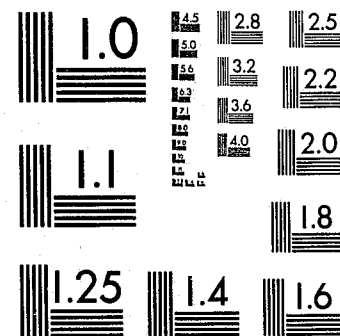


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BENCH WARRANT ENFORCEMENT  
IN NEW YORK CITY

NEW YORK STATE COMMISSION  
ON MANAGEMENT AND PRODUCTIVITY  
IN THE PUBLIC SECTOR

OCTOBER, 1977

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*Chairman*

SENATOR JOHN R. DUNNE  
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## INTRODUCTION

A problem can neither be effaciously nor creatively solved until it is recognized. While growing metropolitan crime rates are readily acknowledged, their ironical aspects are often overlooked. Criminal justice authorities are often cognizant of who and where most of these perpetrators are. Despite this accumulated knowledge, based on apprehension, conviction, and internment, the deterrence power of prior knowledge is feeble at best when commission of future felonies by these individuals is considered.

Responsibility for this inability rests with both the judicial and corrections systems. Judges have habitually handed out prison terms that do not relate to the severity of the action. This prison experience is often neither a rehabilitative nor a persuasive occurrence.

This study examines one shortcoming of the criminal justice system which has not had much publicity, but impacts the entire process. The proper enforcement of bench warrants can prevent thousands of individuals from jumping bail, escaping from detention centers, violating parole and probation, or failing to comply with other judicial decisions without suffering reciprocity.

This study probes procedures for the enforcement of bench warrants in New York City, and discovers the system to be understaffed, permeable, and ineffective in bringing escaped criminals to justice. The emerging conclusion is both astounding and appalling: criminals in New York City do not feel compelled to submit to court imposed punishment. When this occurs, the court possesses ineffective capacities to bring criminals to justice and can only apprehend them if they are snared for the perpetration of an unrelated criminal act. The result of this failure is to tacitly create a system of legalized jailbreak.

#### OPERATIONAL DEFINITION OF TERM - BENCH WARRANT

A bench warrant is a writ issued by a presiding judge or competent magistrate against a citizen guilty of contempt, or indicted for a crime, authorizing an officer to make an arrest, a seizure, or a search or to do other acts incident to the administration of justice.

In New York City, bench warrants are issued for the following reasons:

- failure of a defendant who was released by the court on bail to appear before the court as ordered;
- failure of a criminal, sentenced to prison and subsequently released on parole to comply with the orders of the parole officer;
- and, failure of a convicted criminal who is sentenced to probationary time to comply with the stipulations of the probation or to report to the probation officer.

Usually bench warrants are issued when a defendant or a convicted criminal violates court orders. Recently those individuals sentenced to non-prison facilities, such as drug addiction treatment centers, to cope with their specific problem as an alternative to imprisonment have

had the most frequent number of bench warrants issued to them.

The problem has recently been attributed to acts of liberalism by the courts. The existence of overcrowding in pretrial detention facilities has imposed pressure on judges to grant prompt and relatively low bail in an effort to alleviate this condition. As the number of defendants out on bail increases, a concomitant strain is shifted to the system designed to enforce its procedures.

In an effort to initiate alternatives in the treatment of prisoners, diversion treatment center facilities have been promulgated. These institutions have originated as a response to the recognition that criminal behavior results from sociological and psychological problems. They represent a true departure from the traditional imprisonment process and possess the potential for therapeutic and rehabilitative treatment.

The effectiveness of these facilities is dependent upon full cooperation of the criminal justice system. This system must exercise the implied power of compliance so that an inmate who vacates such a facility will perceive that procedures will be initiated to assure his return. In this way, the facility will maintain its capability to efficaciously cope with the individual and initiate the therapeutic situation.

Dr. Michael Rosenthal, the Director of Phoenix House, the most successful and largest free drug treatment center in New York City, corroborates this assertion, by claiming:

During the years of harsh drug law enforcement in the early seventies, we had a real capacity to assure successful treatment. A patient knew that if he left the center, he would be brought back for treatment. This enforcement was a key element in our approach to drug treatment. Today, however, there is no such assurance. We have no means of compelling even a patient ordered to report to us by the court to stay here. Patients know this and can leave easily, undermining our treatment and its effectiveness.

Traditionally, prisoner reform and rehabilitation have been aided by probation and parole. These programs operate under the tenet that by granting a prisoner time off for good behavior or by obviating incarceration, the individual will acquire useful rehabilitative experience under the supervisory control of a probation or parole officer.

The bench warrant system was designed to enforce both the parole and probation systems, bringing back those individuals who violate their procedural stipulations. Its breakdown has created the situation where probation or parole is often indistinguishable from outright release. Compliance with parole or probation orders



becomes voluntary, thus minimizing the control capacity of the system.

This failure of the bench warrant system undermines the integral components of criminal justice procedures.

An inadequate faltering bench warrant program detracts from the viable alternatives when coping with anti-social individuals. The situation arises in which the options become limited to apprehension, detention before trial, and imprisonment after sentencing for the prescribed length of the term, or outright release.

This mode of operation is limited in theory and in actual application since the constraints of cost for incarceration make such action impractical in every case. It costs more than \$14,000 per annum to imprison an individual. Even where political subdivisions of states are willing to spend these funds, it is dubious that an adequate number of prison facilities exist or could be erected in the immediate future. It is pellucid that some form of non-prison alternative must be available to the court subsequent to conviction of a defendant. It is also evident that to comply with the United States Constitutional directive of prompt and reasonable bail an exigency exists for procedures prior to conviction but following arrest.

If an effective alternative to imprisonment shall exist, it must be rendered efficient and binding by the bench warrant directives. Presently these procedures are totally inadequate to cope with the problem.

#### SCOPE OF THE PROBLEM

Part of the urban malaise is the growth of metropolitan crime. During the past four years this growth has been reflected in New York City by the increase in the number of bench warrants issued. In 1973, approximately 75,000 bench warrants were issued, while in 1976, over 96,000 of these writs were released. This unpleasant trend continues as during the first nine months of 1977, there were 78,000 such documents dispersed. These warrants are divided into a number of categories that reflect their origination. These classifications appear below.

#### Most Serious Warrants

- P - Violation of Probation
- R - Felony bench warrant issued by the Supreme Court
- F - Felony arrest warrant issued by the Supreme Court
- V - Felony bench warrant from the criminal court for act against a person
- E - Felony arrest warrant from the criminal court for act against a person
- J - Juvenile Delinquency warrant from the family court
- N - Neglect or abuse of a child warrant from the family court

#### Second Priority Warrants

- Y - Civil Process in civil case
- D - Felony bench warrant from the criminal court for felony against property

- C - Misdemeanor bench warrant from criminal court
- T - Escape from training school for PINS and juvenile delinquents
- H - Persons In Need of Supervision (PINS)

#### Third Priority Warrants

- W - Non-support payments warrants from family court
- X - Escape from drug abuse treatment center
- A - Criminal court summons part
- Z - Federal warrants turned over to the city

These priorities are assigned by the Bench Warrant Division of the New York City Police Department as part of their overall policy.

The charts which follow outline the distribution of bench warrants for 1976 and the first half of 1977. They also indicate the category and priority of the warrants issued in each borough of New York City during this time span.

1976 Bench Warrants

<u>TOP PRIORITY</u>						
<u>Category</u>	<u>Manh.</u>	<u>Bklyn.</u>	<u>Bx.</u>	<u>Queens</u>	<u>Rich.</u>	<u>City Total</u>
<u>Top Priority</u>						
P	486	427	233	313	43	1,502
R	1,894	932	1,010	486	76	4,398
F	168	579	148	297	3	1,195
V	2,146	1,113	926	373	28	4,586
E	109	287	13	162	6	577
J	953	1,542	1,061	1,094	79	4,729
N	45	101	32	5	20	203
TOTAL	5,801	4,981	3,423	2,730	255	17,190

<u>SECOND PRIORITY</u>						
Y	-----	106	-----	66	1	173
D	2,173	1,416	1,521	712	53	5,875
C	18,372	12,700	10,587	7,719	802	50,180
H	254	1,160	615	515	51	2,595
T	-----	-----	-----	-----	-----	324
TOTAL	20,799	15,382	12,723	9,012	907	59,147*

\* Includes 324 (T) not broken down by borough

<u>THIRD PRIORITY</u>						
W	508	1,597	1,055	1,292	225	4,677
X	-----	-----	-----	-----	-----	1,348
A	4,573	4,487	2,499	2,036	302	13,897
Z	-----	-----	-----	-----	-----	116
TOTAL	5,081	6,084	3,554	3,328	527	20,038*

\* Includes 1464 (X&Z) not broken down by borough

1977 Bench Warrants  
for  
First Nine Months

<u>TOP PRIORITY</u>						
<u>Category</u>	<u>Manh.</u>	<u>Bklyn.</u>	<u>Bx.</u>	<u>Queens</u>	<u>Rich.</u>	<u>City Total</u>
P	407	541	186	230	34	1,398
R	1,364	560	668	333	76	3,001
F	197	374	61	231	2	865
V	1,673	903	729	327	23	3,655
E	121	172	7	45	25	370
J	606	987	831	745	74	3,243
N	53	72	13	15	3	156
TOTAL	4,421	3,609	2,495	1,926	237	12,688

<u>SECOND PRIORITY</u>						
Y	-----	21	-----	30	---	51
D	1,953	1,163	1,239	614	53	5,022
C	20,669	10,392	9,088	5,243	696	46,093
H	218	857	452	420	57	2,004
T	-----	-----	-----	-----	-----	434
TOTAL	22,840	12,438	10,779	6,307	806	53,604*

\* Includes 434 (T) not broken down by borough

<u>THIRD PRIORITY</u>						
W	251	1,221	476	1,291	178	3,417
X	-----	-----	-----	-----	-----	770
A	2,789	1,311	1,263	248	54	8,279
Z	-----	-----	-----	-----	-----	-----
TOTAL	2,865	1,787	2,554	426	770	12,466*

\* Includes 770 (X) not broken down by borough



There has been a significant increase in the number of bench warrants issued during the past five years. This increase has been attributed to the increasing workload of the criminal justice system, rising pressures for alternatives to detention and imprisonment, overcrowding of incarceration facilities, and prisoner discontentment.

The greater number of bench warrants has prompted scrutiny of the process by which they are cleared. A bench warrant is cleared when the individual sought is returned to the jurisdiction of the court or the warrant is vacated by the court.

While 96,375 bench warrants were issued in 1976, only 74,147 bench warrants were cleared that year. This is not a direct comparison since many of these cleared warrants were issued prior to 1976. A chart appears below that contrasts the distribution of warrants cleared in 1976 to their date of issuance.

<u>Warrants Cleared in 1976</u>			
<u>Date of Issuance</u>	<u>Total Cleared in 1976</u>	<u>% of Total Cleared</u>	
Prior to 1971	1,164	.0156	or 1.56
1971	1,297	.0174	or 1.74
1972	2,100	.0283	or 2.83
1973	2,595	.0349	or 3.49
1974	3,971	.0535	or 5.35
1975	14,093	.1900	or 19.00
1976	48,927	.6598	or 65.98
TOTAL	74,147	.9995	99.95

Thus, of 96,375 warrants issued during 1976, only 48,927 or 50.7% of the total cleared.

The remaining uncleared warrants help compile the huge backlog with which New York City is burdened. As of October, 1977, there were 179,000 unfilled bench warrants in the city.

The 50% clearance rate for 1976 bench warrants is, however, illusory due to the variety of methods used to clear them. Warrants can be cleared through the endeavors of the police to track down and apprehend those sought by the court. Others are vacated by the court upon their acknowledgment of a clerical or bookkeeping error. Some individuals being sought voluntarily surrender. However, the largest number of bench warrants are cleared when the person desired is arrested by the police in connection with the commission of another crime, and upon scrutinizing his record, ascertain that the individual is previously wanted in connection with a bench warrant. This type of procedure accounts for over half of the clearances obtained by the Police Department when warrants vacated by the courts are excluded.

This fact is distressing by itself, but what makes it even more alarming is the finding that in 1976, 22,112 arrests were made of persons previously sought under bench warrants. These arrests constituted a fifth of those made

in New York City during that year for felonious acts. Thus, 20% of the 111,000 perpetrators of felonies in 1976, were being sought on arrest or bench warrants. Those given to speculative argument can assert that a plethora of crimes would have been averted if those individuals wanted on bench warrants were promptly apprehended by the police.

Statistical analysis reveals that only 14,000 of the 96,375 bench warrants issued in 1976, or 14.5%, were cleared by active efforts of the police force, apart from clearance after apprehension for other crimes. It is impossible to assay whether many of these clearances occurred on warrants issued prior to 1976.

The Police Department maintains a special warrant squad to pursue those individuals who are sought on top priority warrants. Second priority writs are dispatched to separate precincts, where presumably, action is taken upon them. Warrants denoting drug abuse treatment center escapees and those charged with not making support payments are subject to no special endeavor to enforce them, beyond a monitoring of arrests to ascertain whether any individual being arrested is previously wanted on a warrant.

The chart on the following page offers analysis of the type of warrants and the manner in which they cleared during 1976 and the first half of 1977.

1976 Warrants Cleared/Process  
Number and Percentage

Cleared by Arrest  
on Warrant

Number and Percentage

By Warrant Office  
By Precinct Police

5,481 or .0739  
8,352 or .1126

Total Arrests

13,833 or .1865 or 18.65%

Cleared by Arrest  
on Other Charges  
for Other Crimes

Number and Percentage

By Warrant Office  
By Precinct Police  
By Others

249 or .0033  
19,402 or .2616  
4,106 or .0553

Total Other Arrests

23,757 or .3204 or 32.04%

Cleared by  
Other Means

Number and Percentage

Already in Prison or  
Warrant Vacated  
Other

31,351 or .4228  
2,461 or .0331

Total Other Means

33,812 or .4560 or 45.6%

When scrutinizing top priority warrants, the record of clearances of bench warrants by re-arrest for other crimes stands out in sharp comparison to the remaining categories.

The chart on the following page focuses on such information.

Clearance of Top Priority Warrants/1976

<u>Priority</u>	<u>Cleared by Arrest on Warrant</u>	<u>Cleared by Arrest For Other Crimes</u>	<u>Vacated</u>	<u>Total</u>
P	409	332	615	1,356
R	1,168	1,346	2,168	4,682
F	239	108	246	593
V	770	687	1,411	2,868
E	100	109	145	354
J	2,500	463	1,718	4,681
N	127	5	48	180
TOTAL	5,313	3,050	6,351	14,714

It is appalling that a large proportion of serious bench warrants, those designated for special attention by the Police Department's Warrant Squad, are cleared only when the individual sought is apprehended after perpetrating another crime. The immensity of this dilemma is further compounded when the classification of felony warrant is pondered. Warrants designated in this category, R&F, issued by the Supreme Court, are usually cleared through the commission of another criminal act by the individual rather than by procedural action taken by the police force. Such evidence demands the conclusion that thousands of unnecessary crimes are committed each year due to the present method of bench warrant enforcement.

These crimes are generally committed by people sought on warrants subsequent to the issuance of the warrant, but who have not been apprehended. Apprehension of these individuals remains the function of the Police Department's Warrant Squad.

This division of the Police Department is inhibited by a limited number of personnel which results in an excessive workload for its members. The Warrant Squad has consisted of 55 police officers assigned to field duty, 31 officers not assigned to field work, and a supplemental staff of 33 civilians. These individuals must handle an ever-increasing number of bench warrants.

The Warrant Office's field staff of 55 officers in mid-1977 was a reduction of 57% from the 129 prior to the debilitating New York City fiscal crisis of 1975. During the same period, from 1975 to mid-1977, the overall cutback in police personnel was 10%, or a decrease from 30,000 to 27,000 individuals. (It should be noted that since the mid-Summer publicity on this study, we have been informed that the field staff has now been increased to 96).

The decrease of warrant officer staff by a factor five times greater than that for the entire Department occurred despite an increase in the warrant office workload during the past several years. The chart on the following page reflects this increase in warrant office workload.

Bench Warrants Issued During 1973-1976

<u>Year</u>	<u>Number</u>
1973	75,165
1974	79,833
1975	84,154
1976	96,375

Each warrant officer is assigned 268 warrants over the course of a year to enforce, as police officials contend it is not possible for one officer to discharge more than this number of annual assignments with any degree of effectiveness. Such a contention presents the following problem: How does the Department expect 55 officers to discharge 96,000 bench warrants a year, or even the 17,000 top priority warrants designated for action, when the anticipated goal is serving a maximum of 14,700 such writs? This predicament is reminiscent of Mark Twain's thought, "the hurriedier I go, the behinder I get."

Action is initiated when a warrant is processed by the Warrant Office. A picture of the offender is obtained and data concerning the criminal's arrest record collated. The process of investigation begins as the officer visits the address listed as the place of residence for the offender.

Presently, the Warrant Office does not perform any correlation computer runs to ascertain whether the outstanding warrants belong to individuals in prison and thus mistakenly issued, other than with the Department of Corrections. The office has advocated correlating procedures with the Department of Social Services to determine whether any of the offenders against whom bench warrants have been lodged are receiving any type of public assistance.

Officers of the bench warrant division believe that such interface would be productive and assist in the apprehension of offenders. The Department of Social Service does not corroborate this opinion, and as a result has refused access to the bench warrant division to the computer tapes, maintaining that doing so would be a breach of trust and a violation of the confidentiality privilege granted to welfare recipients.

This subjective view is not utilitarian in nature, since those individuals against whom warrants have been lodged are sought by the judicial system for pernicious acts against citizens and property. The compelling demands of public protection seem to supersede any confidentiality of public assistance records. When access to such vital information is denied, it places inordinate stress upon officers of the warrant division to locate

perpetrators, without aid from other city agencies which might be providing assistance to many of those individuals being sought.

The efficiency of the Warrant Office is further handicapped by inadequate and limited computerization of their records. As a result warrant data must often be retrieved manually. A joint computer system operating between the courts and the Warrant Office would significantly reduce the time necessary to trace data on these individuals. Another benefit would be the determination of whether a warrant is outstanding against an offender.

Such a data retrieval system would allow the Warrant Office to reduce its central headquarters staff and increase its street and field patrol by almost 40%. This would enhance the ability to locate and apprehend individuals sought on bench warrants before they commit another crime.

Statistical evidence indicates that greater tracing capabilities are necessary, since during the first part of 1977, the continued increase in the proportion of warrants cleared through rearrest for other criminal offenses persisted. In 1976, 32% of all the warrants cleared were done through subsequent rearrest for other criminal acts, while in the first part of 1977, the ratio has risen to 37%.

An exigency exists to improve the efficiency of the bench warrant system. Without such improvement, little hope is expected for controlling the implied legalized jailbreak which now exists in New York City.

The next section offers suggestions to enhance the productivity and efficiency of the bench warrant system in New York City.

## CONCLUSIONS

The bench warrant system appears to be an operational practice of misplaced priorities. The New York City Police Department utilizes their personnel to patrol the streets of New York in an effort to deter crime and apprehend criminals, yet possesses the names, addresses, fingerprints, photographs, and demographic information of 179,000 individuals who have jumped bail, violated parole or probation, or left detention centers, whom they fail to apprehend. It is abhorrent that over 22,000 of these people are rearrested while committing additional criminal acts, acts only to have them placed in the permeable criminal justice system from which they just escaped.

The consequence of this system of jumbled priorities is evident. Thousands of avoidable crimes are committed by criminals previously sought by enforcement authorities. The record of rearrest of those against whom bench warrants have been filled is sufficient to classify them as very dangerous individuals who are likely to strike again by engaging in another anti-social act.

In essence, the bench warrant provides the Police Department with a list of individuals already wanted by the law, who have the tendency to perpetrate a reprehensible

act within the next year. Such information should provide the catalyst for action and promote a vigorous attempt to avoid future criminal incidents by apprehending these known offenders.

The Department chooses not to employ this strategy. Instead, it rejects this notion in favor of utilizing additional personnel to combat and deter crime on the street. This alternative serves to remind the populace of the City's commitment to battle burgeoning metropolitan misanthropic acts, but does little to contribute to crime prevention through warrant office investigation.

The Warrant Office does an effective job despite limited resources. Seventy-four thousand and one hundred and forty-seven warrants were cleared in 1976, although the number of warrants actually cleared by the assertive action of the warrant division has dropped from 10,377 in 1974 to 6,287 in 1976. This 40% drop in the number of warrants cleared by their action is attributed to the 57% reduction of warrant office personnel. It would appear that an additional investment of support services for the Warrant Office would result in a concomitant increase in the rate of apprehension.



The possibility exists to modernize the bench warrant system pursuit of offenders through the use of computer technology. It is advocated that the Department of Social Services make available its computer individual identification information on Aid to Families of Dependent Children recipients, Home Relief beneficiaries, Food Stamp eligibles, and those entitled to SSI aid to the Police Department Warrant Office. These tapes could then be subject to correlation runs which would aid location procedures of the individuals being sought. Warrant Office officials estimate that about one-third of those being sought may be receiving some form of public assistance.

The Warrant Office should also seek to establish other interface computer agreements with the Internal Revenue Service, the Social Security Administration, the Unemployment Insurance Division, the Veterans Administration, and the Workmen's Compensation Board. Similar efforts should extend to initiating interface on a cooperative basis with the roster of city and State employees, as well as large private sector employers, such as banks, utilities, and factories. This voluntary cooperation would represent an important contribution by the Federal government and by private sector employers to the city-wide battle against crime.

Another method to facilitate functioning of the Warrant Office would be to require that its records and those of the court system be fully computerized on a common information retrieval basis. This would enable the Warrant Office to summon the records of its cases through easy access to computer terminals. Presently, the onus for maintaining accurate information about offenders rests with the Warrant Office. Such responsibility should reside with the court system, and when a warrant is issued, should enter that warrant on its computer system. The Warrant Office would then be able to tap into the court's computer system for the information desired.

The Warrant Office should function only to enforce warrants. It need not devote itself to the clerical tasks of entering warrant records on computer or manual information retrieval systems. Presently, one-third of the Warrant Office's personnel is deployed in clerical or data retrieval capacities, which severely limits their enforcement capabilities.

It is essential that the importance of an effective bench warrant enforcement system be recognized. Without it, criminal justice officials are faced with an either or situation when determining punishment. They can either incarcerate or release anti-social individuals. With an

effective system progressive alternatives to imprisonment become viable. The processes of bail, probation, parole, diversion, and detention are enhanced. Tax burdens are also eased by reducing exigencies for massive prison networks.

An effective bench warrant enforcement system also possesses practical applications. It facilitates productive utilization of police personnel in the pursuit of criminals and the prevention of crime. Those individuals sought on bench warrants are people who have violated statutes, been convicted except for those on bail, and violated them again by failing to honor prescribed court punishment. This is a high-risk crime population, as their 32% rearrest record for additional perpetration attests. Their apprehension is perhaps the single most efficacious action that criminal justice systems can take to prevent the spread of that metropolitan malaise, growing crime, and greatly reducing the number of anti-social, high-risk individuals presently at large.

**END**