



NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street
New York, NY 10004
Tel: 212.607.3300
Fax: 212.607.3318
www.nyclu.org

Richard A. Brown
Queens County District Attorney
Queens County District Attorney's Office
125-01 Queens Boulevard
Kew Gardens, NY 11415

Darcel D. Clark
Bronx County District Attorney
The Office of the Bronx County District Attorney
198 E. 161st Street
Bronx, NY 10451

Eric Gonzalez
Acting Brooklyn District Attorney
Brooklyn District Attorney's Office
350 Jay Street
Brooklyn, NY 11201

Michael E. McMahon
Richmond County District Attorney
Richmond County District Attorney's Office
130 Stuyvesant Place
Staten Island, NY 10301

Cyrus R. Vance, Jr.
New York County District Attorney
New York County District Attorney's Office
One Hogan Place
New York, NY 10013

Re: Vacating Outstanding Bench Warrants

Dear District Attorneys Brown, Clark, Gonzalez, McMahon, and Vance:

On behalf of the New York Civil Liberties Union, I write to request that you support a modest criminal-justice reform that affects hundreds of thousands of law-abiding New Yorkers. Specifically, we urge you to support vacating all bench warrants for noncriminal violation offenses that were committed more than ten years ago and moving to dismiss those cases.

As you may be aware from *The New York Times* story that ran last week, there may be as many as 1.5 million open warrants for low-level offenses allegedly committed in New York City. These offenses may include such minor noncriminal offenses as littering, being in a park after closing, public urination, and riding a bike on a sidewalk. Based on everything we know about NYPD enforcement practices over the last several decades, Blacks and Latinos constitute the vast majority of those for whom old open violation warrants exist.

Vacating bench warrants that are more than ten years old and that were issued in conjunction with underlying noncriminal behavior does not implicate significant public safety concerns. For starters, violation offenses as a category typically are extremely minor. And the fact that the warrant remains open indicates that the person has not had any negative law-enforcement interactions for over a decade.

Conversely, an open warrant exposes a person to forcible arrest, with the possibility of extended detention because the person cannot make bail or for other reasons, which in turn can jeopardize employment, child care, and housing. More extremely, open warrants are potentially catastrophic for immigrants in light of the Trump Administration's aggressive move to use the criminal justice system as a way to identify people for deportation. Fortunately, there appears to be broad recognition in New York City of the outsize risk of harm to the most vulnerable in our society as a result of the huge number open warrants.

I am aware that some consideration is being given to limiting warrant reform to warrants that have been open for at least twenty years. That approach, however, would result in the vacating of only a small fraction of current open warrants, leaving hundreds of thousands of people who pose no risk to public safety with the ongoing threat of arrest and detention and the myriad collateral consequences that go along with that, including, the very real possibility in the current political era of families being torn apart. I therefore strongly urge you to support the vacating of all violation warrants and dismissing all open noncriminal violations that are more than ten years old.

Please let me know if you would like to discuss this further or if you have any questions.

Sincerely,



Donna Lieberman