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Just a Minute on Warrants

Bad premises beget worse policies. Spend just a minute with us so that we can do better.



Mathieu Lewis-Rolland via Getty Images

In the wake of the recent overnight raid that tore through a South Side Chicago apartment complex — with agents detaining residents in their pajamas, handcuffing parents in front of their children, and leaving dozens too afraid to return home — all eyes remain on the city. Chicago is only the latest in a growing list of places the Trump administration has targeted with National Guard deployments, federalized police, and escalated ICE enforcement characterized by use of blunt force.

Residents of the raided building reported that agents appeared to handcuff or zip-tie everyone who lived in the building, including many U.S. citizens and children, before the majority were released several hours later. The record scratched for us when reports emerged that residents were told that anyone with an outstanding warrant would not be released, regardless of their citizenship status.

Let's Back Up

The Chicago ICE raid is only the most recent example of the blurred lines between our rapidly expanding immigration enforcement apparatus and our criminal justice system. Demagoguery and blatant misinformation about both immigrants and crime are the main rationale offered for increased ICE presence and National Guard deployment in cities like Chicago, Los Angeles, and the District of Columbia. As federal immigration enforcement, the military, and the criminal justice system converge, more people are likely to be swept up under flimsy and unclear justifications.

In Chicago, law enforcement used the existence of outstanding warrants to detain U.S. citizens as part of the recent brutal raid. This is a clear example of how the broad tentacles of our criminal justice system provide cover for the harsh, sweeping, and problematic policies unfolding around us. The term “outstanding warrant” is intended to evoke a specific frightening image, but the millions of us who have been impacted by or worked in the criminal justice system know that this is not the reality.

So spend just a minute with us breaking down warrants — what they are, how they really work, and why you should be extremely dubious about using them as a justification for the heavy-handed enforcement actions that have harrowing repercussions for citizens and noncitizens alike.

1 What is a warrant?

Generally speaking, a warrant is a legal document, usually signed by a judge, that authorizes law enforcement to take certain actions such as make an arrest, seize, or search a specific person

or their property (say, by entering your home or rifling through your car). This is not to be confused with an administrative warrant issued by immigration authorities.¹ One of the most common types of warrants is often called a “bench” warrant, which is generally imposed to force compliance with certain legal orders. Perhaps the most well known scenario is a warrant for missing a court date, but warrants can also be imposed for failure to pay a fine, a parking ticket, or even child support. As a result, bench warrants can transform minor (and often accidental) misconduct and the resulting tickets into major headaches with severe consequences, like hefty fees and jail time.

2 Warrants are everywhere

There are over 8.4 million active warrants in the United States today, more than one for every 34 people, according to national and state databases. The vast majority aren’t for serious crimes but for misdemeanors, violations, or noncompliance. In 2016, for example, New York City alone had 1.4 million outstanding arrest warrants for infractions like biking on the sidewalk or being in a park after dark. The prevalence of warrants is especially concerning in jurisdictions that use overpolicing, overticketing, and overarresting to generate revenue. The Department of Justice’s report on Ferguson found that the police department’s focus on raising revenue over public safety, combined with routine racial bias, violated the Constitution and federal law. In a single year, Ferguson’s municipal court issued nearly one warrant for every two residents.

3 Warrants linger for years

Warrants often date back months, years, or even decades, and are sometimes dubbed “ghost warrants” to describe how they haunt people long after their cases should have been resolved. Many result from clerical errors, such as when warrants aren’t cleared after charges are dismissed or sentences are completed. While comprehensive research is limited, scattered audits of individual jurisdictions suggest that across the U.S. arrests on outdated or erroneous warrants may number in the tens of thousands. In one New Orleans case, a 28-year-old man spent four days in jail because of a truancy warrant (issued for children who miss too much school) even though he had presented his diploma to a judge a decade earlier.

4 Warrants reinforce inequity

Overpoliced and under-resourced communities carry the heaviest burden of warrants. Where demographic data exists, it shows that Black people are disproportionately subject to noncompliance warrants.

- In **St. Louis**, Black residents are four times more likely to be arrested on a bench warrant with no new charges than white residents.
- In **Louisville**, the disparity is three to one.

Poverty compounds this. Poor people are more likely to have warrants because they can’t afford tickets, fines, or court fees — or can’t take time off work to appear in court. In some communities, there are even reports of people selling their blood plasma just to pay off court-imposed debt.

The raids in Chicago are a stark illustration of how our criminal justice system can create the pretext and justification for brutal overreach and abuses of power. Stay informed and reject the premise.

1. In the immigration context, valid judicial warrants play a similar role, authorizing law enforcement to enter private property like a home or business to conduct an arrest or a search. A warrant signed by an immigration official, immigration judge, or issued by an administrative agency, however, does not authorize an officer to search or enter your property. See [here](#) and [here](#) for more information on what to do if ICE or a related immigration enforcement agency comes to your door.

Continue the Conversation

Read

- Professor Nirej Sekhon's **Dangerous Warrants**, detailing the unique dangers posed by outstanding non-compliance warrants and the powerful policing incentives and feedback loops they generate.
- Eli Hager's **'Ghost warrants': criminal records haunt Americans long after they are invalid**, a joint investigative report from The Marshall Project & The Guardian US.
- Ryan Felton's **Operation: Restore Public Relations**, describing an eerily familiar raid on a large housing complex in Detroit claiming to address violence back in 2013. The 30 people arrested that day included 21 for traffic warrants, while the remaining nine people all had their cases dropped or dismissed.

Octavio Jones via Getty Images

We can't afford to scale up, export, or leave unchecked what we've already gotten wrong. We'll be using this note to unpack the faulty thinking about crime, safety, and justice that underpins some of the most consequential discussions and decisions playing out in this American moment. You can find our previous notes [here](#).

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