

# Examining Warrant Arrests in Jefferson County, Kentucky: 2006 to 2019\*

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This report was produced as part of Louisville Metro’s participation in the Research Network for Misdemeanor Justice. The Research Network for Misdemeanor Justice is composed of eight jurisdictions dedicated to 1) studying lower-level enforcement actions (e.g., misdemeanor arrests, citations, stops), which represent the most common interactions between communities and the criminal legal system; 2) informing criminal legal system operations and policies at the local and state levels; and 3) supporting a national discourse, informed by data, on the role of lower-level enforcement in public safety, trust in the criminal legal system, racial justice, and efficient use of finite taxpayer dollars.

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## INTRODUCTION

In recent years, greater attention has been given to low-level enforcement practices across the country. There is growing recognition that arrests for lower-level misdemeanor offenses has an enormous impact on an individual's economic and personal well-being, as well as their communities and larger systems.<sup>1</sup> The Research Network for Misdemeanor Justice (RNMJ), a project of the Data Collaborative for Justice (DCJ), has published research to show how various communities are impacted by the criminal legal system. The studies have examined trends in a wide-range of enforcement practices including felony and misdemeanor arrests, misdemeanor and traffic citations, bench warrant enforcement, and the use of criminal and civil summonses.<sup>2</sup> One report examined Louisville Metro Police Department's enforcement practices from 2009 to 2016, **finding that 92% of all enforcement actions were for non-felony offenses and that 12% of all enforcement actions were arrests for bench warrants, indicating warrant-related arrests account for a significant portion of arrests.**<sup>3</sup>

Given the large volume of warrant enforcement, the RNMJ believes it is critically important to understand how bench warrants are issued in Jefferson County and the impact these warrants have on the operations of the criminal legal system. Bench warrants can stem from traffic violations, low-level misdemeanors, and serious felony offenses. They are issued by the court for administrative reasons, such as failure to appear for a scheduled court date and non-payment of fines and fees. Once issued, Kentucky revised statute 431.005 mandates that if law enforcement learns an individual has an outstanding bench warrant, they are required to make an arrest. In contrast, if an individual is arrested for a fugitive warrant within Jefferson County, that warrant must be issued outside the jurisdiction, either in another county, state, or the federal system. Outstanding bench and fugitive warrants are stored in the Kentucky eWarrant system portal that interfaces across multiple criminal justice databases to ensure records can be tracked and maintained.<sup>4</sup>

### KEY FINDINGS

- Overall Enforcement:
  - The total number of arrests started with 35,389 in 2006, peaked to 40,560 in 2009 and dropped to 27,062; a 24% decline from beginning to end. The largest decline occurred between 2018 and 2019.
  - In 2019, the majority of arrests were for new charges that do not involve a bench or fugitive warrant (59.5%) and 40% involved a warrant. When a warrant was involved, arrests for bench warrants was the most common (19.2%), followed by arrests with new charges and either a bench or a fugitive warrant (16.6%).
- Enforcement by Race:
  - There are notable racial disparities for Black people compared to White people for all arrest types. The racial gaps are slightly narrowing, the Black-to-White arrest ratio for bench warrant only arrests declined from 3.89 in 2006 to 3.34 in 2019. This means that Black people were 3.34 times more likely to be arrested for a bench warrant with no other charges in 2019. Similar patterns hold for other arrest types.
  - For both Black and White people, the highest charge associated with the warrant is a misdemeanor, followed by felony charges and violations. There are also racial disparities in bench warrant only arrests. The Black-to-White ratio for misdemeanors dropped from 3.82 in 2006 to 2.94 in 2019.
- The report also analyzed the number of bench warrant charges that were cleared by arrest. In 2006, there were 10,331 bench warrants cleared, peaking at 20,339 bench warrant charges cleared by arrest in 2013. There was a general decline in charges cleared by arrest between 2013-2017 before a second peak in 2018 at 19,509 charges cleared by arrest, before reaching 16,105 in 2019. Overall, there was a 56% increase in bench warrant charges cleared by arrest between 2006-2019.

Having a warrant means that an arrest is imminent and can have a significant impact on the individual and operations of the criminal legal system. Violations that could have only been cited by police and would carry no jail time escalate into arrest and incarceration due to bench warrants for noncompliance or failure to appear in

court. In 2017, there were over 46,000 bench warrants issued in Jefferson County resulting in a high volume of arrests, jail admissions, and subsequent hearings.<sup>5</sup>

## POLICY CONTEXT

Warrants have been a focal issue in Jefferson County criminal justice policy discussions for several years. The Louisville Metro Criminal Justice Commission’s Jail Policy Committee (JPC) provides a neutral forum for system stakeholders to meet on a regular basis to discuss issues related to the jail population. The committee is charged with using data to manage the jail population; analyze trends and identify points of intervention; recommend changes in policy and practice to promote effective jail population management; and oversee the implementation of those recommendations. The JPC has held numerous meetings to create changes in practices and policies in an effort to reduce the number of bench warrants issued and their associated consequences.

Recent efforts to reduce the number of bench warrants include:

- August 2017, the General Term of the Jefferson District Court adopted the Bench Warrant Administrative Release Protocol authorized in the Kentucky Supreme Court Non-Financial Schedule of Bail which allows for the administrative release of individuals arrested for bench warrants and charged with certain non-violent, non-sexual offenses.
- May 2018, Pretrial Services implemented a Court Notification System using text messages to remind individuals of upcoming court dates with the intention of increasing appearance rates across the state.<sup>6</sup>
- November 2018, The Jefferson County Attorney’s Office in partnership with the Office of the Circuit Clerk reviewed and purged 2,202 traffic warrants.
- April 2019, support by the Louisville Metro Jail Policy Committee for providing law enforcement with the discretion to cite and release for low-level bench warrants, instead of the current mandatory arrest requirements.

As a whole, criminal justice stakeholders have interest in understanding the analysis of warrant-related enforcement data in order to develop best practices and policies, where needed. The following report provides a benchmark to understand warrant-related enforcement in Jefferson County, Kentucky from 2006 to 2019.

### Definitions:

- **New Charge, No Bench or Fugitive Warrant:** Arrests in which all charges are associated with a new charge, no bench or fugitive warrants.
- **New Charge and a Bench or Fugitive Warrant:** Arrests in which charges are associated with at a minimum one new complaint and a bench or fugitive warrant.
- **Bench Warrant Only:** Arrests in which all charges are attached to bench warrants.
- **Fugitive Warrant Only:** Arrests in which all charges are attached to fugitive warrants.
- **Bench and Fugitive Warrant Only:** Arrests in which all charges are attached to a bench warrant or a fugitive warrant and there is at least one warrant of each type.
- **Other:** Arrests that do not fit into the above categories, which may include parole violation warrants or commissioner warrants.

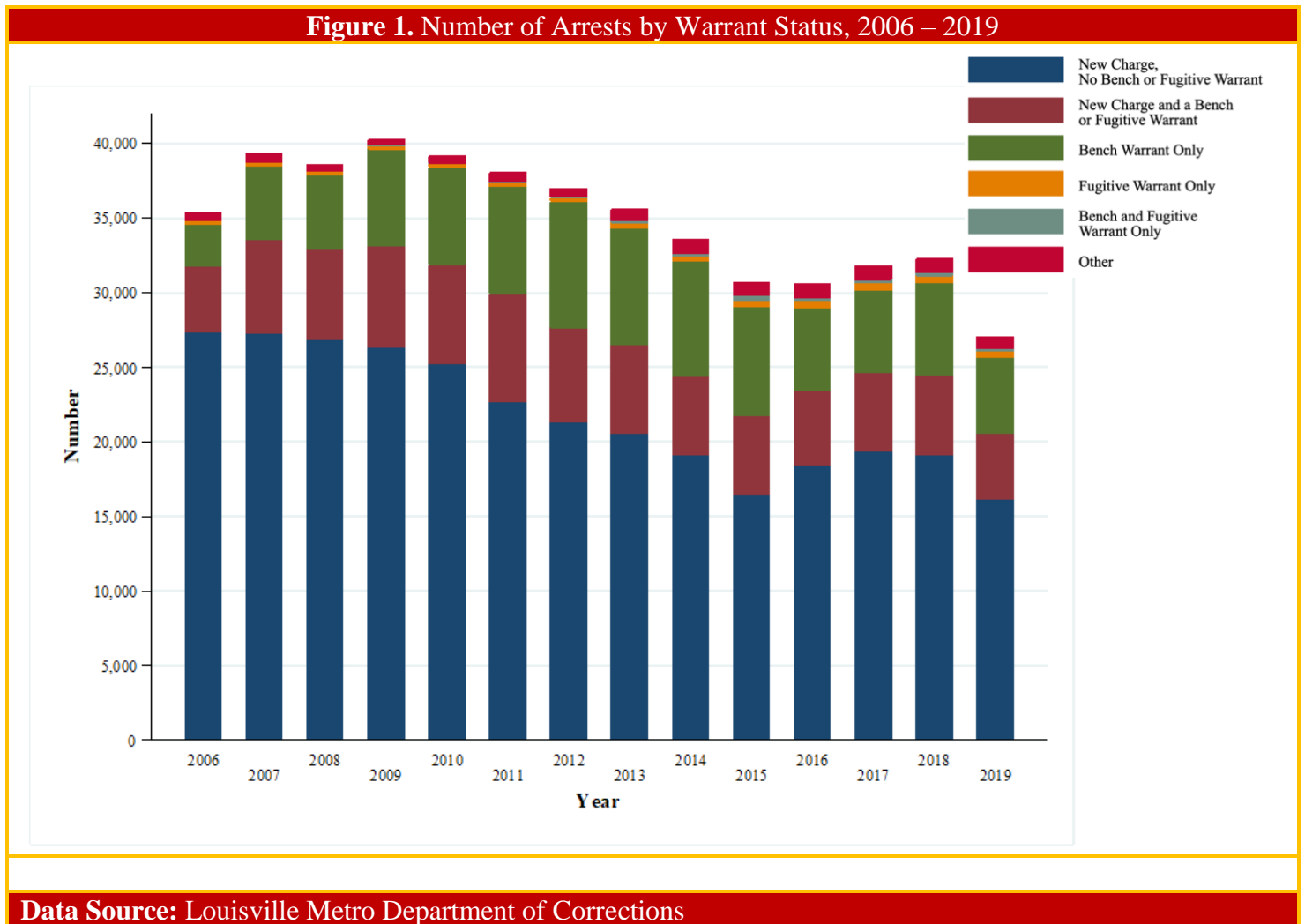
## DATA AND DEFINITIONS

The report uses data from Louisville Metro Department of Corrections which includes data on all arrests in Jefferson County.<sup>7</sup> The data presented in this report include only instances where a person is booked into jail on new charges and does not include those individuals who were booked in jail for the purposes of serving a sentence. Therefore, these totals do not reflect the number of annual bookings, but the number of arrests. Using

jail data to examine warrants is advantageous as it captures activity from all law enforcement agencies in Jefferson County and does not require collecting arrest data from each individual agency. Further, since Kentucky law requires a peace officer to arrest someone when a bench warrant is discovered, we can be confident the jail data contains all warrant related arrests in Jefferson County.

### ARREST TRENDS BY WARRANT STATUS

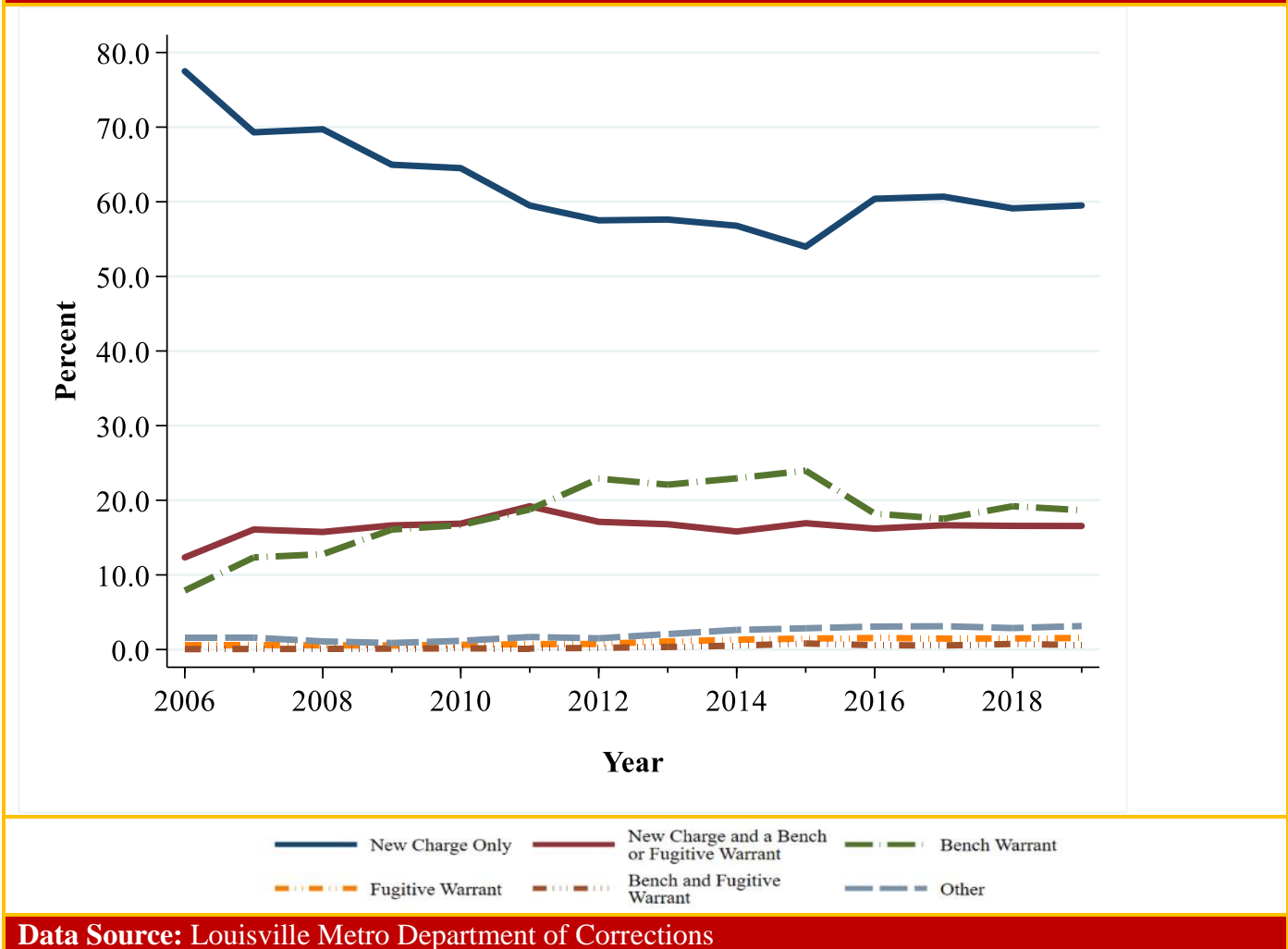
**Figure 1** illustrates the total number of arrests in Jefferson County from 2006 to 2019 by type of arrest (new charges with no bench or fugitive warrant, new charges and a bench or fugitive warrant, bench warrants only, fugitive warrants only, bench and fugitive warrants only, and other). The **total number of arrests started at 35,389 arrests in 2006, peaked to 40,560 in 2009 before declining to a low of 27,062 in 2019.** This represents a **24% decline from beginning to end and 33% from peak to end.** The greatest one-year decline occurred between 2018 and 2019, when the total number of arrests dropped from 32,282 to 27,062 arrests, a 17% reduction. Prior to the recent reduction, there was a general decline in arrests between 2009 and 2016.



**Figure 2** displays the same data as percent of arrests by warrant status. Arrests involving new charges only account for the greatest percentage of arrests in starting at 78% in 2006, dropping to a low of 54% in 2015 and ending at 60% in 2019. The percentage of other types of arrests fluctuated, but there are several notable patterns. The percentage of arrests for bench warrant only increased from 2006 (8%) until 2015 (24%), before

declining to 19% in 2019. Arrests involving new charges and a bench warrant or a fugitive warrant accounted for between 12% (2006) and 19% (2011) of all arrests, with a general decline since 2011. Fugitive warrant arrests made up a considerably lower percentage of arrests, accounting for less than 1 percent in 2006 and 1.5% in 2019. Similarly, the number of arrests including bench and fugitive warrants accounted for less than 1 percent of all arrests across the time frame. **Collectively, bench or fugitive warrants (either with a new charge or on their own) accounted significant portion of arrests ranging from 21% in 2006 and 43% in 2015.** In 2019, warrants accounted for 37% all arrests.

**Figure 2. Percent of Arrests by Warrant Status, 2006 – 2019**



**Data Source:** Louisville Metro Department of Corrections

**Key Findings:**

- The total number of arrests declined by 24% from 2006 to 2019. The most arrests were made in 2009 (40,560) and fewest in 2019 (27,062). The largest decline occurred between 2018 and 2019.
- The majority of arrests are for new charges that do not involve a bench or fugitive warrant (54% to 78%), followed by arrests for bench warrants only (8% to 24%) and arrests for bench warrants and new charges (12% to 19%).
- The percentage of arrests involving bench warrants only have declined since 2015 (24% to 19%) and arrests for bench warrants and new charges have declined since 2011 (19% to 15%).

## ARRESTS BY WARRANT STATUS AND RACE

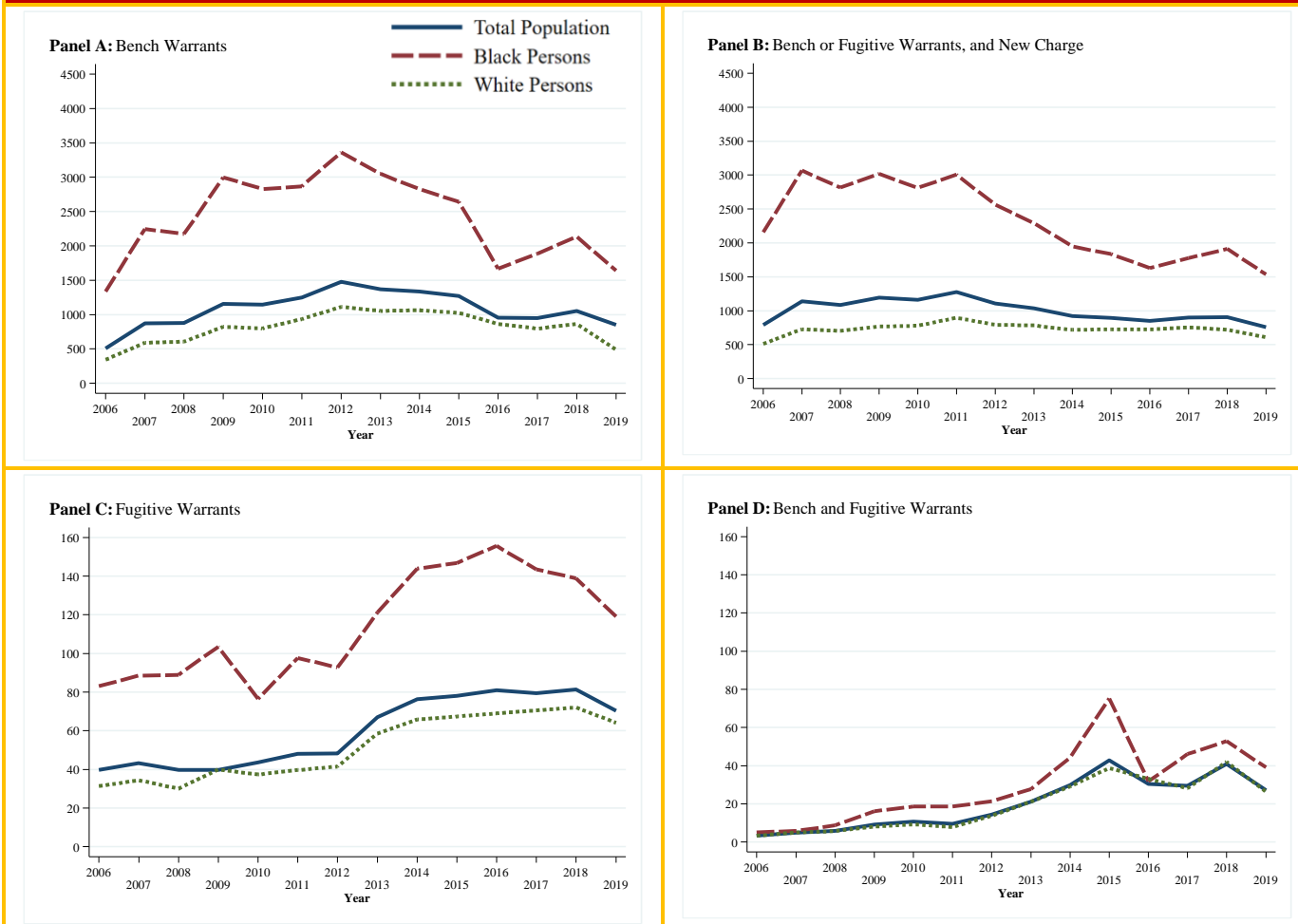
Figure 3 contains four graphs that display arrest per 100,000 residents over the age of 18 by warrant status and race. These rates are provided for the total population and separately for Black people and White people. Given the report's focus on warrants, we examine four types of arrests: bench warrants only, fugitive warrants only; bench and fugitive warrants only (no other charges) and bench or fugitive warrants, with a new charge. Here we exclude new charges not tied to a bench or fugitive warrant and the other category. The ratio of arrests of Black people to White people by arrest type are presented in Table 1.

After taking the population into account, results are similar to Figure 1, **arrests for bench warrant only, fugitive warrant only, and a bench or fugitive warrant with a new charge show a general decline in recent years.** Bench and fugitive warrants are generally increasing until a decrease in 2018 and 2019, albeit these rates are quite low. **Even with the recent declines, arrests were higher in 2019 than in 2006 for bench warrant only, fugitive warrants only, and bench and fugitive warrants only and were comparable for bench and fugitive warrants with a new charge.**

Figure 3, Panel A examines arrests in which all charges are related to a bench warrant(s) only, the overall rate increased from 500 per 100,000 residents in 2006 to almost 1,500 in 2012 before declining to 850 in 2019. **Across the study period, the bench warrant only arrest rate was higher for Black people compared to White people.** Rates for Black and White people were the lowest in 2006 and peaked in 2012 for both groups. Following 2012, for White people, the bench warrant arrest rate declined until 2018 before a slight uptick in 2019. For Black people, the bench warrant arrest rate decreased sharply until 2016 before increasing for two years during 2017 and 2018 and declining again in 2019. From the 2012 peak to 2019, there was a 51% decline in bench warrant arrests for Black people and a 54% decline for White people. From beginning (2006) to end (2019), there was a 23% increase for Black people and 44% increase for White people.

The Black-to-White arrest rate ratio for bench warrants only was 3.89 in 2006 which means Black people were 3.89 times more likely to be arrested only for a bench warrant compared to one White person. In 2017, the ratio reached its smallest gap at 1.94. However, by 2019, the racial disparity widened again to 3.34. **Taking the entire study period into account, the Black to White arrests for bench warrant only gap narrowed only slightly from 3.89 to 3.34.**

Figure 3. Total and By Race: Rate of Arrests by Warrant Status, 2006 - 2019



**Key Findings:**

- Bench warrant related arrests (bench warrant only arrests and arrests for new charges with a bench or fugitive warrant) account for the highest arrest rates for both Black people and White people.
- Racial disparities across the four arrests types have declined over time; however, Black people are also arrested at higher rates across the four arrest types.

**Data Sources:** LMDC and Census Bureau for Population Counts.

Figure 3, Panel B provides trends in arrests that have at least one new charge and at least one bench warrant or fugitive warrant. The overall rate increased from 4,368 per 100,000 in 2006 to a peak of 4,906 in 2007, followed by a general decline to 2,719 in 2019. **The rate of arrests for Black people was significantly higher than that observed for White people.** The rate of arrests for new charges combined with bench or fugitive warrants for Black people peaked in 2007 followed by a general decline until 2018, before reaching a low in 2019. For White people, the arrest rate increased from 2006 to 2011, where it reached its peak before declining until 2019. **Arrests for Black people that involved both new charges and bench or fugitive warrants decreased by 50% from the peak in 2007 to 2019, while the arrest rate for White people decreased 32% from the peak in 2011 to 2019.**



Compared to the other types of arrests in Figure 3, the race differences were greatest for arrests involving new charges and a bench or fugitive warrant. In 2006, the rate ratio was at its maximum (4.29:1), while the minimum (2.29:1) occurred in 2016. As was the case with other arrest types, the race gap increased at the end of the study period, reaching 2.58:1 in 2019. **Taking the entire study period into account, the Black to White new charges and a bench or fugitive warrant arrest gap narrowed from 4.29 to 2.58.**

Figure 3, Panel C examines arrests in which all charges are related to a fugitive warrant(s) only, the overall rate increased from 219 per 100,000 residents in 2006 to 480 in 2018, before declining to 417 in 2019. For the full group and for both Black and White people, the arrest rates for fugitive warrants only were considerably lower than observed for bench warrants only arrests. In 2006, the Black arrest rate for fugitive warrants was 83 per 100,000, peaked in 2016 to 156, then declined to 119 in 2019. **From 2006 to 2019, the arrest rate for fugitive warrant only for Black people increased by 43%.** The trends for White people followed a similar pattern, where the lowest fugitive warrant arrests rate was 30 per 100,000 in 2008 and generally increased until a peak of 72 in 2018, before a slight decline in 2019 (64). **From 2006 to 2019, the arrest rate for fugitive warrant(s) only increased by 106% for White people,** although the overall rates were much lower for Black people compared to White people.

The Black-to-White arrest rate ratio for fugitive warrants only was lower than that observed for bench warrant only arrests. In 2006, the rate ratio was 2.65 Black arrests for a fugitive warrant only for every White person. This declined to 1.86 in 2019. **Taking the entire study period into account, the Black to White fugitive warrant only gap narrowed from 2.65 to 1.86.**

Trends in arrests that included a combination of bench warrants and fugitive warrants only are displayed in Figure 3, Panel D. The overall rate increased from 3 per 100,000 to 43 in 2015, before declining to 27 in 2019. For the full group and for Black people and White people, bench warrants and fugitive warrant only arrests were the lowest form of arrest across the study. For Black people and White people, bench warrant and fugitive warrant arrest rates increased across the time period, with a high peak in 2015. **The percentage change in arrest rates are quite large for Black people (680%) and for White people (767%), but the raw numbers show an increase from five arrests to 44 arrests for Black people and an increase from 14 to 115 for White people.** Therefore, the increases should be viewed cautiously, as fugitive and bench warrant arrests account for the lowest number of arrests.

There were race differences in arrest rates in 2006, where the ratio of Black-to-White arrests was 1.5 in 2006. However, by 2016 the ratio was 0.96 meaning that White people were more likely to be arrested than Black people for a fugitive and bench warrant. In 2019, the ratio was 1.48. **Taking the entire study period into account, the Black to White bench warrant and fugitive warrant only arrest gap remained at 1.5.**



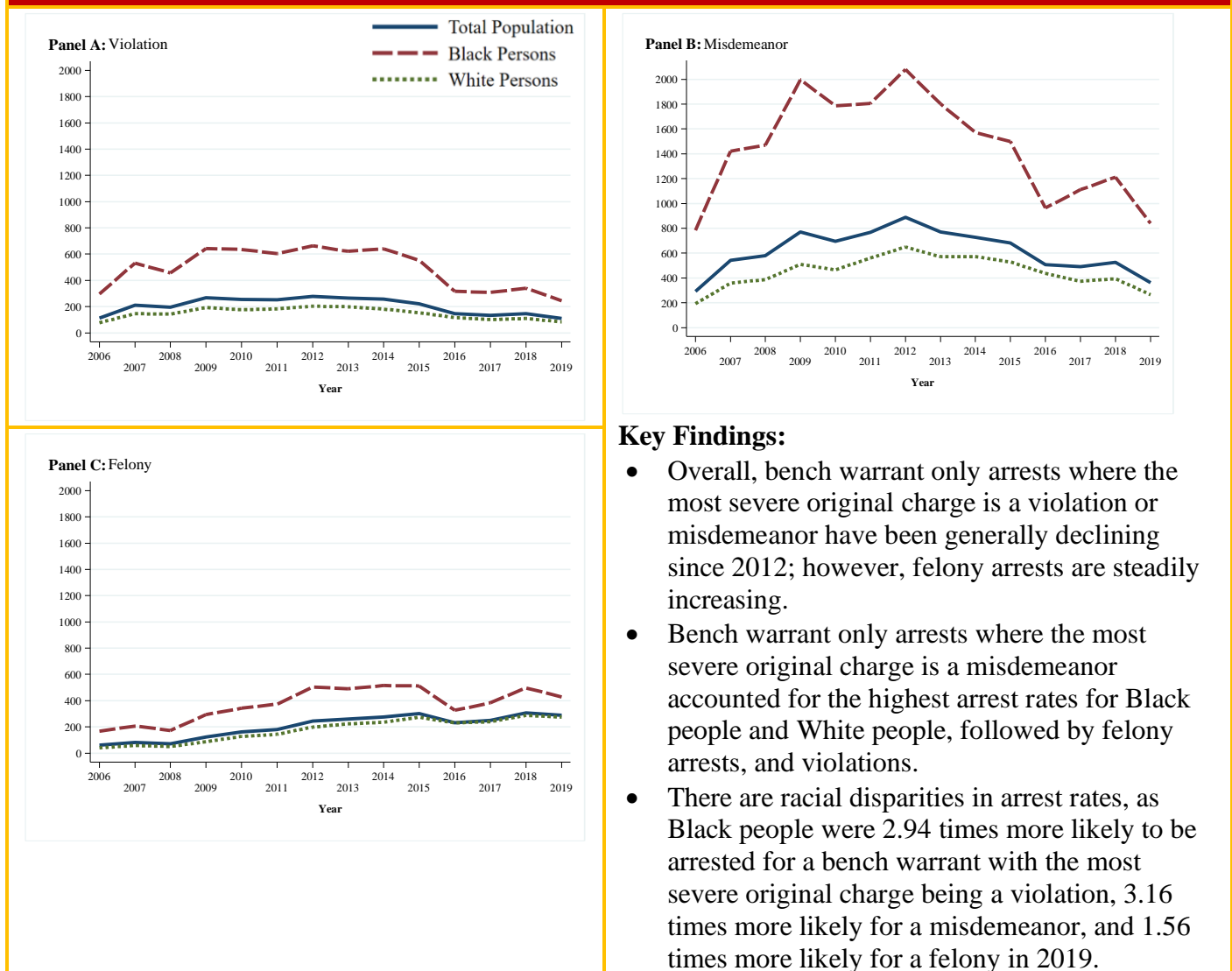
## ARRESTS BY WARRANT STATUS AND MOST SEVERE CHARGE LEVEL

The previous figure examined arrests broadly, looking at general patterns of arrests and racial disparities. The following figures provide more detail on two types of arrests: bench warrant only arrests and arrests with new charges and a bench warrant(s). Specifically, these figures examine trends for arrests in which the most severe charge was a violation, misdemeanor, or felony offense linked to the original charge that resulted in a bench warrant. We display rates for Black people, White people, and the total population. Table 1 provides the ratios of arrests of Black people to White people by arrest type and high charge type.

Our data does not provide information on what charges are associated with fugitive warrants, therefore we cannot examine arrests for new charges with bench or fugitive warrants or fugitive warrants only.

### BENCH WARRANT ONLY ARRESTS BY MOST SEVERE CHARGE LEVEL

**Figure 4. Rate of Bench Warrant Only Arrests by Race and Most Severe Charge, 2006-2019**



**Data Sources:** LMDC for Arrest Data and Census Bureau for Population Counts.

Figure 4, Panel A examines arrests in which the person was arrested for a bench warrant only and the most severe charge attached to the bench warrant was a violation. The overall rate 100,000 residents increased from 113 100,000 to 279 in 2012, before declining to 109 in 2019. In 2006, Black people experienced an increased in arrest rate from 2006 to 2012, followed by a general decline to 2019. **Across the years, there was a 17% decrease in bench warrant arrests where a violation was most severe charge for Black people.** For White people, the arrest rate for bench warrants only where the most severe charge was a violation increased from 2006 to 2012 before declining from 2013 to 2019. **Overall for White people, there was an 8% increase in bench warrant only where a violation was the highest associated charge.**

The ratio of Black-to-White violation bench warrant arrests started at 3.82:1 in 2006 and dropped to 2.94:1 in 2019, **indicating the race gap narrowed for arrests for bench warrant only where a violation was the most severe charge.**

Panel B shows the rate for bench warrant only arrests, with a misdemeanor being the most severe original charge. The overall rate increased from 291 per 100,000 residents to 888 in 2012 before declining to 361 in 2019. Between 2006 and 2012, the bench warrant only with misdemeanor charge rate increased followed by a general decline until 2019. For White people the arrest for bench warrant only with misdemeanor as the most severe charge increased from 2006 to 2012. Following 2012, there was a steady decrease until 2016 followed by a two year increase. **From 2006 to 2019, there was a 7% increase in bench warrant only arrests with a misdemeanor as the most severe charge for Black people and a 38% increase for White people.**

For misdemeanor bench warrant arrests the ratio began at 4.08:1 in 2006, reaching a minimum of 2.2:1 in 2016, before increasing to 3.16:1 in 2019. **Taking the entire study period into account, the Black to White gap narrowed from 4.08 to 3.16 for bench warrants only arrests where the most severe original charge was a misdemeanor.**

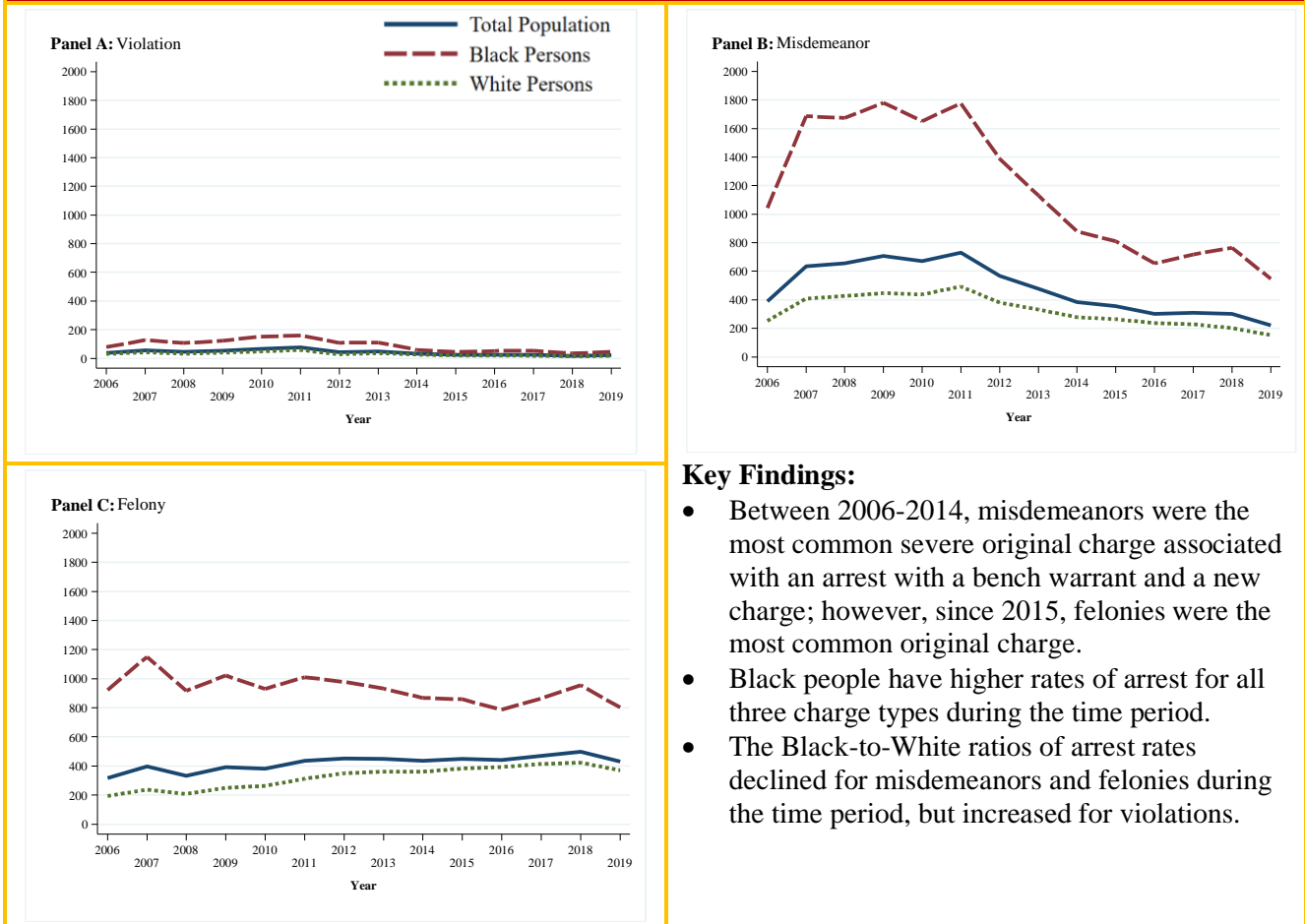
Finally, Panel C shows the rate of bench warrant arrests with a felony offense. The overall rate at 61 per 100,000 residents and increased to 306 in 2018 before declining to 287 in 2019. For Black people the rate steadily increased from 2006 to 2015, followed by a two year decrease before peaking in 2018. There was a similar pattern for White people, although the rates were lower compared to Black people. **During the time period there was a 367% increase for Black people and a 575% increase for White people where there was an arrest for bench warrants only and the original most severe charge was a felony.**

For felony bench warrant arrests the ratio was 4.11:1 in 2006 and dropped to 1.42:1 in 2019, indicating that Black people were 1.42 more likely to be arrested for a bench warrant where the highest charge was a felony compared to White people (see Table 1). **Taking the entire study period into account, the Black to White gap narrowed from 4.11 to 1.42 for bench warrants arrests linked to a felony charge.**

## **NEW CHARGE AND BENCH WARRANT ARRESTS BY MOST SEVERE CHARGE LEVEL**

Figure 5, Panel A shows the rate for arrests bench warrant and a new charge where the original most severe charge attached to the bench warrants was a violation. For Black people, the rate increased from 2006 to 2011 before declining until 2019. **For Black people there was a 42% decrease in arrests for new charges and a bench warrant where the original most severe charge for the bench warrant was a violation.** White people experienced a similar trend; however, at lower rates. **Between 2006 and 2019 there was an 47% decrease in arrests involving new charges and a bench warrant where the most severe offense was a violation for White people.**

**Figure 5. Rate of Bench Warrant and New Charge Arrests by Race and Most Severe Charge Level, 2006 – 2019**



**Key Findings:**

- Between 2006-2014, misdemeanors were the most common severe original charge associated with an arrest with a bench warrant and a new charge; however, since 2015, felonies were the most common original charge.
- Black people have higher rates of arrest for all three charge types during the time period.
- The Black-to-White ratios of arrest rates declined for misdemeanors and felonies during the time period, but increased for violations.

**Data Sources:** LMDC for Arrest Data and Census Bureau for Population Counts.

Panel B shows the trends for arrests where a misdemeanor was the most severe offense and the arrest included a bench warrant and a new charge. **For Black people, this arrest rate increased between 2006 and 2009, before a subsequent decline until 2019, a 48% decline from 2006 to 2019.** For White people, the arrest rate was lower compared to Black people but followed a similar pattern, peaking in 2011. **For White people, there was a 40% decline in arrests between 2006 and 2019.**

Panel C shows the trends for arrests where a felony was the severe original offense and the arrest included a bench warrant and a new charge. **For Black people the arrest rate peaked in 2008 before a general decline until 2019, an overall 13% decrease.** For White people, the arrest rate peaked in 2018 and between 2006 and 2019 there was a 91% increase.

Table 1. The Black to White Ratios of Arrest By High Charge Type and Warrant Status, 2006 2016 & 2019		2006	2016	2019
Total	Bench Warrant Only	3.89	1.94	3.34
	Fugitive Warrant Only	2.65	2.26	1.86
	Bench and Fugitive Warrant	1.50	0.96	1.48
	New Charge and Bench Warrant	4.29	2.29	2.58
Violation	Bench Warrant Only	3.82	2.71	2.94
	New Charge and Bench Warrant	2.55	2.54	2.75
Misdemeanor	Bench Warrant Only	4.08	2.21	3.16
	New Charge and Bench Warrant	4.13	2.76	2.00
Felony	Bench Warrant Only	4.11	1.42	1.56
	New Charge and Bench Warrant	4.76	2.00	2.17

**Data Sources:** LMDC for Arrest Data and Census Bureau for Population Counts.

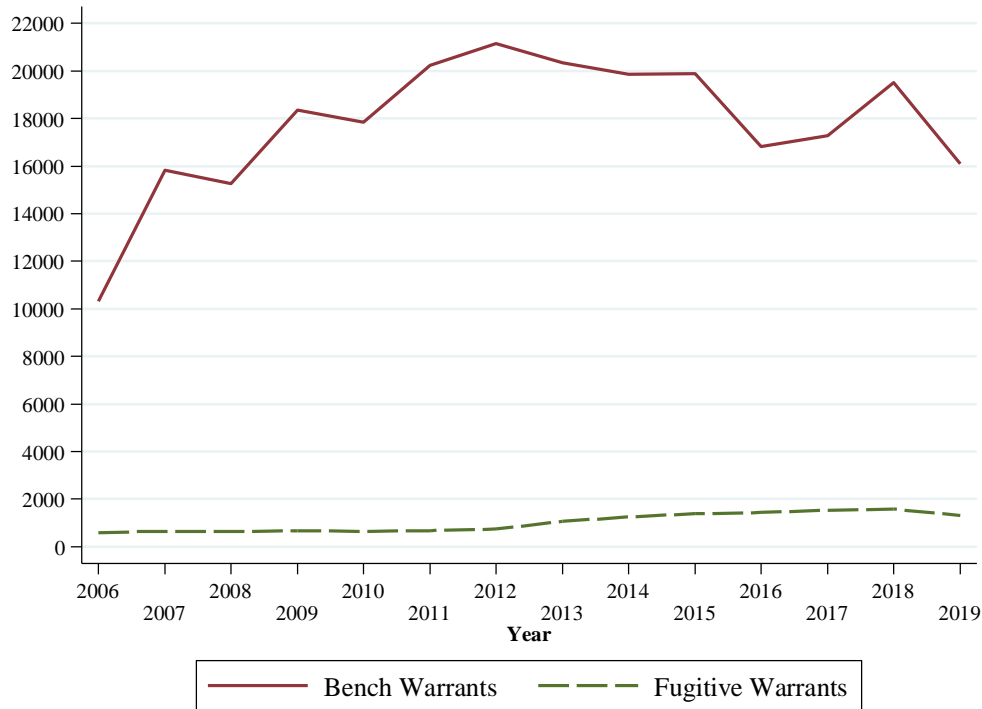
The difference in the Black-to-White ratio for the arrests rate for bench warrants with a new charge where the original most severe charge was a misdemeanor and felony narrowed over time. In 2006, the ratio for arrests where a misdemeanor was the severe charge was 4.13:1 and declined to a ratio of 3.59 in 2019. For felonies, the ratio was 4.76 in 2006 but declined to 2.17 in 2019. **However, the ratio for violations increased during the time frame**, with a ratio of 2.55:1 in 2006 and increased to 2.75:1 in 2019 indicating that Black people were 2.75 more likely to be arrested for a new offense and a bench warrant, where the most severe original charge was a violation.

### THE NUMBER AND RATE OF BENCH AND FUGITIVE WARRANT CHARGES

A single arrest could involve multiple bench warrants, thus it is important to analyze the number of bench warrants cleared by an arrest. Therefore, the following focuses on the number of bench warrants cleared rather than warrant-related arrests (above) during the study period.

Figure 6 shows how many bench warrant and fugitive warrant charges were cleared via an arrest and subsequent booking into LMDC between 2006-2019. **Over the study period, there were 248,792 total bench warrants cleared and an additional 14,216 fugitive warrants cleared.** In 2006, there were 10,331 bench warrant charges cleared, peaking at 21,142 bench warrant cleared in 2012 and 16,105 cleared in 2019. **Overall, there was a 56% increase in bench warrant charges cleared between 2006-2019.** The number of fugitive warrants charges cleared were considerably lower than bench warrants. The number of fugitive warrant charges cleared started at 598 in 2006 and began a gradual increase reaching a peak of 1,586 in 2018, before declining to 1,314 in 2019. **As a whole there was a 120% increase in the number of fugitive warrant charges cleared.**

**Figure 6. Number of Bench Warrants and Fugitive Warrants Cleared by Arrest, 2006 – 2019**



**Data Source:** LMDC for Arrest Data.

Figure 7 provides the rate of bench warrants charges cleared by arrests by race. The rate of bench warrant charges cleared for Black people generally increased between 2006 and 2013 before a decline until 2016, a two year increase, and a decline in 2019. Between 2006 and 2019 there was a slight 3% increase in the number of charges cleared; however, there was an 66% difference between the low (2016) and high (2012) years. For White people, the rate of bench warrant charges cleared arrest increased between 2006 and 2012, before an overall decline until 2019. From 2006 to 2019 there was an 87% increase in the number of bench warrant charges cleared for White people.

Figure 7 does indicate racial disparities in the number of bench warrant charges cleared. The Black-to-White ratio peaked at 4.22:1 in 2006 and generally declined, reaching a low of 1.92:1 in 2016 before increasing to 2.33:1 in 2019. **Taking the entire study period into account, the Black to White gap narrowed from 4.22 to 2.33.**

**Figure 7. Rate of Bench Warrant Charges Cleared by Race 2006 – 2019**



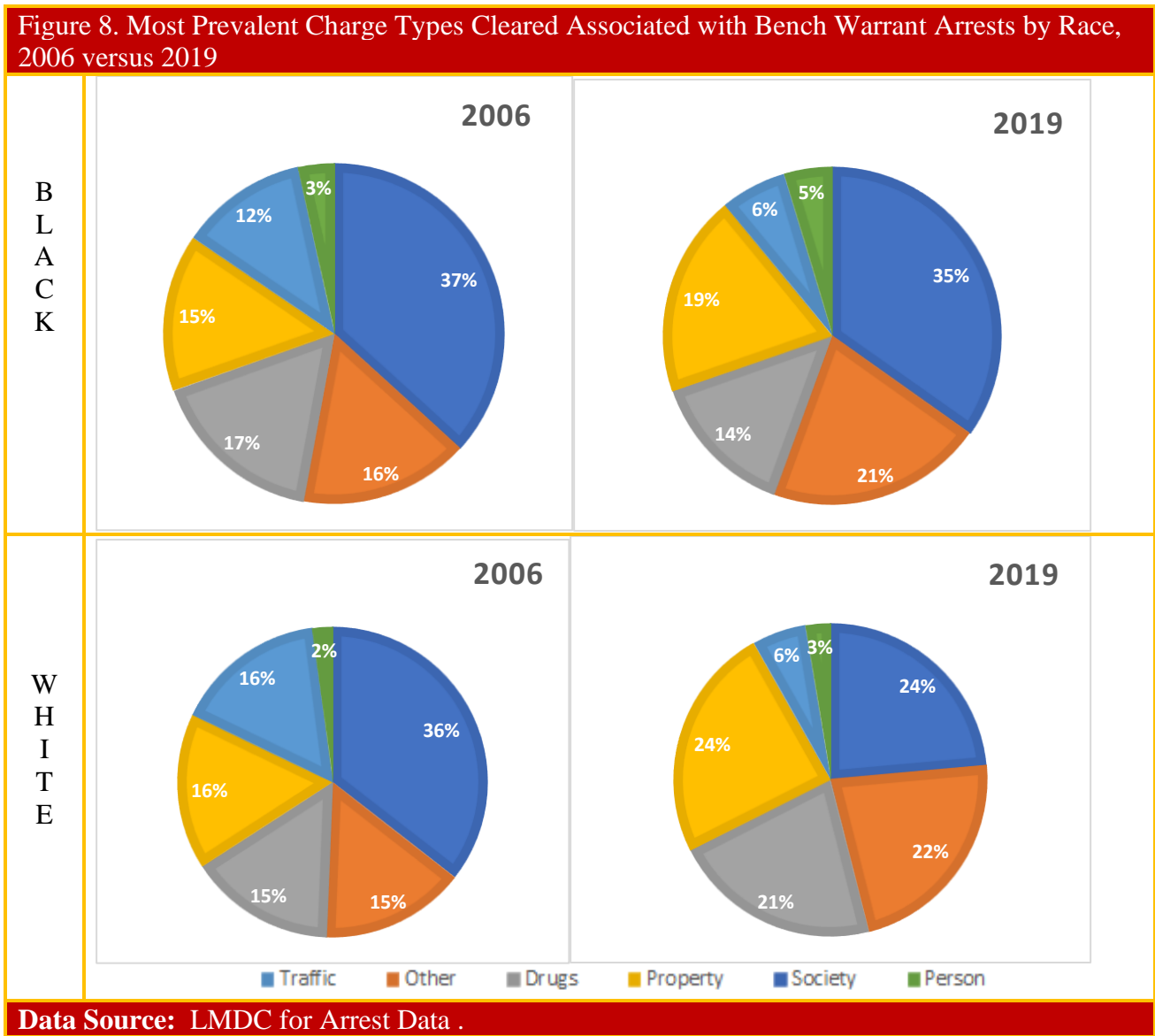
**Data Sources:** LMDC for Arrest Data and Census Bureau for Population Counts.

As noted above, a single arrest can involve multiple bench warrant charges. Using data from Figures 2 and 7, the average number of bench warrant charges present in a bench warrant-related arrest was calculated. In 2019, for Black people there were 3,462 bench warrant-related arrests and 5,962 bench warrant charges cleared via these arrests which equates to an average of 1.7 bench warrants cleared per arrest. For White people, there were 4,621 bench warrant arrests and 9,921 charges cleared via these arrests, or an average of 2.14 warrants cleared per arrest.

In addition to examining the most severe charge linked to a bench warrant arrest, we also analyzed the type of offenses associated with bench warrant arrests. Figure 8 and Table 2 provides additional information on the most common charges cleared with a bench warrants arrests for two time points, 2006 and 2019. The charge types were categorized using a modified version of the FBI’s National Incident Based Reporting System (NIBRS) categorization scheme. NIBRS classifies crimes as crimes against persons, property, or society. These categories were maintained to generally include crimes against persons, property, and society. However, a separate category was created for drugs (normally classified as crimes against society), traffic (not included in NIBRS classification), and other (any offense NIBRS codes as 90Z and includes probation violations).<sup>8</sup>

Figure 8 shows the most prevalent charges cleared with bench warrant arrests by race. Overall, the most common charge associated with a bench warrant was “other,” regardless of race. For Black people, in 2006, 37% of all charges were classified as “other.” In 2006, crimes against property was the second highest charge type at 17%, followed by crimes against society (16%), and crimes against persons (15%). In 2019, crimes against society (19%) was the second highest offense type cleared, however, crimes against person (19%) became the third highest group. The primary change in charge types for Black people, involved traffic offenses, which dropped from 12% in 2006 to 6% in 2019. Figure 8 shows a similar pattern for White people. The most

common charge types cleared for bench warrant arrests are in the “other” category in 2006 (36%), followed by traffic and crimes against persons at 16% and crimes against property and crimes against society at 15%. In 2019, “other” remained the highest charge type along with crimes against persons both at 24%. Crimes against property (21%), crimes against society (22%) saw increases, while traffic violations decreased by 10%.



To further examine the types of charges cleared that were associated with bench warrant arrests, Table 2 provides the five most common charges in 2006 and 2019 for Black people and White people. In 2006, the most common charge for Black people was a misdemeanor probation violation followed by no vehicle insurance, no operators license, possession of drug paraphernalia, and possession of marijuana. In 2019, a similar pattern emerged, with misdemeanor probation violation remaining as the most common charge. Possession of drug paraphernalia moved up to the second most common charge and no registration replaced no vehicle insurance. In 2006, the most common charges for White people was no vehicle insurance, probation violation, no operators license, possession of marijuana, and drug paraphernalia. In 2019, there were several changes for White people. Probation violation became the most common charge followed by drug paraphernalia. Possession of methamphetamine replaced possession of marijuana and no registration replaced no operators license.



**Table 2. Most Prevalent Charges Associated with Bench Warrant Charges Cleared by Race, 2006 versus 2019**

Involving Black people		Involving White people	
<b>2006</b>	<b>Frequency</b>	<b>2006</b>	<b>Frequency</b>
Probation violation (misd)	462	No vehicle insurance	481
No vehicle insurance	445	Probation violation (misd)	476
No operators license	376	No operators license	401
Drug paraphernalia	336	Poss of marijuana	323
Poss of marijuana	280	Drug paraphernalia	269
<b>2019</b>		<b>2019</b>	
Probation violation (misd)	997	Probation violation (misd)	1,857
Drug paraphernalia	705	Drug paraphernalia	864
No registration plates	588	No vehicle insurance	788
No operators license	513	Poss of methamphetamine	665
Possession of marijuana	379	No registration plates	662

**Data Source:** LMDC for Arrest Data.

## CONCLUSION

The purpose of this brief was to explore arrests for bench and fugitive warrants in Jefferson County, Kentucky and to provide a benchmark for policymakers working on these issues. The report finds total arrests have declined by 24% from 2006 to 2019, and in 2019 approximately 40% of all arrests involve at least one bench or fugitive warrant charge, indicating warrants play a prominent role in arrests and bookings into jail. In 2019, 19% of arrests were for a bench warrant only and no new charges and 15% of arrests were for a new charge and a bench warrant. In 2019, across all bench warrant-related arrests, there were 16,105 bench warrant charges cleared. The study also found racial disparities between Black people and White people across all arrest types and the number of warrant-related charges cleared. There are notable racial disparities for Black people compared to White people for all arrest types, although the racial gaps are generally narrowing. For instance, the Black-to-white arrest ratio for bench warrant only arrests declined from 3.89 in 2006 to a low of 1.94 in 2016. However, the disparity has increased to 3.34 in 2019, which means in 2019 Black people were 3.34 times more likely to be arrested for a bench warrant only. Similar patterns emerge for other arrest types and when examining arrests by highest charges.

### Outstanding Research Questions

- What is the average time lapse between a warrants issuance and enforcement?
- How would a statutory change to allow police officers to cite in lieu of arrest for bench warrants impact, enforcement, appearance rates, jail admissions, and racial disparities?
- Are sending court notification text messages effective in reducing the number of bench warrants issued?
- How does bench warrant enforcement influence pretrial decision-making, jail populations, and length of stay?
- What social factors predict an individual’s failure to appear and failure to comply with court orders?

As a whole this report shows that despite a declining arrest rate in Jefferson County, bench warrants continue to play a prominent role in arrests and subsequently jail bookings. Bench warrants are often overlooked in broader discussions of police enforcement practices. Yet, examining warrants from an enforcement perspective captures only a partial picture. Bench warrants derive from court processes and law enforcement are required to arrest for

bench warrants, thus changes to bench warrant enforcement practices may require changes to statutory arrest requirements and/or court issuance practices. For instance, the Chief Justice of the Kentucky State Supreme Court has ordered judges to issue summonses or notices to appear in lieu of bench warrants during the COVID-19 pandemic,<sup>9</sup> offering an opportunity to study how alternative policies shape appearance rates. Thus, the report offers a starting point for continuing discussions on how bench warrant and fugitive warrants impact criminal justice system processes, the treatment of individuals with warrants, and warrant issuance in practice. As with any examination, more research is needed to continue to advance discussions, evaluate current policies, and develop new practices.

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<sup>1</sup> See Glazener, E.M., Kozlowski, M.M., Lynch, J.P., & Smith, J.S. (2020). Understanding misdemeanor enforcement: The role of calls for service and community characteristics. *Journal of Community Psychology*, 48(1), 13-35 and Shuck, A.M. (2019). Examining the community consequences of arrests for low-level criminal activity. *Journal of Community Psychology*, 48(1), 86-103.

<sup>2</sup> See the Data Collaborative for Justice at John Jay College for several reports analyzing misdemeanor and low-level enforcement. <https://datacollaborativeforjustice.org/work/communities/>

<sup>3</sup> See Schaefer, B.P., Hughes, T.W., & Jude, D. (2018). *Tracking enforcement rates in Louisville, 2009-2016*. Reprint presented to the Metro Criminal Justice Commission. Louisville, KY.

<sup>4</sup> The Kentucky eWarrant system pilot was launched in January 2008 in one pilot county and was in all 120 counties by 2012. Warrants processed through the eWarrant system are accessible by all of Kentucky's law enforcement agencies. The Kentucky eWarrant system interfaces with the statewide court case management system, the Kentucky Open Portal Solution system (a law enforcement information database similar to the Ohio Law Enforcement Gateway), a national database for incarceration records, the Kentucky system for entering information into NCIC, and the Kentucky Department of Corrections. This interface helps audit and serve warrants that are active in the eWarrant system.

<sup>5</sup> See the Jail Policy Committee meeting minutes where the number of issue bench warrants were discussed. [https://louisvilleky.gov/sites/default/files/criminal\\_justice\\_commission/jail\\_policy/12-4-18\\_jail\\_policy\\_summary.pdf](https://louisvilleky.gov/sites/default/files/criminal_justice_commission/jail_policy/12-4-18_jail_policy_summary.pdf)

<sup>6</sup> See the Jail Policy Committee meeting minutes where the Court Notification System was discussed in efforts to increase court appearance rates. See [https://louisvilleky.gov/sites/default/files/criminal\\_justice\\_commission/jail\\_policy/3-27-18\\_jail\\_policy\\_summary.pdf](https://louisvilleky.gov/sites/default/files/criminal_justice_commission/jail_policy/3-27-18_jail_policy_summary.pdf)

<sup>7</sup> The data used in this analyses only includes arrest data from LMDC. Persons booked into jail in order to serve a sentence or inmate transfer were not included in the analyses, as these were not new arrests.

<sup>8</sup> NIBRS code 90Z is listed as a crimes against person, property, or society which is a catch all group. This category includes local violations that often transcend multiple crime types.

<sup>9</sup> See [https://kycourts.gov/courts/supreme/Rules\\_Procedures/202044.pdf](https://kycourts.gov/courts/supreme/Rules_Procedures/202044.pdf) for information on changes to the issuance of bench warrants during COVID-19.