



STATE OF NEW YORK
COMMISSION OF INVESTIGATION

REPORT OF THE NEW YORK STATE COMMISSION OF
INVESTIGATION CONCERNING THE WARRANT DIVISION
OF THE NEW YORK CITY POLICE DEPARTMENT

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THE WARRANT DIVISION
OF THE
NEW YORK CITY POLICE DEPARTMENT

A Report by the New York State Commission of Investigation

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THE WARRANT DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

A Report By The State Commission of Investigation

I. INTRODUCTION

On September 19, 1972, Governor Rockefeller directed this Commission to evaluate "the administration of justice in New York City". In response to this directive the Commission established a Special Unit to examine the New York City Criminal Justice System and to report upon the operations of the agencies which comprise that system.

During the course of this investigation the Commission received information to the effect that warrants for the arrest of persons involved in criminal activities were not being properly enforced. The Commission therefore determined that it would conduct an in-depth inquiry of the methods employed in the enforcement of warrants in New York City.

II. BACKGROUND AND SUMMARY

There is no question but that the enforcement of warrants issued for the arrest of those violating the criminal laws of this State is critical to the public safety. An arrest warrant is generally issued against a person either charged with a crime or convicted of a crime. Since approximately 60 percent of all crimes are committed by recidivists--persons who have committed

crimes before, it is not unlikely that those who are the subject of warrants in connection with criminal activities will be likely to commit crimes during the time that the warrant remains unexecuted and such persons continue to remain at large in society.

Investigation by this Commission disclosed that in 1973 over 9,000 fugitives were apprehended after they had committed a new crime. Undoubtedly, many who remain unapprehended also commit crimes. That such criminal activity is exceptionally dangerous to the public is unfortunately too often illustrated by such dramatic cases as the murder of a Columbia professor in September 1972 by a person, who at the time of the murder, was wanted on two outstanding warrants. Thus, the effective enforcement of warrants is critical if crime is to be reduced.

Moreover, unless warrants are effectively executed, the authority of our courts and their power to enforce laws of this state is sharply impaired. Of necessity any court in setting bail or in sentencing a defendant to a term of probation takes the risk that a defendant who makes bail may fail to return or that a probationer may violate the conditions of his probation. Clearly, to the extent bail jumpers or probation violators are not apprehended and punished for their violations, others

may be encouraged to take similar liberties secure in the knowledge that the likelihood of being caught or punished for violating such court orders is slim. Thus, the execution of the warrant, in addition to enhancing public safety, constitutes a vindication of the court's authority and is important if respect for the operation of the criminal justice system is to be maintained.

In 1971 public pressure over the existence of thousands of unexecuted warrants caused the Police Department to reorganize its warrant procedures and to establish the Warrant Division. Yet despite the promise by the Police Department that such reorganization would deal effectively with warrants, this Commission's study revealed that the reorganization in fact has not succeeded in developing an effective apparatus and procedure for the enforcement of warrants. Today there remain thousands of unexecuted warrants and the backlog of such warrants is substantially higher than it was in 1971 at the time of the reorganization. Moreover, it should be noted that the Commission's investigation has focused only upon those warrants issued in connection with the commission of crime--bail jumping, probation violations, indictments and complaints, and has not dealt with warrants issued, for example, by the Family Court because of a failure to maintain support payments.

Specifically, the Commission found that generally very little investigation was done with respect to most felony warrants--warrants for the most serious offenses.* The investigations in this area typically consisted of one or two visits to the alleged residence of the fugitive and the same number of interviews with relatives or neighbors without any further investigative activity of any significance. Equally little or even less work was performed with respect to the other types of warrants. The Commission even found instances in which the only investigation consisted of two visits to the same address, which address had been discovered, on the first visit, to have been an abandoned building.

In addition, the Commission found that the administration of the Warrant Division's activities was decidedly unsatisfactory. There were often significant delays in commencing the actual investigation of warrants. The records of completed investigations were typically incomplete and had been approved by the various borough warrant commanders in that condition. In general, there was no serious attempt to monitor the investigative reports that were filed and through such a process to control the quality of investigations being performed on outstanding warrants.

* Crimes in New York State are divided into two primary classifications--misdemeanors for crimes in which the maximum punishment is one year in jail and felonies for crimes with a maximum punishment of more than one year in jail.

Moreover, the information available for the field investigators was also of a decidedly inferior quality. Critical information from the court files, the Probation Department, and other agencies originating warrants was not routinely made available to the borough warrant officers. As a result, police officers in pursuit of a fugitive were often without information on his various addresses, relatives, associates, employment record, attorney of record, surety, welfare record, probation record and complete criminal history. The latter is particularly valuable to notify warrant officers of any potential the fugitive might have for violence. In short, only a small portion of the information relevant to the effective pursuit of a fugitive is routinely made available to his pursuers.

In addition, with the exception of the Central Warrant Enforcement Squad and a few individual situations, the police officers engaged in warrant investigations worked only Monday through Friday from 7 a.m. to 11 p.m. This remains the case even today and New York City is without 24-hour or even daily active pursuit of the known fugitives in its streets.

The result of this deficient management and investigation on the part of the Police Department is that of the warrants cleared most are cleared either through the voluntary appearances of the fugitive or upon the arrest of the fugitive for the

commission of a new crime.

The Commission also found that even when the fugitive is arrested for the commission of a new crime, the warrant for that fugitive may not be discovered by the police. The result is that the warrant remains unexecuted and the fugitive is likely to be released on bail only to commit new and additional crimes. This failure to catch fugitives after their re-arrest for a new crime is, in large measure, traceable to the failure of the Police Department to computerize its warrant system. At the present time, since the identification of fugitives is not performed by the computerized fingerprint files of the New York State Division of Criminal Justice Services, the Warrant Division is attempting to perform this task by means of an archaic filing system--a manual, alphabetical file that is riddled with loopholes. The index cards in this file were found to be not only out of order at various times, but often missing critical information such as the date of birth of a fugitive so as to allow for distinctions to be made among similarly named persons. The result of this manual system is that fugitives may not be identified even after being arrested for a new crime.

Finally, the Commission found that the figures developed by the Police Department in the form of warrant clearance rates did not

accurately reflect the performance of the Warrant Division. For example, the Police Department figures showed a warrant clearance rate for 1972 of 97.4 percent. An analysis of these facts by the Commission indicated that a more appropriate presentation would have revealed a clearance rate of only 57.1 percent.

In light of the facts found by the Commission, the Commission recommends the following action be taken by the Police Department:

1. Develop efficient management precedures throughout the Warrant Division.
2. Increase the number of persons available to investigate fugitives in a thorough and professional manner.
3. Take immediate measures to see that all pertinent information is routinely provided to field investigators so that the investigations will be of the highest quality.
4. Take immediate steps to computerize the warrant system and install the equipment necessary for proper warrant enforcement.
5. Develop statistical data which will fairly show the work of the Warrant Division and enable the public to evaluate its activities.

III. THE INVESTIGATION

The Commission examined in detail the warrants and data available at the Warrant Division. Physical inventories and representative samples were taken with respect to Supreme Court probation warrants, Supreme Court felony warrants, and warrants issued by the Criminal Court.

In conducting the investigation, the Commission received the full cooperation of the Police Department. The Department allowed the Commission to interview many members of the police force assigned to the Warrant Division. In addition, Inspector Michael J. Farrell, Commanding Officer of the Criminal Justice Bureau of the New York City Police Department, Deputy Chief William Devine, Commanding Officer of the Management Information Division of the New York City Police Department, Lt. William Borman from the Warrant Division, and Computer Systems Manager Eugene Snailer voluntarily testified before the Commission at a private hearing.

To the extent relevant, the Commission also spoke with members of other agencies including the Department of Probation and the Department of Correction.

IV. HISTORY AND ORGANIZATION OF THE WARRANT DIVISION

Prior to February, 1971, the responsibility for executing most warrants was in the hands of individual warrant squads assigned to the various courts in each borough. Each squad maintained its own records and no central City-wide file of outstanding warrants was in existence. The squads were under the overall supervision of the patrol commander for their particular borough. At that time there were a total of 92 police officers assigned to this task.

On February 8, 1971, in response to considerable public pressure generated in part by New York State Senator Roy Goodman's charge of ineffective warrant enforcement, the Warrant Division in essentially its present form was established and its strength was expanded to 192 men. It was given overall control of warrant enforcement and gradually warrants from all the various parts of the Department were placed within its jurisdiction.

At the present time, the Warrant Division is divided into essentially three components: the Central Warrant Unit, the borough warrant commands (one for each of the four major boroughs), and the Central Warrant Enforcement Squad. The latter two components are essentially responsible for field investigation while the Central Warrant Unit's duties are

primarily clerical in nature. It receives essentially all the warrants from the courts, processes them and then distributes them for investigation according to a system of priorities determined by the Police Department.*

Priority I warrants consist of warrants issued by the Supreme Court (generally involving felony charges), warrants for child abuse, warrants for probation violations in the Supreme Court, Family Court juvenile delinquency or neglect warrants, Supreme Court Narcotics Addiction Control Center warrants, New York State Training School warrants, Addiction Service Agency warrants, and welfare fraud warrants.

These warrants are distributed by the Central Warrant Unit to the various borough warrant commands for immediate investigation. If this investigation proves unsuccessful, they are placed in an "unable to locate" status and returned to the Central Warrant Unit to be placed in a file with this designation. Before they are placed in that file, however, they are reviewed by the Central Warrant Enforcement Squad. This handpicked unit of eight men selects warrants from all over the city which involve the most dangerous fugitives and makes a further intensive attempt to apprehend them. Their investigations are of a high caliber and the results are most

* The exception is the warrant involving child abuse which is executed by the police immediately upon receipt of a call from the court.

gratifying though the extent of their success is limited by the small size of the unit.

Priority II warrants are non-support warrants issued by the Family Court, consumer affairs warrants issued by the New York Criminal Court and warrants for criminal offenses issued by the New York City Criminal Court. Since most felony cases are handled initially in the Criminal Court until they are transferred to the Supreme Court for indictment, warrants issued by the Criminal Court involve bail jumps for both felony and misdemeanor charges pending in that Court. Until very recently, however, no attempt was made to discriminate between felony and misdemeanor cases for these warrants. Since the commencement of this Commission's investigation, the Police Department has started to study the placement of Criminal Court felony warrants in the Priority I category, but this remains unimplemented at the present time.

These Priority II warrants are first placed in a fourteen-day "suspense file" at the Central Warrant Unit during which time a letter is dispatched to the defendant to induce his voluntary surrender. If this proves unsuccessful, these warrants are routed through the borough warrant commands to the appropriate precinct for an initial investigation by the patrol force. If this attempt at execution also proves

unsuccessful, they are returned to the borough warrant unit for a follow-up investigation. At this point, if a warrant is not executed, it is labeled as "unable to locate" and returned to the Central Warrant Unit to be placed on file in that status.

Priority III warrants are issued by the summons parts of the New York City Criminal Court and the Narcotics Addiction Control Commission. Also some warrants in this category are received from out-of-town police agencies in misdemeanor and violation cases. No investigation of any sort is conducted and the only action taken is the dispatch of a letter requesting the defendant's surrender.

V. THE FAILURE TO ARREST

To the extent that fugitives are allowed to remain at large, the public incurs a substantial risk that these fugitives will commit new and additional crimes. Yet, as the following table demonstrates, 75 to 80 percent of all warrants that are cleared are cleared not through arrests by the Police Department on the warrants but by the voluntary surrender of the fugitive, the cancellation of the warrant by the court or, most significantly, by the arrest of the fugitive for the commission of a new crime.

Comparison of Means of Warrant Enforcement--
February 8, 1971 through March, 1974

<u>Passive</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1st Q 1974</u>
Lodged with the Dept. of Correction*	11,094	{ 8,667	6,861	682
Served at arrest for a new crime**	-		9,172	2,302
CWU cleared and cancelled**	-	-	8,380	1,789
<u>Voluntary Surrender</u>	<u>47,558</u>	<u>57,225</u>	<u>30,498</u>	<u>6,820</u>
 Total Passive Clearances	 <u>58,652</u>	 <u>65,892</u>	 <u>54,911</u>	 <u>11,593</u>
% of Total Clearances	<u>86.8%</u>	<u>80.1%</u>	<u>80.1%</u>	<u>75.9%</u>
 <u>Active</u>				
Warrant Officer Arrests	7,317	14,035	10,689	2,985
Patrol Arrests	1,592	2,285	2,273	677
Detective Arrests**	-	-	593	18
<u>Narcotic Division Arrests**</u>	<u>-</u>	<u>-</u>	<u>34</u>	<u>3</u>
 Total Active Arrests	 <u>8,909</u>	 <u>16,320</u>	 <u>13,589</u>	 <u>3,683</u>
% of Total Clearances	<u>13.2%</u>	<u>19.9%</u>	<u>19.9%</u>	<u>24.1%</u>
 OVERALL TOTAL	 <u>67,561</u>	 <u>82,212</u>	 <u>68,500</u>	 <u>15,276</u>

* In 1972, warrants that were lodged and served at the time of arrest for a new crime were placed together in the same category.

** Cleared as the result of checking court files and finding that the warrants had been vacated. This process began in 1973. Hence this data is not available for 1971 and 1972.

It will be noted that of the 1973 warrants cleared, 9,172 (13.4%) were cleared as the result of the arrest of the fugitive after the commission of a new crime. In addition, a sample by the Police Department indicated that about 30 percent of all warrants in the sample, lodged with the Department of Correction, represented persons arrested for the commission of a new crime after the issuance of a warrant. Assuming the validity of that sample, 30 percent of all 1973 lodges would mean an additional 2,058 clearances resulting from the commission of a new crime during 1973.

Not only does the failure to arrest fugitives and the reliance by the police upon passive means for the clearing of warrants impose severe risks upon the public, but concomitantly it results in an ever increasing backlog of outstanding warrants. Since February 8, 1971, when the Warrant Division was first established, the backlog of warrants in their possession has steadily expanded rather than being reduced. At the time it was established there were 82,907 warrants of all types outstanding.* By August 1974, this total had swollen to approximately 130,000.** A summary of the growth of the Warrant Squad's backlog is presented below:

* In fact there were probably many more but since prior to that time warrants not served were returned to the Court files, the police could only locate 82,907 warrants at that time.

** Police Department figures do not allow for a breakdown of these statistics by warrant category.

Backlog of Unexecuted Warrants,
Warrant Division, New York City
Police Department

	<u>2/8/71</u>	<u>12/71</u>	<u>12/72</u>	<u>12/73</u>	<u>1st Q</u> <u>1974</u>	<u>8/74</u>
Total Out- standing Warrants	82,907	107,417	109,604	120,668	122,278	130,000

Moreover, the situation would be much worse were it not for the fact that the number of warrants issued by the courts has been drastically reduced. Thus in 1971, 92,071 warrants were received by the Warrant Division, 84,399 in 1972 and only 75,167 in 1973.

The present dependence on passive means to clear warrants and the ever increasing backlog imposes a high price on New Yorkers. The balance of this report demonstrates that the present situation could be sharply improved through the imposition of better management and organization by the Police Department.

VI. THE FAILURE TO PURSUE

A. The Time Lag

There can be no question but that the more time a fugitive remains at large, the greater the chance that the fugitive will commit a new crime. In addition, a fugitive may be able to better cover his traces if given sufficient time. Speedy warrant enforcement is, therefore, important to public safety and to effective warrant enforcement.

Yet the Commission found serious delays in the handling of warrants even before delivery to the police officer responsible for investigation and execution of the warrant, even on Priority I warrants. In 58 percent of the cases reviewed, for Supreme Court felony and probation warrants (both of which are Priority I warrants and involve the most dangerous criminals), it took more than eight days between the time the Warrant Division received it and the date when the warrant was assigned to a warrant officer in the borough command (when this date was not shown in the Police Department records, the date the first investigative step was taken was used). In the first quarter of 1974 this time delay increased with 77 percent of all the felony and probation warrants taking eight days or more for transmittal and assignment to a borough warrant officer. The following table presents the details:

Date Warrant Prepared by the Central Warrant Section
to Date Assigned to Borough Warrant Officer

	<u>1973 (1st Qtr)</u>		<u>1974 (1st Qtr)</u>	
	Number	% of Total	Number	% of Total
1 through 7 days	58	42%	26	23%
8 through 14 days	33	24%	45	40%
15 through 21 days	19	14%	19	17%
3 through 4 weeks	5	4%	8	7%
More than 1 month	22	16%	14	13%
TOTAL *	<u>137</u>	<u>100%</u>	<u>112</u>	<u>100%</u>

The Commission also found significant delays between the date of issuance by the Courts and the date of processing by the Warrant Division in the same sample of Supreme Court felony warrants and Probation warrants. The following table demonstrates this delay:

Date Warrant Issued by Court to Date
Prepared by Central Warrant Section

	<u>1973 (1st Qtr)</u>		<u>1974 (1st Qtr)</u>	
	Number	% of Total	Number	% of Total
1 through 3 days	29	20%	25	20%
4 through 7 days	61	41%	70	56%
1 through 2 weeks	39	26%	22	18%
More than 2 weeks	20	13%	8	6%
TOTAL *	<u>149</u>	<u>100%</u>	<u>125</u>	<u>100%</u>

When questioned by the Commission as to the reasons for this delay, the spokesman for the Police Department stated that the delay between the date of issuance by the Court and

* Dates on forty 1973 warrants and fifty 1974 warrants were not given or were illegible.

** Dates on twenty-eight 1973 warrants and thirty-seven 1974 warrants were not given or were illegible.

the date of preparation by the Warrant Division was at least in part attributable to delays on the part of the Court in transmitting the warrants. However, no attempt has been made by the Police Department to determine whether such transmittal delays are avoidable. With respect to the delay in assignment to a borough warrant officer, the Police Department spokesman testified that the borough commander might withhold them if the backlog in the hands of his officers was too great.

In any event, the result of the delay is that in the majority of cases, there is a delay of two to three weeks between the issuance of a Priority I warrant by the Court and the delivery of the warrant to a borough warrant officer for execution.

The administrative delay in commencing the investigation on Priority I warrants heretofore outlined becomes even more extended in dealing with Priority II warrants. The following table based upon a sample of 130 Criminal Court warrants involving felony charges demonstrates the delays involved. It will be noted that in 1973 the delay extended from one to two months in 47 percent of the cases and over two months in 27 percent of the cases.

Date Warrant Issued to Date Assigned to Precinct
or Date of First Precinct Investigation

	<u>1973 (1st Qtr)</u>		<u>1974 (1st Qtr)</u>	
	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>
1 through 14 days	1	1%	-	-
15 through 21 days	5	5%	3	10%
22 days through 1 month	20	20%	19	66%
1 through 2 months	47	47%	7	24%
2 months or more	27	27%	0	0%
TOTAL *	<u>100</u>	<u>100%</u>	<u>29</u>	<u>100%</u>

This delay is attributable to a number of factors.

First, it will be recalled, that all Criminal Court warrants are held in a 14-day suspense file and that no action is taken during the first 14 days. Second, the processing of these Criminal Court warrants is delayed by the fact that they are forwarded through the borough warrant squads which in turn forward them to the precincts for their initial investigation rather than being investigated by the borough warrant units. This routing problem is exacerbated by the fact that some precincts only pick up warrants weekly rather than on a daily basis. Third, operational demands upon the precincts often mean a delay in investigations. Hence warrants often back-up in the borough warrant commands while awaiting assignment to the precincts. This is clearly indicated in the

* Originally 352 Criminal Court felony warrants issued in 1973 and 1974 were examined but only 130 had any recorded precinct investigation whatsoever. In addition, one 1973 warrant did not have a date, thus limiting total sample to 129 warrants.

following table outlining the delays incurred at the borough level:

Date Assigned to Borough to Date Assigned to Precinct or Date of First Precinct Investigation

	<u>1973 (1st Qtr)</u>		<u>1974 (1st Qtr)</u>	
	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>
1 through 7 days	26	27%	7	25%
7 through 14 days	22	23%	9	32%
15 through 21 days	11	12%	3	11%
22 days through 1 month	8	8%	2	7%
More than 1 month	28	30%	7	25%
TOTAL *	<u>95</u>	<u>100%</u>	<u>28</u>	<u>100%</u>

This time delay with respect to Priority II warrants is particularly unfortunate because, as noted, Priority II warrants include warrants involving felony charges which are issued by the Criminal Court. Most felony cases are initially processed through the Criminal Court and if a defendant jumps bail on a felony charge prior to indictment in the Supreme Court, a Criminal Court warrant will be issued. Because the Warrant Division still does not distinguish between Criminal Court warrants issued for bail jumping on misdemeanor charges and those on felony charges, the result is that fugitives who may be every bit as dangerous as those who have been indicted and jumped bail on Supreme Court felony warrants, get even less attention than those wanted on Supreme Court warrants.

* Dates on six 1973 warrants and one 1975 warrant were not given or were questionable. Only 130 of 352 felony warrants had any recorded precinct investigation.

That a significant number of Criminal Court warrants involve felony charges is demonstrated by the Commission's review of 1394 warrants issued by Criminal Court in the first quarters of 1973 and 1974 which had been marked as "unable to locate". This review revealed that 383 or 27.4 percent of these warrants involved felony charges. Included were warrants for a fugitive wanted for kidnapping--a Class A felony mandating life imprisonment upon conviction, and 30 Class B felonies with charges ranging from Robbery 1, and Burglary 1, to attempted murder and arson, with sentences up to 25 years.

B. The Lack of Diligent Pursuit by the Borough Warrant Squads

Perhaps even more disturbing than these delays, however, is the fact that investigation by the Commission indicates that when the actual pursuit is finally commenced, it is of a distinctly marginal quality.

The Commission reviewed a total of 339 Supreme Court felony and probation warrants which were issued in the first quarters of 1973 and 1974 and which were filed by the Warrant Division as being in an "unable to locate" status. This number represents a sample of approximately 20 percent to 25 percent of the total number of warrants of these types on file in a UTL status at the Central Warrant Division from the

four major boroughs for this time period. Furthermore, 93 percent of these warrants were for C and D felonies carrying maximum prison terms of fifteen and seven years respectively.

This examination revealed that the field investigation conducted by the borough warrant officers was generally limited to one or two visits to the alleged residence of the fugitive and the same number of interviews with neighbors, relatives, or building superintendents without any further investigative steps of any significance being taken.

For example, with respect to felony warrants, in 1973 the borough warrant officers visited the fugitives' residences more than once in only 60 percent of the cases under investigation. In 1974, the field investigations for the felony warrants were even worse with a significant decrease in activity in every category of investigation. Thus, warrant officers visited the fugitives' residences more than once in only 24 percent of the cases and conducted more than one interview in only 22 percent of the cases. The Commission even found instances where two visits to the same address were made even though a notation was made on the first visit that the structure was abandoned.

Moreover, even where the borough division states on the form that they interviewed a local resident or relative, such

statement may only mean that the officer made a telephone call. During the time that an investigator from the Commission was stationed at one of the borough commands, he observed an officer talking to relatives by phone. In one case, when this officer was informed that the fugitive was working, he failed to ask where he was working, but simply left word for the fugitive to telephone him. This, of course, follows the pattern of less than satisfactory investigation in pursuing fugitives.

A summary indication of the level of the investigative activity performed by warrant officers on the felony warrants for the first quarters of 1973 and 1974 may be seen below:

Summary of Investigative Steps Taken by Borough
Warrant Officers in the Investigation of Supreme
Court Felony Warrants for the First Quarters of
1973 and 1974

<u>Number of Steps Taken</u>	1973		1974	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2 or Less	26	24%	81	55%
3 to 5	54	47%	53	36%
<u>6 or More</u>	<u>33</u>	<u>29%</u>	<u>14</u>	<u>9%</u>
TOTAL UTL WARRANTS	<u>113</u>	<u>100%</u>	<u>148</u>	<u>100%</u>

A review of the level of investigative activity for the probation warrants during these time frames presents an even more distressing picture. Since these warrants are

issued by the Supreme Court for alleged violations of probation, the subjects are usually convicted felons and a finding of a violation of probation would immediately subject them to an indeterminate sentence in a state correctional institution. In addition, these warrants also involve fugitives whose probation reports contain comprehensive life histories and whose roots in their community were sufficiently firm to merit them being placed on probation in the first place. They are thus at once the easiest fugitives to apprehend and the fugitives whose apprehension should bring the surest result since they have already been convicted of a felony.

Yet a comparison of the total number of investigative steps taken for Supreme Court felony and probation warrants during the first quarter of 1973 shows that the level of investigative activity for the probation warrants was substantially lower than that of the felony warrants previously reviewed. This comparison may be seen below:

Total Investigative Steps Taken for Felony and Probation Warrants for the First Quarter of 1973*

Number of Steps Taken	Probation		Supreme Court Felony	
	#	%	#	%
2 or Less	48	75%	26	24%
3 to 5	15	23%	54	47%
6 or More	1	2%	33	29%
TOTAL UTL WARRANTS	64	100%	113	100%

* The 1974 level of activity for both felony and probation warrants was about equal. However, a valid comparison cannot be made since the number of available probation warrants was too small.

The Commission's review of 352 felony warrants issued by the Criminal Court in New York was also in accord with these findings that most investigations consisted of a single visit to the fugitive's home and an interview with a relative, neighbor, or superintendent. The result is that both Priority I and II warrants receive the same inadequate level of investigation.

Perhaps the classic example of the manner in which many warrants are investigated is the so-called "Manhattan Project". This project, according to Police Department representatives in testimony before the Commission, was designed to reduce the backlog in the borough commands. The project began in the Fall of 1971 in Manhattan and continues in modified form even today in that County and Kings County.

Under this project teams of eight men under the supervision of a sergeant were formed and given eight warrants each for a total of 64 warrants to be executed each day. A call would be made at the residence of the defendant cited on the warrant with no prior investigation of the fugitive's actual address. Lt. William Borman admitted that under this procedure, as many as 50 of the 64 warrants and certainly a majority of them were placed in an "unable to locate" status at the end of the day's search. When this investigation

failed to produce the fugitive, the investigation ceased and the warrant was marked "unable to locate", even though the only investigation that had taken place was a visit to the defendant's residence that found no one to be home.

Perhaps even more disturbing than the failure to pursue the fugitive diligently through sufficient visits to his residence or interviews with his relatives and neighbors, however, was the negligent manner in which other additional means of locating the defendant were employed.

It is well known to all experienced warrant officers that defendants commonly give false information as to their residence when arrested. In the aforementioned sample of the Supreme Court warrants, for example, 40 percent of the cases in 1973 and 56 percent in 1974 involved either a fictitious address or an address at which the fugitive was unknown. Hence it is often necessary to make additional inquiries in order to determine a fugitive's true residence.

These inquiries or external checks are typically made through such agencies as the telephone company, post office, Con Edison, Motor Vehicle Bureau, Department of Social Services, and Bureau of Unemployment Insurance. In addition, a review of the court records will often disclose a fugitive's employer, the address of other relatives, and references or sureties

who may know his whereabouts. Yet the Commission found in examining the sample of "unable to locate" felony and probation warrants that, although there were 19 such outside agency checks which might have been made, in the majority of the cases no such checks were made at all. Moreover, while 41 percent of the felony warrants in 1973 and 46 percent for 1974 had at least one outside check, only 17 percent had more than one such check in 1973 and only 11 percent in 1974 had more than one check. The record with respect to probation warrants was even more dismal. In 1973 only six percent had at least one outside check and in 1974 only twenty-one percent had at least one outside check.

A good indication of the value of additional checks in locating fugitives may be found in the results achieved by the Warrant Division's own Central Warrant Enforcement Squad. This unit is composed of eight officers and only investigates a limited number of serious cases which the borough warrant units have returned as being unexecutable. In the first quarter of 1974, this unit was assigned 279 warrants of this type. Of this number some 192 warrants were cleared, 97 of them by arrest and the rest by cancellation after a check of the court records, lodging the warrant with the Department of Correction, or locating the fugitive in a jurisdiction outside New York City. The remainder are still under active investigation.

* This unit has city-wide responsibility.

A review of 36 arrest records of this unit showed that external checks of the type previously described were the key factor in bringing these fugitives to justice. Of these 36 warrants successfully terminated by arrest, the borough warrant division had made external checks in only five cases, while the Central Warrant Enforcement Squad performed such checks in 34 of these cases. This squad typically located the defendant by the simple expedient of obtaining his correct address from the court records, Motor Vehicle Bureau, Department of Social Services, Con Edison, friends or employer. They then proceeded to that location and placed him under arrest. One is forced to conclude that the borough warrant squads could have accomplished the same results if they had conducted their investigations with similar diligence and techniques.

VII. THE FAILURE TO APPREHEND FUGITIVES
EVEN AFTER A NEW ARREST

The natural result of the poor quality of pursuit heretofore described is that thousands of warrants are cleared each year only after the fugitive sought is arrested for a new crime. In 1973, for example, at least 9,172 warrants were cleared in this unfortunate manner. Perhaps even more disturbing, however, is the fact that the present situation in the Warrant Division makes it possible for fugitives who are re-arrested to escape detection and resume their predatory ways.

Under the current procedure, when a defendant is arrested for a fingerprintable offense (which includes all felony charges and most misdemeanor charges), the defendant's fingerprints, name, and other available information are sent to the Division of Criminal Justice Services (DCJS) in Albany via photocopy over telephone wires. DCJS maintains records of criminal histories of defendants throughout the State on computer files. Upon receipt of the defendant's name and fingerprints, a search is made by DCJS to determine whether the defendant has a prior criminal history. A report of each defendant's identity, based upon fingerprints, is made to the New York City Police of the search. Generally, the process takes approximately two-and-a-half hours.

Because virtually none of the outstanding warrants in the

files of the New York City Police Department are on the DCJS computer, a separate inquiry must be made to the Warrant Division to determine whether the arrested defendant is the subject of an outstanding warrant. The files of the Warrant Division are organized on index cards alphabetically under the name of the person wanted on the warrant. Upon receipt of an inquiry on a newly arrested defendant, the Warrant Division must search its index cards manually to determine whether there is an outstanding warrant. It is conceded by the Police Department that this manual system has major inherent defects which substantially reduce its reliability. As Lt. William Borman, second in command of the Warrant Division in his testimony before the New York State Joint Legislative Committee on Crime, Its Causes and Effects, on November 10, 1971 stated:

"In handling a central warrant file with over 100,000 cards where you are putting over 2,000 cards into a file each week and pulling out 2,100 or twenty-two plus, doing anywhere from 700 to 1,000 name checks a day, it's an almost impossible task to keep your file in order."

Moreover, in any alphabetical filing system there is always difficulty in distinguishing among fugitives with common names. This is particularly true in New York City, which has a large and diverse population of about eight million people. To distinguish among those with similar or even the same names, it is therefore necessary to have additional data such as the date of

birth of the fugitive--a date which is always available either on the warrant or in the court files. Investigation, however, by the Commission revealed that in many cases this additional information was not recorded on the index cards of the Warrant Division, thus making it impossible to distinguish among persons with similar or identical names.

These problems are further compounded by the fact that fugitives commonly feel no obligation to be completely candid with the police. Hence, they often use aliases and give false information when questioned about other information such as their date of birth. As a result a check of the name index on the basis of the information given at the time of their arrest will often not be able to accurately identify them.

In order to partially cope with this problem, the police have instituted a procedure under which a second check is run by the Warrant Division where the DCJS report to the police indicates that the name originally sent to DCJS was not the defendant's true name, but an alias. This second check will often allow the Warrant Division to determine whether a warrant is outstanding under a former name of the defendant.

The Commission discovered, however, that in Manhattan and Queens the police officers at the FAX centers (which receive the DCJS report) did not send all reports indicating aliases to the

Warrant Division for this second check. Instead they "screened" the reports and sent only those reports which they felt in their judgment might have a warrant outstanding. This informal screening has undoubtedly permitted fugitives to avoid detection and there seemed to be no effective supervision procedures to prevent this undesirable procedure.

Moreover, the Commission also received information that police officers did not always wait for the second check of the alias to be completed before arraigning the defendant. Under State law a defendant in New York City cannot have bail set on a felony charge until the receipt of the DCJS report. There is not, however, a similar requirement to await a warrant check and some police officers may have defendants arraigned without waiting for the second report from the Warrant Division. Thus, in these circumstances, the judge may very well set bail without either he or the police being aware of the existence of a warrant.

It should be remembered, of course, that even if the alias check is properly completed, the fugitive may still not be properly identified because of problems previously noted of misfiled cards or cards that contain incomplete information. In short, the present manual system and the procedures for utilizing it are riddled with loopholes that allow fugitives completely unacceptable opportunities to evade detection even

when they are arrested for new crimes.

That a significant number of fugitives are slipping through this archaic and cumbersome system is demonstrated by the following facts. If the system were working properly, outstanding warrants for defendants arrested for a new crime would be executed at arraignment before the judge. In fact, however, many warrants are executed by lodging them with the Department of Correction after the arraignment procedure is completed and the defendant has been remanded.

It was revealed in testimony before the Commission that a Police Department analysis of 108 warrants lodged with the Department of Correction indicated that approximately 30 percent of these cases represented instances in which there was a failure to detect the fugitive prior to his arraignment. In these instances the warrant was still able to be executed because the fugitive had coincidentally been unable to post bail. Those fugitives who were paroled or posted bail before the warrant could be lodged were able to escape completely and resume their activities.

It should be remembered, of course, that in 1973 some 6,861 warrants were lodged. The result of the aforementioned study and the previous analysis of the inherent flaws in the manual system clearly suggest that substantial numbers of fugitives escape detention upon their arrest for

a new crime and may be returned to the streets of this city.

This problem, however, could be largely solved if the New York City warrants, particularly those relating to felony charges, were placed on the DCJS computer. If this practice were initiated, the computer would automatically inform the New York City Police of the existence of a warrant on all arrests. In addition, since the computer files are based on fingerprinting, computerization would eliminate the problem inherent in any manual system and the alias problem referred to above.

In December of 1972 the Warrant Division was informed by DCJS that it would accept approximately 20 warrants a day from them even though they were not in machine-readable form. This offer was never accepted until July of 1974, when, after the Commission's inquiry had commenced, the Warrant Division for the first time started to send warrants on paper forms to DCJS. In addition to this offer, in June of 1973, DCJS notified the Warrant Division that it would accept all their warrants relating to the commission of fingerprintable crimes, if they were in machine-readable form. This has not been done because the New York City Police Department has failed to establish a computer system for its warrants.

The Police Department points out, however, that at the

present time all Supreme Court felony and probation warrants are placed on the National Criminal Information Center (NCIC) computer in Maryland and that this information is searched by DCJS at the same time that DCJS searches its own computer files for a defendant's criminal history. Testimony before the Commission indicated that the Police Department also relied upon this system in detecting fugitives upon arrest.

Unfortunately, however, analysis by the Commission indicates that the NCIC system was not an adequate substitute for computerization of the Warrant Division itself. For example, felony warrants issued by the Criminal Court are not placed in the NCIC system until they have been returned from the field as being in an "unable to locate" status. This can mean a delay of weeks and even months before these warrants are listed with the NCIC system. Criminal Court warrants for misdemeanors are never placed upon this system at all.

More importantly, a search of the NCIC file upon the arrest of a fugitive who is listed there has substantial defects. This is due to the fact that the search is done on the basis of the information received by DCJS from the New York City Police which in turn received its information from the defendant. Thus, if the defendant gives a false name or birth-date, this incorrect information will be used by DCJS to

inquire into the NCIC computer and the fugitive will not be properly identified. Although DCJS develops the true identity of the defendant through fingerprints, for lack of time, it does not use this correct information (developed at the end of about two hours) to then inquire into the NCIC computer. In sum, prompt and accurate warrant enforcement requires that information in the Warrant Division files be placed on the DCJS computer and putting the information on the NCIC computer does not offer a satisfactory solution to this problem.

As noted in the next chapter, one of the major management failures has been the failure to computerize the warrants and record them at DCJS. Until this is done, criminals will continue to escape even after their arrest for a new crime.

VIII. THE MANAGERIAL FAILURE

The Commission found that there were serious and far-reaching managerial deficiencies in the general administration of the Warrant Division. These deficiencies were of a long-standing nature and directly affected the Warrant Division's performance of its assigned task of apprehending fugitives.

A. The Failure to Properly Monitor the Quality of Investigation

Perhaps the most serious of these failures was the lack of a consistent program to monitor and control the quality of investigations being performed in the field. Lt. Borman's testimony before the Commission clearly established that there had been no regular program since the Warrant Division was established on February 8, 1971 for the Central Warrant Unit to review the quality of the field investigations. The only quality review of any type was the indirect review afforded when the Central Warrant Enforcement Unit conducted subsequent investigations in a very small number of Supreme Court warrants.

As a result of this fact, the commanding officers of the borough warrant units were allowed to sign and approve warrant investigations which were grossly insufficient in

quality and which often did not contain even the most basic information on what their unit had done.

This should clearly not be the case. On the back of each warrant is space for the investigating officer to note the types of investigations which have been conducted by him with respect to the warrant, and the dates and times such investigative steps were taken. The Commanding Officer of the borough unit has the responsibility of reviewing the warrant at the end of each investigation. By his signature he indicates that he is satisfied with the quality of the investigation and that the steps taken during it are properly recorded.

An examination of the files of the Warrant Division, however, revealed that this information was often not recorded in the proper manner. A review of 339 Supreme Court warrants issued in the first quarters of 1973 and 1974, for example, disclosed that 90 or 27 percent had no decipherable dates for the investigative steps recorded there and only 32 percent included the time of these steps. In a similar vein, an examination of 352 Criminal Court felony warrants issued during the same time periods revealed that the borough warrant officers had recorded the time of their investigative steps in only 38 percent of the cases.

Clearly, without dates or times being noted on the warrant, it is difficult for the commanding officer at the borough or Warrant Division level to exercise any sort of management control and to make sure that the police officers are functioning in a proper manner. Yet, in all of these cases the warrants with the missing data were signed off by the borough commanding officer as being "unable to locate" and were never subjected to regular review thereafter.

The borough warrant squads were not alone, however, in not properly documenting their investigations. The review of 352 Criminal Court felony warrants noted above revealed that 222 or 63 percent had no record of any precinct investigation whatsoever. As a result the borough warrant officers were deprived of any information that might have been garnered about the fugitive at the precinct level and were forced to begin their investigations anew. Yet there is no evidence that the Warrant Division ever took effective action to control this poor performance by the patrol force.

It should be noted, of course, that this failure of documentation is not of mere academic or administrative interest. The consistent lack of data on the warrant indicating investigative steps taken has in the past hampered effective prosecution in those cases in which the warrant was

issued prior to any arrest and arraignment of the defendant. Defendants in some cases have successfully contended that the failure of the Warrant Division to be able to show diligence in attempting to apprehend these defendants represented a lack of prosecution and that as a result the cases against them should be dismissed. Thus, the importance of complete data as to investigative steps taken is important not only for the internal operation of the borough warrant squads but is also important to prevent unnecessary dismissals.

B. The Failure to Provide Available Information For Field Investigation.

Concomitant with the command responsibility to maintain quality control, however, is the responsibility to provide the field personnel with the information necessary for a quality performance. The Commission found repeated instances in which this was not done.

Information material to the apprehension of the fugitives was often not provided or was provided only in some cases as the result of ad hoc procedures. Probation reports, for example, are available on those wanted for probation violations. They represent the results of a lengthy and detailed investigation of the fugitive's entire background. They typically contain information on his various addresses, relatives, associates, employment record, attorney, surety,

welfare record, and complete criminal history. As a result, these reports represent a very substantial investment of time and effort which would be of great value in apprehending a fugitive. The Commission established that only the Department of Probation office in Kings County regularly provided information of this type about the defendant. Clearly, if the Warrant Division had established an active liaison to obtain such information on all probation warrants, the quality of investigation performed in this important area could be substantially improved.

Likewise, information contained in the court files about the defendant is not routinely provided to warrant officers in the field. These files contain the "Release on Recognizance Report" filed at arraignment which details the defendant's relatives, employment, and addresses, past and present. In addition, the court documents contain information on his attorney, the name of any person posting bail on his behalf, witnesses or complainants who might know him, and his complete criminal history. The latter is particularly important to the safety of the warrant investigators since it indicates whether the defendant has a history of violent crime. If this is the case, special precautions can be taken by them in apprehending him.

Yet, the record is clear that the Warrant Division has not taken effective measures to obtain this information. Though informal advances were made to acquire a copy of the "ROR" report, for example, no formal written request was ever made by the Police Department that this information be forwarded to them. Similarly, the other information in the court files remains unavailable for use in field investigations because the liaison necessary to acquire it has never been established.

Perhaps most discouraging is the fact that even when procedures have been established to forward vital information to the field investigators, those procedures have proved to be ineffective. The Commission found, for example, that many warrants, particularly Supreme Court warrants which involve the most serious crimes and dangerous fugitives, were without any picture of the person being sought.

The Warrant Division, of course, recognizes the importance of knowing what the fugitive looks like. To this end, in December, 1970 a procedure was developed in which every defendant's picture was taken with a Polaroid camera and a copy of the defendant's picture was inserted on a form into the court file in the Criminal Court. The purpose was to allow the defendant's picture to be pulled from the court

file and attached to the warrant in the event of a bail jump. This would allow the warrant officer to have some idea as to the identity of the person he was looking for.

But a review of the most recently issued Supreme Court felony warrants in the Central Warrant Unit files revealed that in about 60 percent of the cases these felony warrants did not contain a picture of the fugitive. When questioned about this problem the Police Department representatives testified that while there had been a problem in the past resulting from the use of the warrant picture on a prior Criminal Court bail jump warrant, this problem had been corrected by placing two pictures in the court file--a practice instituted in September 1973.

However, as noted, investigation by this Commission revealed that warrants were still reaching the field investigators without any picture being attached. The Commission found that pictures many times were not sent from the Criminal Court to the Supreme Court when the case was transferred to the Supreme Court because a felony indictment had been returned. But the Warrant Division simply did not establish the necessary procedures and liaison with the court system to see that this defect was remedied. Nor did the Warrant Division require its officers to obtain these pictures from

the Court or Police Department files. The result, of course, is that warrant officers often have no pictures of the fugitives they are looking for.

C. The Failure to Utilize Computers

The Warrant Division is at present almost completely dependent on a 19th century manual system of filing and general administration. As a result, its effectiveness is seriously curtailed in three important areas of operations.

The first of these is its capacity to search for and effectively identify fugitives. As noted, the investigations now being performed by the borough warrant units are lacking the external checks with outside agencies that are essential to the proper pursuit of fugitives. If the files of the Warrant Division were properly computerized, it might be possible, with proper liaison, to run the Warrant Division's lists of outstanding warrants against the records maintained by public utilities, the State Motor Vehicle Department, the New York City Department of Social Services, and the State and local tax agencies. Through such processing information would be obtained as to a fugitive's actual address or employment. As was previously shown, when these checks were performed on a limited, manual basis they resulted in the arrests of a large percentage of the fugitives sought.

The second area of operation that could be drastically improved by computerization is the identification of fugitives after their arrest for the commission of a new crime. Computerization would, of course, eliminate the manual file, thereby improving the chances of catching fugitives on their arrest for the commission of a new crime. In addition, computerization would allow warrants to be routinely executed against those held by the Department of Correction after the commission of a new crime.

At the present time newly issued Supreme Court felony and probation warrants are manually punched into a computer terminal linked to the Department of Correction's Inmate Information System. If the fugitive happens to be in custody at that time the warrant may be lodged against him immediately. If however, a fugitive on a previously issued warrant is not for some reason caught at arraignment, he will not later be picked up by the Warrant Division's punching process because such punching is done only once--at the time of receipt of the warrant. Computerization by the Warrant Division would allow weekly checks to be made against the inmate lists maintained by the Department of Correction, thereby improving the chances of catching fugitives.

Moreover, Criminal Court warrants are never punched into the Department of Correction computer even though approximately 25 percent of them are for fugitives wanted on felony charges.

The result is that the Warrant Division often lodges warrants with the Department of Correction after being informed during its field investigation (probably by a relative) that the fugitive is in jail. This, of course, means that the warrant officers have wasted much valuable time and effort trying to locate someone who should have been located through a computer. It also means that many fugitives may be released from jail before the Warrant Division discovers them to be in jail and lodges the warrant.

The third area of operation seriously damaged by the lack of computerization is internal record-keeping and management. The manual, pen and paper clerical operation simply cannot provide the detailed operational information necessary to effective management.

Thus, at present the Warrant Division does not even know the exact components of its backlog--how many warrants from Supreme Court, how many from Family Court, etc. Similarly the Warrant Division does not know how many warrants cleared during a given year were issued in that same year. This last figure is particularly important since it

would give, if known, a good indication of the extent to which the backlog is increasing and in what categories so that effective remedial action might be taken.

Moreover, this lack of detailed operational information can result in a very misleading picture of the Warrant Division's effectiveness. At the present time, for example, the Warrant Division calculates its clearance rate by comparing the number of warrants cleared during a given year with the number issued in that year. It does not show, however, in which year the cleared warrants were issued. Since many of the warrants cleared were issued in prior years, the clearance rate thus produced by the Warrant Division tends to mislead and is much higher than would be if complete information were available.

For example, in 1972 the Warrant Squad reported the clearance rate of 97.4 percent and in 1973 a clearance rate of 85.2 percent. Clearly the implication from these figures is that 97 and 85 percent of the warrants issued in those years were cleared by the Warrant Division. But, when the total clearances for 1972 were compared with the total backlog outstanding during 1972 (rather than just the warrants issued in 1972), the clearance rate dropped to 57.1 percent. Similarly, with respect to 1973, a comparison of the warrants cleared with the backlog shows a clearance rate for 1973 of only 65.3 percent.

The statistics with respect to the felony warrants alone also show the inappropriateness of the Department's

present statistics. Thus, for 1973 the Warrant Division reported a clearance of 110.4 percent for felony warrants. On June 6, 1974, however, this Commission conducted a physical inventory of all felony warrants outstanding as of that date. As a result of this inventory, the Commission discovered that in fact 25.1 percent of 1973 felony warrants issued were outstanding as of that date. As of June 6, 1974, the Warrant Division therefore had a clearance rate on 1973 felony warrants of 74.9 percent. Since undoubtedly many warrants had been cleared during the period January 1, 1974 through June 6, 1974, the clearance rate for felony warrants for the year ending December 31, 1973 was probably far less than 74.9 percent. In any event, the 110.4 percent allegedly cleared by the Warrant Division is clearly inaccurate.

In order to ascertain the actual clearance rate, the Commission staff had to hand count the felony warrants outstanding. But complete and accurate data could easily be obtained if the warrants were computerized. Effective management and accurate information on the Warrant Division's effectiveness would thereafter follow. In sum, as Lt. Borman, in his testimony before the Commission noted, "computerization" would be the "number one" step required to improve the efficiency of the Warrant Division.

Unfortunately, this lack of computerization is itself

directly traceable to ineffective management within the Warrant Division. Two years ago the New York City RAND Corporation studied and developed a program under which existing active warrants could be placed in computer-usable form. In July of 1973 the City appropriated \$400,000 for this task. None of this money was ever expended and the Police Department claims that since January of 1974, the Bureau of the Budget will no longer allow its use. Indeed the Police Department, until 1974, did not even assign a computer expert to the Warrant Division. Hence, these funds remain unspent, the computer program remains unrealized, and a considerable danger to the public safety continues to exist.

This despite the fact that in 1971, the Warrant Division requested computerization and the Police Department has been regularly predicting the computerization of these warrants ever since that time. Thus, in the 1971 Annual Report of the Warrant Division, it was stated:

"...it is anticipated that early in 1972, the Department with the cooperation of NYSIIS (now DCJS) will computerize the Want-Wanted File. Some procedures adopted by the Court Division Warrant Section were necessitated by the inability of NYSIIS to respond either affirmatively or negatively to the question, 'Is this person wanted by the New York City Police Department?'"

The explanation given by the Police Department for this failure was the unavailability of the computer operated by the Police Department. But this explanation does not explain the failure to place warrants in machine-readable form for transmittal to the DCJS computer or the failure to utilize other City computers at least on a temporary basis. Moreover, it should be noted that many other cities in the United States, including Des Moines, Iowa, Seattle, Washington, and Austin, Texas, have their warrants on computers. Hopefully, when New York eventually develops such a system, it will provide for the inclusion of the various items of information such as Social Security numbers commonly used to identify people so that the system may effectively help in catching fugitives.

D. The Failure to Provide Sufficient Operational Enforcement

Lastly, an examination of operational schedules of the warrant officers responsible for the investigation and lodging of warrants revealed that warrant enforcement is essentially a five-day a week operation.

With the exception of some changes for individual cases, the borough warrant units now regularly operate on only two shifts--7 a.m. to 3 p.m. and 3 p.m. to 11 p.m. The individual squads within the borough units rotate among these shifts with generally greater coverage being given during the first shift.

No regular weekend duty for warrant enforcement is scheduled for any of these units. In contrast to these relatively desirable and comfortable hours, the Central Warrant Enforcement Squad maintains flexible shifts so that it may apprehend a fugitive when that fugitive is most likely to be available-- be that two in the morning or Sunday afternoon.

The scheduling of regular weekend duty for borough warrant units ceased in November of 1971. Lt. Borman testified before the Commission that this step was taken because productivity on weekends was lower than for regular weekdays. He was unable to present any study or other documentation to support this conclusion, however, and it appears that there has not even been any experimentation during that time to prove or disprove this opinion.

He also suggested that sources of information such as utilities and the courts were not open during the weekend and that this would therefore limit the effectiveness of weekend operation. It is difficult to see how this is relevant in that, as noted, little attempt at such outside checks is performed by the borough warrant officers. Thus, weekend duty for the enforcement of warrants remains unrealized and the fugitives being pursued continue to enjoy the substantial respite of two days out of every seven.

Moreover, a similarly lax schedule prevails for those officers who have the responsibility of lodging warrants with the Department of Correction. Only two officers are presently available for this duty and they are generally on duty each day from Monday through Friday from approximately 9 a.m. to 5 p.m. No relief officers are regularly available when sickness or vacation prevents them from being on duty and neither is, as stated, available on weekends. Furthermore, the irregular flow of warrants to be lodged can mean that they are not physically able to lodge a warrant on the same day that they receive it. A heavy flow of warrants received on Friday, for example, will simply have to await the return of these officers on Monday morning before they may be lodged.

Since these two officers are responsible for lodging of all the warrants in the entire city, even when the fugitive's presence in prison is discovered by a borough unit, the Warrant Division performs this activity only on the schedule and under the limitations indicated. If a fugitive is able to secure his release while a warrant is waiting in the Warrant Division to be lodged against him, that fact must simply be accepted as the natural result of such ineffective coverage.

The assignment of sufficient manpower to provide 24-hour or at least daily coverage has never been accomplished. Moreover, the installation of facsimile equipment for transmittal over telephone lines so as to connect the Warrant Division with each prison on a 24-hour basis has likewise never been done. Such installations would provide for the instantaneous lodging of warrants and also realize substantial manpower savings.

In conclusion, the Warrant Division has suffered from substantial managerial deficiencies. The control over the quality of the investigations being performed has been marginal at best. The supervisory personnel at all levels have clearly failed in their responsibility to require the full documentation of all investigations. Measures have not been taken to see that all possible relevant information is provided to the field investigators so that they might have the best possible opportunity to apprehend the fugitives being sought. Furthermore, the Warrant Division has not utilized the computer technology available. As a result it has afforded fugitives repeated opportunities to escape and has not been able to provide the detailed record-keeping necessary to effective management. Lastly, its operational schedule has not provided a satisfactory level of enforcement but has left New York City with part-time warrant enforcement.

IX. THE INVERSION OF PRIORITIES

The New York City Police Department does not give the apprehension of fugitives the high law enforcement priority it deserves. Out of a force of almost 30,000 officers, only 204 City-wide are assigned to the Warrant Division. Moreover, of these 204, approximately 50 are assigned to purely administrative tasks. As a result, a force of only approximately 150 men is presently being used to execute warrants. Warrants relating to felonies alone (Criminal Court felony warrants, Supreme Court and Probation warrants) come in at the rate of 300 per week and in 1973 totalled 16,010.

This neglect of warrant enforcement in favor of traditional patrol functions has a long history. Prior to February of 1971, only 92 men were assigned to warrant duty. After very considerable public pressure was applied, this miniscule number was increased to 192 and the Warrant Division was formed. In 1972 the level of warrant officer manpower reached its zenith at the level of 230 men and has declined steadily ever since. Indeed in 1973 the manpower level fell to 207 men and it was reduced further by another 56 men who were assigned to uniformed street patrol for eight weeks in the summer of that year. Since the least senior men

were transferred for this duty, the remaining warrant officers with greater seniority were able to take their vacations during this desirable period. As a result, the Warrant Division itself calculates that some 3,244 arrests were lost, some perhaps irreparably, and warrant enforcement in New York City was crippled. One is forced to wonder whether it is really profitable to have men patrolling in uniform to prevent crime when they could actually be arresting on already outstanding charges just the persons, already identified, most likely to commit that crime.

This under-valuation of warrant enforcement is also reflected in other ways within the Police Department and also in City government itself. The Police Department has recently assigned the highest priority and thousands of dollars in federal funds to install a computer which will allow approximately 20 patrol cars instantaneous access to the computerized files of the Motor Vehicle Bureau, the Division of Criminal Justice Services, and the National Criminal Information Center. This means that these cars can immediately determine whether a person's license is valid or the car he is driving is stolen. They can also discover what his New York State criminal history is and whether he is wanted elsewhere in the United States.

And yet, because the same funding and high-level attention

that brought this project to fruition has never been applied to computerizing the files of the Warrant Division and placing its list of fugitives on the DCJS records, they cannot immediately determine for certain if the person being questioned is wanted here in New York City by their own Police Department even if he is wanted for murder.

It is the firm belief of the Commission that warrant enforcement should be given a much higher law enforcement priority than is presently the case. It is necessary for the effective functioning of the entire court system and other criminal justice agencies. It has a direct impact on the level of crime in this City and is one of the best means of combatting that threat to the public safety.

CONCLUSIONS AND RECOMMENDATIONS

The foregoing clearly demonstrates that at the present time the people of New York City are unnecessarily subjected to the risk of grave harm from known criminals because of ineffective warrant enforcement. Moreover, the problems which must be solved if this risk is to be removed are substantially less complicated and the remedial measures necessary are much less costly than in many other areas of the New York City Criminal Justice System. A dedicated application of resources and consistent command attention could bring a substantial measure of progress in a very short time.

More specifically, the Commission recommends that the following measures be undertaken as soon as possible.

First and foremost, consistent command pressure and supervision should be applied to the enforcement of warrants at all levels. The commanders of warrant units should no longer be allowed to accept incomplete investigation reports which prevent proper quality control and frustrate prosecution. Command personnel must be held strictly accountable for the discovery and prompt remedy of these and other defects in the operations of their units.

Secondly, to the extent that more manpower and other

resources are needed so that fugitives can be apprehended prior to the commission of a new crime, they should be committed to the Warrant Division as soon as possible. The extensive delays, poor quality investigations, and restricted duty hours detailed in this report must be stopped. The superior investigative efforts of the Central Warrant Enforcement Squad should become the rule rather than the exception.

Thirdly, effective liaison must be established between the Warrant Division and the other criminal justice agencies concerned with warrant enforcement so that the information and communication necessary to effective investigations is provided and so that warrants are lodged immediately upon receipt.

Lastly, immediate measures should be taken to place all felony warrants, whether issued by the Criminal Court or Supreme Court, in the files of the Division of Criminal Justice Services so that warrants will at least be executed upon the re-arrest of fugitives for a new crime. Furthermore, general computerization of the Warrant Division's activities should proceed with the greatest possible dispatch. This will enable the Police Department to continually search for fugitives by computer inquiry with other public and private agencies. It will also make available to the public

and the Department itself accurate and complete statistical data so that the performance of the Warrant Division can be monitored and reviewed in proper fashion.

It is the hope of this Commission that as a result of the issuance of this report, these necessary changes will be made so that public safety can be enhanced in the future by prompt and effective warrant enforcement.

Respectfully submitted,

Howard Shapiro, Chairman
Earl W. Brydges, Jr.
Ferdinand J. Mondello
Edward S. Silver
Commissioners

September 9, 1974

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