in the report, some jurisdictions reported occasional, ad hoc, review and recall of aging warrants. Notwithstanding any administrative policy that may exist regarding destruction of records and recall of warrants, local officials interviewed by staff stated no such regular purges of warrants are being conducted. Short of doing another study, it appears impossible to know the extent to which older warrants may have been recalled. Staff's estimate was based on the information available at the time of the report. Regardless of the precise number in existence, Program Review staff and AOC seem to agree that unserved arrest warrants are a significant problem for Kentucky's criminal justice system.]

Appendix C of the report stated that the number of unserved warrants was projected back to 1980. That was a typographical error that has been corrected. The projection was stopped at 1985.]

LRC's reference to an escalation in outstanding warrants is a reflection of the length of time necessary to serve or recall them. The larger number is simply a result caused by the fact that sufficient time has not yet elapsed for service. The percentage of increase in warrants has been 1% for the last two (2) years.

[Reply by Program Review staff: Staff cannot respond specifically to the statement that there was a 1 percent increase because it is unknown how that figure was calculated and the number of warrants that represents. Staff estimated the increase in unserved warrants using AOC's data on warrants issued since January 2000. During any given year, a mix of warrants is served and recalled: warrants issued during that year as well as warrants issued during previous years. To allow time for service of warrants issued in 2000, only data on warrants issued, served, or recalled from 2002 to 2004 were analyzed. The number of warrants shown as served or recalled in a given year included warrants issued in previous years. For each of the three years reviewed, more warrants were issued than were recalled and served, resulting in a net increase in the backlog of unserved warrants.]

Based on a long-term exposure to this topic, the AOC does not make the same conclusions regarding the reasons for the failure of the system, or the recommendations of the LRC staff. The following comments represent the AOC's response to these sections and recommendations contained within the report causing the AOC the most concern.

Major Conclusions (page ix)

- (1.) The AOC agrees that the system is fragmented and there is no single agency responsible for managing warrants. However, the warrant system has failed simply because there is no system. The Criminal Justice Council and the UCJIS Warrant committee began the process of bringing statewide standards to bear on this problem. While the committee has been dormant during the development of the E-Warrant system, the steps necessary to provide an efficient statewide system have been established by and through the E-Warrant system. .

Several recommendations regarding the AOC encouraging elected officials to adopt policies and procedures without any actual mandate to ensure it is adopted is not a practical solution. Warrant systems are maintained by law enforcement. They are designed and used by and for law enforcement agencies that serve warrants. While some jurisdictions have attempted to develop systems, they are by design, local in nature and are therefore unable to resolve the access issues statewide in order to increase efficiency. No "simple to use" system currently exists within Kentucky's borders to receive them.

LINK, while regulated by the KSP, involves local law enforcement agencies entering and maintaining warrant information which is typically not generated by the KSP. The prosecutors generate complaint warrants and the courts generate the remainder. While it is law enforcement's legal responsibility to serve the warrants, there is no mandate for law enforcement to enter warrants into a system that requires significant ongoing effort and staff time which is currently unavailable. An electronic closed-loop update system should eliminate this problem.

- (2.) The decriminalization of Theft by Deception (TBD) under \$300.00, and the removal of constraints on small claims filing, would eliminate the cold check warrant dilemma. The prosecutors and courts have become collection agencies with the ultimate penalty of sentencing non-violent offenders to overcrowded jails that burden county government.

Setting statutory time limits on the validity of misdemeanor warrants for five (5) years would recognize the reasonable priorities currently used by

law enforcement. The possibility and probability of successful prosecution after that timeframe is problematic.

- (3.) No single law enforcement agency bears the statutory responsibility of serving warrants. There is no measurement that can be applied to any such agency because the responsibility does not exist. The absence of service of warrants may simply indicate the subject of the warrant has left the jurisdiction where the warrant was issued and/or sent for service. Any attempt to assign responsibility for the failure to serve warrants is flawed from the outset and does a disservice to law enforcement with the implications.
- (4.) This conclusion assumes there must be a financial incentive in order for law enforcement officers to perform their duty. If an officer knows there is an outstanding warrant – he or she will serve it. Public safety will not be compromised due to a lack of successful prosecution or collection of fines. Cost recovery should not be held in higher regard than the rights of the defendant and the priorities established by the General Assembly.
- (5.) LINK is a statewide database system for warrants (complaint, bench, and indictment). The LRC staff correctly identifies the cumbersome validation process as a barrier to success. The capacity of electronically forwarding data and the removal of validation standards would eliminate the barriers to successful statewide implementation. With a statewide system, the issue of compartmentalization evaporates.

Chapter 1

Page 5, (1st paragraph)

Figure 1.A, Process for complaint warrant, entitled “typical,” is incorrect. The LRC staff studied seven (7) out of 120 counties and the process described is actually atypical. In most instances, the clerk does not receive the complaint warrant until it has been served. It is not a court document until such time. Circuit court clerks generally do not participate in the complaint warrant process in Kentucky until a complaint warrant has been served.

[Reply by Program Review staff: After a judge signs a warrant, the warrant must be forwarded to law enforcement for service. Except for those infrequent instances when a law enforcement officer personally brings a warrant to a judge and awaits his or her signature, the clerk's staff either sends the warrant to law enforcement or law enforcement picks up the warrant from the clerk's staff. In that sense, the clerk's office "receives" the warrant in order to transfer it to law enforcement. The report acknowledges that the courts do not consider warrants to be court documents until after they are served and that no case is opened nor data recorded by the clerk's office until that time.]

Page 11, (last sentence)

This sentence should be re-written to state: “For whichever approach is used, the AOC has emphasized that CourtNet data are not official records therefore, the information may be inaccurate, *and should be verified through the local circuit clerk’s office.*” This point is supported by the Kenton County program staff and the validation process used the LRC staff.

Page 13, (2nd paragraph)

There is a reference to "county clerks." This should say "circuit clerks". This paragraph also validates the AOC’s stance that validation prior to use is essential when using CourtNet data. Citizens cannot be arrested and incarcerated with that level of error. CourtNet was never intended to be used as a warrant system and does not currently meet those standards.

[Reply by Program Review staff: The reference to "county clerks" has been corrected.]

Page 15, (1st paragraph)

In regard to the statement “Based on the AOC data, it was not possible to determine why specific warrants were recalled [,]” there is no reason for the court to document why specific warrants are recalled.

Chapter 2

Page 29, (1st paragraph)

The LRC conclusion that “the system itself lacks coordination and cooperation among the relevant agencies” is misleading. No single organization operates an entire system. What appears to be a “lack of cooperation” is simply an outgrowth from not having a comprehensive solution and adequate funding. No one entity can assume the responsibility – nor should it be asked to do so. The solution eliminates redundant entry and cumbersome standards. Build a system properly and all criminal justice entities will participate and cooperate.

Page 32, (1st paragraph)

The statement “the courts being the only agency that handles all warrants” is untrue. In most instances, the circuit clerk does not receive a complaint warrant until it is served. Further, law enforcement is involved in all warrants as they are given all warrants issued for service. Also, complaint warrants only become court documents when the warrant is actually served and returned to the court clerk. A case is then set up and thus, becomes a “court record”. Another important point is that the court is only a conduit for the criminal process. The

court is neither the prosecution nor the defense. Upon proper presentation and representation, the court processes the case.

[Reply by Program Review staff: Since all warrants must be signed by a judge, they pass through the clerk's office. The clerk's staff either sends the warrant to law enforcement or law enforcement picks up the warrant from the clerk's staff. Within many jurisdictions, law enforcement agencies divide responsibility for serving warrants based on the type of warrant or the address of the wanted person. In those jurisdictions, no single law enforcement agency handles all warrants.]

Chapter 3

Page 60, "Entering warrant data upon issuance."

The presumption that a monolithic entity will be required to enter all warrants fails to recognize that multiple entities generate warrants. The basic data necessary to prepare a warrant contains the very information needed for electronic entry. Why have multiple entities (clerks, county attorneys, and commonwealth attorneys) perform this work and then hire someone else to re-key the data? The protocol for forwarding the data from E-Warrants and CourtNet is the best solution and requires no additional staff.

With regard to the statement: "Historically, the AOC has not wanted to allocate resources to a task the courts see as an executive branch function." Serving and tracking warrants are executive branch responsibilities and the AOC does not have the resources to assume these responsibilities. The AOC does not "handle all warrants as they are issued" as stated in this section.

Page 78, (1st paragraph)

With regard to the statement: "The AOC does not see 'entering and tracking information about complaint warrants' as a proper use of CourtNet and would not support any expansion to handle more complaint warrants." CourtNet is a court case management system. Since complaint warrants are not court cases they do not belong in this system. Because a system is effective in accomplishing the task for which it was created does not justify making it responsible for other functions it is not capable of sustaining.

RECOMMENDATION RESPONSES

2.1 If it is the judgment of the General Assembly that an independent organization is needed to ensure statewide collaboration and quality improvement in the serving of warrants, the Criminal Justice Council could be designated for that purpose or another organization could be created. Any organization charged with this objective should have adequate representation from the executive and judicial branches of government. That organization should be given the responsibility and adequate authority to oversee and direct the development of a cohesive, unified warrant system, including the development of a comprehensive, statewide database; and to recommend any changes in statutes, regulations, and court rules necessary to ensure the adoption of the system throughout the state.

It is the opinion of the AOC that the Commonwealth does not need a new independent organization/entity. It is the AOC's recommendation that the legislature simply allow the KSP to use the existing system the KSP has in place (LINK) with *modified validation requirements*.

If LRC's recommendation regarding a new organization is adopted, this council should be well represented by the courts, and especially the Circuit Court Clerk's Association.

Another of LRC's recommendations here is for the adoption of a policy providing written notice of next court date or payment deadline before the defendant leaves the court. While this is done by the court in many counties, due to the volume of cases on court dockets, this could be a very time consuming process for bench clerks.

2.2 If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive system, seek to implement periodic review policies pursuant to which prosecutors and courts will review and recall warrants for minor crimes that are unlikely to result in prosecution if an arrest is made.

This process exists informally and is used in many jurisdictions. However, if there were a statutory obligation on the part of the prosecutors to perform annual reviews of outstanding complaint and bench warrants (with an obligation to recommend the withdrawal of cases beyond prosecution) more would be recalled.

The Georgia, Indiana and Massachusetts warrant processes discussed in the Study in Recommendations 2.2, 2.9 (IN), are troublesome in that those jurisdictions are not unified court systems. While those systems work in small jurisdictions, they may be difficult to establish in a statewide system.

2.4 The Administrative Office of the Courts should encourage all district courts to adopt a policy of providing a written notice stating the next court date or payment deadline before the defendant leaves court.

The AOC already encourages written notification to defendants. Written reminder slips are provided upon request and non-payment of fine documents are signed indicating the amount owed and future scheduled court dates. The Chief Justice requires future court dates on all cases for docket control.

2.5 AOC should encourage courts to refer all eligible cases to the Transportation Cabinet for suspension of the driver's license in lieu of issuing a bench warrant.

Pursuant to KRS 186.570(1) (i), the Transportation Cabinet (TC) may suspend the operator's license for a person's failure to appear pursuant to a citation or summons issued by a law enforcement officer. Based on this authority, the courts currently report all cases where the defendant fails to appear to the TC for license suspension as authorized by statute. However, in some instances judges order the license suspension and issue a bench warrant. The intent is that if one process doesn't obtain results, the other will.

Currently, the circuit clerk sends a report to the TC on all "failures to appear" for traffic and other offenses so authorized. However, the case management system has been designed to electronically transmit the data to the TC for suspension when the clerk enters the information into the system. However, the effective date for implementation by the TC and the AOC is set for late-2005 at the TC's request.

2.6 AOC should identify those offices that remind defendants about upcoming court dates and attempt to evaluate the effectiveness of their policies. AOC should consider expanding the notification policy to other offices to the extent resources allow. AOC should also explore the feasibility of setting up an automated reminder system.

The clerk's office has neither the time nor staff to handle this type of procedure. Automated court notification systems can be effective. Significant costs can be associated based on proprietary software and staff time when automated notification software is implemented.

Pretrial staff performs this service in a limited number of jurisdictions. The AOC's new Monitored Conditional Release Program incorporates this on the subset of people that have proven, through prior bench warrant issuance, to require a reminder. Still, this cannot be done on all defendants due to the time constraints of existing staff.

2.7 AOC should encourage judges and court clerks to implement policies that allow defendants to resolve at the clerk's office warrants for failure to pay fines.

There is no authority for a “standing court order” which allows a deputy clerk to “recall” a warrant when the fine is paid at the counter. To do such would place an unauthorized and improper judicial duty upon clerical staff.

2.8 AOC should ask courts to adopt a policy of immediately notifying Pretrial Services when a defendant in the program fails to appear and postponing the issuance of a bench warrant for a brief time to allow Pretrial Services the chance to contact the defendant to return to court.

Pretrial officers currently either attend court or obtain docket information to determine if a bench warrant has been issued. Attempts are then made to have the person return to court without service of warrants. The AOC is not aware of any circumstances where, upon intervention, a defendant returned to court and was later served with a warrant. Postponing the issuance of the warrant would cause greater administrative problems than the current practice since cases would have to be rescheduled for review to issue the warrant and it would create additional handling of those cases by the court and clerk - creating a quagmire in the system.

2.10 If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should develop a uniform warrant form for use across the Commonwealth, ensure it is made easily available in electronic and paper form, and consider introducing new legislation that would require that all arrest warrants be entered on that form.

There is one such form and the eight (8) mentioned are purely due to failure by users to discard older forms. This is an ongoing problem with all statewide forms.

All elements recommended by the LRC are in place. The AOC only lacks the authority to make this a mandatory form statewide. The information necessary to issue a warrant has already been established. *A uniform format or appearance is unnecessary and is not the reason warrants go unserved.*

2.11 The courts and AOC should consider adopting a policy of routinely providing pretrial interview forms to law enforcement at the time a warrant is issued for defendants who have failed to appear.

The AOC Pretrial Services currently provide this information only upon request. Significant staff time and resources would be consumed by this practice. Therefore, it should only be implemented in jurisdictions where it is warranted. Jefferson County Warrant Task Force made this issue one of its recommendations. Even though the Unit Manager of Pretrial Services was on the committee, no action was taken to implement it.

2.12 Until a uniform warrant form is developed and implemented, AOC should consider changing the format of its bench warrant form to provide space for an alternate address and place of employment, and should train deputy clerks to include any such information on the warrant when it is available in the court file.

This recommendation is for adding additional information to the bench warrant form regarding other address and employment information. To do so would require modification to the case management system (KYCourts II) to capture this information since the warrant is generated from that system. The uniform citation is the source document from which personal information of the defendant is derived for entry into KyCourts II. Consideration must be given to alter the uniform citation to incorporate this data for entry into the case management system.

In reference to revising the format of bench warrants. This information is not usually available to those persons preparing the bench warrant for a judge's signature. The majority of case files do not contain the information. Specifically with arrest warrants on complaints, the only information provided is an address and it is usually a last known address. Many complaint warrants do not contain personal identifiers.

2.14 If the General Assembly should choose to create an independent council or other organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, address the issue of arrest fees for law enforcement and consider proposing legislation to create a unified fee structure and to require assessment of the fee by judges when an arrest has been made.

There is an established fee schedule and the court does assess such fees upon conviction. The defendant must then pay. Consider also the priority of payment: court costs, restitution, fees and fines.

Additionally, the LRC staff fails to acknowledge the fee established for service by local ordinance. See *KRS 64.091*.

[Reply by Program Review staff: Local officials reported that courts do not always assess warrant fees. KRS 64.091 appears to apply to fees for service of subpoenas and civil summonses, which were not covered in the report.]

3.8 A goal for the e-Warrant project should be that the eventual e-Warrant system will automatically query other systems, including, but not limited to, the government and public databases listed in this chapter 1) when a warrant is issued, to populate and verify as many identifying fields as possible; and 2) at frequent intervals thereafter to develop alternative addresses and leads to finding the wanted person.

It is a dangerous practice to use multiple databases to “populate” identifier information for warrants. The report indicated that one county attorney checked CourtNet to obtain identification data for warrants. Misidentification downstream can cause major problems if extreme care is not exercised.

3.11 If the General Assembly should choose to create an organization as described in Recommendation 2.1, the organization should, as part of its development of a cohesive warrant system, develop a proposal to address serving and clearing out-of-county warrants statewide, as well as the financial implications of extradition.

Extradition is a process of handling defendants between states as opposed to transporting defendants between counties. This is simply a matter of transportation. Sheriffs are not compensated to drive across the state to pick up defendants being held on charges from their county. There will be significant demands put upon small offices for this type of transportation if the program has the success it is designed to accomplish. Current fees will not begin to cover this expense.

Appendix G

Response From the Justice and Public Safety Cabinet and the Commonwealth Office of Technology

**Justice and Public Safety Cabinet
Commonwealth Office of Technology**

Formal Response to Recommendations:

*Improved Coordination and Information Could Reduce the Backlog of
Unserved Warrants*

Prepared By:

Mary Pedersen
UCJIS Program Manager

Date:

July 14, 2005

- 1.1 No formal response.**
- 2.1 Since 1998, the Kentucky Criminal Justice Council (KCJC) has been the body providing oversight of the Unified Criminal Justice Information System (UCJIS) program (KRS 17.131).**

The KCJC has been reorganized and streamlined by the most recent Justice and Public Safety Cabinet Executive Order. The KCJC no longer has standing subcommittees but rather forms ad hoc committees for specific purposes over specific periods of time. The oversight of UCJIS is, therefore, a direct function of the Council itself.

The reorganized Council consists of fifteen members, all of whom have a global and direct interest in the functioning of the Criminal Justice System and UCJIS. These members are:

- 1. Secretary, Justice & Public Safety Cabinet – Chair**
- 2. Deputy Secretary, Justice & Public Safety Cabinet – Alternate Chair**
- 3. Chair, Senate Judiciary Committee**
- 4. Chair, House Judiciary Committee**
- 5. The Attorney General**
- 6. Executive Director, Administrative Office of the Courts**
- 7. President, Kentucky Association of Criminal Defense Lawyers**
- 8. Representative, County Attorneys Association**
- 9. Representative, Commonwealth’s Attorneys Association**
- 10. Commissioner, Department of Kentucky State Police**
- 11. Commissioner, Department of Criminal Justice Training**
- 12. Commissioner, Department of Corrections**
- 13. Commissioner, Department of Juvenile Justice**
- 14. Commissioner, Department of Vehicle Enforcement**
- 15. The Public Advocate, Department of Public Advocacy**

We recommend that the oversight of UCJIS remain with the KCJC. The Council’s next meeting is scheduled for July 22, 2005, and has the status of UCJIS programs on its agenda. The KCJC members have daily contact with the users of the UCJIS and other criminal justice systems, and are the agency heads of these users. The members are familiarized consumers of UCJIS, and uniquely placed to understand and influence its programs.

- 2.2 The KCJC will consider this recommendation.**
- 2.3 The KCJC will consider this recommendation.**
- 2.4 No formal response.**

- 2.5 No formal response.**
- 2.6 No formal response.**
- 2.7 No formal response.**
- 2.8 No formal response.**
- 2.9 The KCJC will consider this recommendation.**
- 2.10 A key component of the UCJIS eWarrants pilot and Statewide Implementation projects is the *formalization and standardization of the warrant process* to include the adoption and use of the Administrative Office of the Court's uniform warrant.**
- 2.11 No formal response.**
- 2.12 The eWarrants system allows for the capture of an alternate address and place of employment on complaint warrants. This information will be viewable by individuals accessing the system. It will not be included on the official printed warrant unless the AOC chooses to change the format of the arrest warrant to include space for an alternate address and place of employment. eWarrants training will include the recommendation to enter any such known information into the system.**
- 2.13 The KCJC and UCJIS will address this recommendation.**
- 2.14 The KCJC will consider this recommendation.**
- 3.1 The eWarrants project will ensure that procedures are in place to promptly update the system when a warrant is served. The KCJC will address this issue as it pertains to locations not utilizing the automated system.**
- 3.2 The Unified Criminal Justice System Program Manager will report to the Council on all matters pertaining to the development of the statewide eWarrants system. The system is scheduled to pilot in Woodford and Clark Counties in September 2005. The Planning Phase of the eWarrants Statewide Implementation Project will begin in August 2005. The UCJIS Program Manager will report progress, status, and issues to the KCJC.**
- 3.3 The Kentucky State Police will review the feasibility of internet access to the Law Enforcement Information Network of Kentucky (LINK) and the National Crime Information Center (NCIC) and report their findings to the KCJC.**

- 3.4 The eWarrants system will utilize two eSignature technologies. While there may be some qualms as to the use of an electronic signature, these concerns should be allayed by the fact that electronic signatures are already in widespread use in many other areas. Kentucky has already passed a law, KRS § 369.107 (3-4) which requires that electronic signatures be given full legal effect in commercial settings. The logic of this statute could easily be extended to cover warrants as well. The Office of Legal Services of the Justice and Public Safety Cabinet is in the process of drafting proposed amendments to RCr 2.02, 2.06, and 13.10 to specifically include the use of eSignatures.**
- 3.5 Based on the final eWarrant system information flow and before proceeding beyond the eWarrant pilot, the UCJIS Program Manager will develop a memorandum of understanding among the Commonwealth Office of Technology, the Kentucky State Police, the Administrative Office of the Courts, and any other pertinent agencies that establishes if and how information can be exchanged between eWarrants and CourtNet, eWarrants and LINK, and/or CourtNet and LINK.**
- 3.6 The eWarrants Statewide Implementation Project will include as a critical path item the submission of the validation plan to the FBI for review and approval.**
- 3.7 A documented goal of the eWarrants Project is that all complaint warrants will be generated electronically, signed electronically, and stored electronically in a database that is accessible to all law enforcement agencies, courts, prosecutors, correctional facilities, and other parties needing to access them. If necessary, the KCJC will address the need for statutory and court rule changes to specify that an electronic complaint warrant is valid and how these warrants should be served.**
- 3.8 The UCJIS Program and eWarrant Project Team will consider this recommendation.**
- 3.9 The KCJC will consider this recommendation.**
- 3.10 The UCJIS Program Manager will ensure that this is addressed by UCJIS and the KCJC.**
- 3.11 The eWarrants project team is developing a proposal to address the serving and clearing out-of-county warrants statewide. The KCJC will address the financial implications of extradition.**
- 3.12 UCJIS will comply with any and all IT procurement and interoperability standards set forth by the Commonwealth Office of Technology and Kentucky Wireless Interoperability Committee. The KCJC will consider the**

recommendation that all agencies submit their plans for criminal justice systems to UCJIS to ensure they conform to standards and technologies set by the Commonwealth Office of Technology.

