

# The Warrant Impact Study: Evaluating the Effects of Bench Warrants on Individuals and Communities

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## INTRODUCTION

When judges use the power of a court to issue a bench warrant, they engage in an act that profoundly alters the life of the person who is the target of their action.<sup>1</sup> Beyond being a mere signature on a judicial instrument, a warrant is a powerful tool that impacts an individual’s mental, physical, and financial survival. Ultimately, it can inflict deep scars in disinvested and minoritized communities.<sup>2</sup> The impact of a warrant can be felt throughout families as affected wage earners struggle to maintain employment so they can provide housing, food, and transportation for partners, parents, and children.<sup>3</sup>

Warrants sow distrust in neighborhoods as they bring large segments of populations under the specter of arrest and incarceration.<sup>4</sup> These powerful instruments are commonly used as human management tools, forcefully controlling people who failed to appear in court or pay fines for minor offenses and municipal infractions.<sup>5</sup> These management procedures are becoming more efficient with the aid of artificial intelligence (AI) tools that inform law enforcement on which neighborhoods to target and who to label as “high-risk.”<sup>6</sup>

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<sup>1</sup> See Brendan D. Roediger, *Abolish Municipal Courts: A Response To Professor Natapoff*, 134 HARV. L. REV. F. 213 (2021), <https://harvardlawreview.org/forum/vol-134/abolish-municipal-courts-a-response-to-professor-natapoff/> (describing how the issuing of warrants negatively impacted communities in North St. Louis County).

<sup>2</sup> *Id.* at 224; see also Janelle Duda-Banwar & Jessica M. Burt, *Living with Warrants: Life Under the Sword of Damocles*, (Jan. 31, 2022) (preprint), <https://www.crimrxiv.com/pub/3uul1o0x/release/1> (detailing the impact of active bench warrants on individuals; several of the central findings in that study are consistent with the Kansas City study discussed in this article).

<sup>3</sup> See Roediger, *supra* note 1, at 223-24, 227.

<sup>4</sup> Nirej Sekhon, *Dangerous Warrants*, 93 WASH. L. REV. 967, 990, 1016 (2018).

<sup>5</sup> See Roediger, *supra* note 1, at 213, 218-19, 224 (“The existence of a municipal warrant effectively means that one is subject to state capture at any moment. It modifies behavior in a myriad of ways.”).

<sup>6</sup> Christopher Rigano, *Using Artificial Intelligence to Address Criminal Justice Needs*,

The devastating impact of bench warrants has been well documented by legal scholars.<sup>7</sup> Often, this legal scholarship is empirically grounded in the quantity of warrants, while the negative effects of warrants are conveyed through the observations of practitioners.<sup>8</sup> The legal community would benefit from research that supplements the small body of investigations—outside of the legal academy—that brings voice to warrant-impacted people. The study outlined in this article attempts to provide that voice.

This article details a qualitative examination based on a small sample study of participants who utilized a warrant reduction “Tap In” Center operated in the Kansas City metropolitan area.<sup>9</sup> In preparation for the launch of this Kansas City initiative in 2023, I developed a research investigation to discover participant attitudes toward the services of the new center. This article includes a description of the study, as well as an analysis of the targeted responses collected from July 2023 to May 2024. Twenty-one surveys were returned of the 130 distributed to participants, and of these returned surveys, our team analyzed nineteen.<sup>10</sup> Yet, this study detected emerging qualitative themes from the small sample of responses collected from warrant-impacted people.

The resulting data provides a glimpse into the concerns and

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280 NAT’L INST. JUST. J. 36, 43 (Jan. 2019), <https://www.ojp.gov/pdffiles1/nij/252031.pdf> [<https://perma.cc/C4DZ-VPXY>] (“Researchers at the Research Triangle Institute, in partnership with the Durham Police Department and the Anne Arundel Sheriff’s Department, are working to create an automated warrant service triage tool for the North Carolina Statewide Warrant Repository.”).

<sup>7</sup> See, e.g., Sekhon, *supra* note 4.

<sup>8</sup> See, e.g., Roediger, *supra* note 1, at 224.

<sup>9</sup> A Tap In Center is a no-cost initiative within the community, where impacted people can participate in the justice system by resolving their criminal bench warrant (including felony warrants) and by reengaging in the legal process. Currently, two Tap in Centers are operational, one in St. Louis County, Mo., the other in Kansas City, Mo. Tap in Centers are collaborations between prosecutors, public defenders, jail administrators, library administrators, community activists, judges, and universities. See, e.g., *Tap In Center: Kansas City*, CLEAR MY RECORD MISSOURI (Aug. 21, 2023), <https://clearmyrecordmo.org/event/tap-in-center/> [<https://perma.cc/DAZ4-T6Y4>]; see also *The Tap In Center, 2023 NACo Achievement Award Winner*, NAT’L ASS’N OF COUNTIES (2023), <https://www.naco.org/resources/award-programs/tap-center> [<https://perma.cc/445N-WJ49>]; see also *Franklin County, OH FY 2023 Justice Assistance Grant*, UNITED STATES DEP’T OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FUND (September 22, 2023), <https://bja.ojp.gov/funding/awards/15pbja-23-gg-03689-jagx> [<https://perma.cc/3AJT-SJE6>].

<sup>10</sup> Sample of self-addressed stamped envelope (on file with author).

priorities of warrant-impacted individuals who are living under the specter of arrest, and, potentially, incarceration. This study captured and analyzed thematic markers from returned questionnaires to identify attitudes of survey participants who had a bench warrant for their arrest. A number of emerging themes were detected from markers and these themes will be discussed as the central finding of this study.<sup>11</sup>

This article considers how individuals who are issued a bench warrant are potentially traumatized by the experience and negatively impacted by a criminal justice system that is perceived as indifferent, oppressive, and racially motivated. The findings reveal how individuals with a bench warrant feel helpless as they attempt to navigate a system that provides few resources or mechanisms of assistance. Specifically, respondents had concerns about the lack of inexpensive legal services available at convenient locations and times that could help people resolve bench warrants.

Part I of this article summarizes the existing legal research detailing the impact of bench warrants on individuals and communities. This part of the article is divided into two sections, with the first section providing insight into how legal academics and practitioners have framed the issue in public statements and scholarship. The second section of Part I reviews previous studies (outside of legal scholarship) that explore the attitudes of warrant-impacted people. This section also examines the connection between trauma and how structural violence impacts individuals and communities.

Part II of this article describes the Kansas City study of warrant-impacted individuals. The first section explains the circumstances and motivation for the study. The subsequent sections of Part II detail the methodology of the survey, questionnaire design, study limits, and the qualitative methodology utilized to analyze the resulting data. Part II of the article also explains why traditional quantitative methods are not utilized, thus allowing for a more unfiltered transmission of survey participant expressions.

Part III of the article consists of two sections that study the attitudes of warrant-impacted participants. In the first section, the direct responses that relate to the operations of the Kansas City warrant reduction center are stated, as they directly relate to the question. In the sections that follow, the unsolicited expressions of survey participants are

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<sup>11</sup> See *infra* in-text discussion pp.13-14 (regarding the IRB approval process for this study).

advanced and curated by way of the emerging themes derived from the voices of impacted people. These themes captured the stress and anxiety experienced when individuals had a bench warrant, their inability to find help with resolving the warrant, and how that warrant was impacting their ability to make a living and generally survive.

Part IV is divided into two sections. The first section is a discussion of potential research and practice questions prompted by the expressions of survey participants. The second section discusses current reform and warrant remediation models by exploring suggestions and observations of scholars, practitioners, and impacted individuals.

The purpose of this study is to capture and communicate the voices of individuals who are adversely impacted by bench warrants. Study participants provided candid expressions of how the warrant process had inflicted damage on themselves, and their communities. These candid expressions were cultivated by providing complete anonymity to respondents, and by avoiding filtering of responses based on the preconceived beliefs of the research team.

The research value of this survey is derived from the singular belief of each participant and not from a statistical assessment of aggregated opinions. Each voice communicated in this article provides a unique perspective to the reader. Bench warrants are often issued by courts in an aggregated process that relegates individuals to a fugitive subclass, disregarding their individual contribution to their families and communities.<sup>12</sup> This study attempts to avoid an analogous process that devalues the humanity of each participant.

Our criminal justice system is entering a new age of efficiency, brought about by unimaginable progress in how we aggregate and marshal data.<sup>13</sup> Artificial intelligence is accelerating the dehumanization of the warrant delivery process, as machine learning informs law enforcement's decisions on who should be prioritized for bench warrant arrest.<sup>14</sup> AI has great potential to triage limited judicial resources, but it can also dehumanize and aggregate humans into nothing more than a digitalized numerical value. Machines are learning by using algorithms to detect patterns in large quantities of data, but these machines will require ample qualitative data to accurately capture the human experience.<sup>15</sup> AI has

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<sup>12</sup> See Sekhon, *supra* note 4, at 984.

<sup>13</sup> See Rigano, *supra* note 6.

<sup>14</sup> See *id.*

<sup>15</sup> See HENRY KISSINGER, ERIC SCHMIDT & DANIEL HUTTENLOCHER, THE AGE OF AI: AND OUR HUMAN FUTURE 197 (2021).

arrived in the warrant issuing and warrant execution space. But is it adequately informed by warrant-impacted voices?

The study outlined in this article emphasizes the unique perspectives offered by people who are impacted by warrants. Their individual humanity, dignity, and agency are central to every aspect of this research project. Yet, the scope of the bench warrant problem is broad and impacts the lives of countless people throughout the nation. The far-reaching impacts of warrants on individuals, families, and communities are summarized in the next section.

## I. THE WARRANT IMPACT LANDSCAPE

### A. The Negative Impact of Bench Warrants on Individuals and Communities

The tool universally used by courts to enforce attendance at judicial proceedings and compliance with judicial orders is commonly referred to as a “bench warrant.”<sup>16</sup> Depending on the jurisdiction, these powerful instruments are also known as *capias* warrants, writs of arrest, and noncompliance warrants.<sup>17</sup> Bench warrants stand in distinct contrast to initial arrest warrants because they are not used to bring a prospective criminal defendant under the jurisdiction of the court; rather, they serve as a mechanism to “achieve submission from a defendant” who has been previously placed under the court’s authority.<sup>18</sup>

Judges use bench warrants as a tool of submission in a variety of circumstances and for different reasons.<sup>19</sup> Bench warrants are used to enforce traffic fines, bond conditions, and the commands of probation in addition to compelling attendance.<sup>20</sup> Bench warrants are also utilized in criminal and civil proceedings and in municipal and state courts.<sup>21</sup> Generally, judges, magistrates, and local municipal court officials have wide discretion in issuing these life-altering instruments.<sup>22</sup>

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<sup>16</sup> See Sekhon, *supra* note 4, at 969-70.

<sup>17</sup> *Id.* at 984.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 983-85 (“Because non-compliance warrants are designed to secure submission, they exist on a spectrum with other coercive, behavior-inducing techniques. Among the least coercive options is for a judge to simply postpone the court matter requiring the defendant’s presence.”).

<sup>20</sup> *Id.* at 984.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* (“Similarly, a judge may issue a bench warrant for criminal defendants who fail to appear for any hearings at which their appearance was required; judges often have

Legal scholars, attorneys, and activists have criticized municipalities for using the power of bench warrants to generate revenue through fines, fees, and court costs.<sup>23</sup> Local police and other law enforcement officials have aggressively issued citations for illegal parking, housing code violations, and traffic tickets in concert with municipal courts that use their warrant power as a collection mechanism for these infractions.<sup>24</sup> Large cities have issued millions of warrants to collect fines for infractions as insignificant as “drinking in public, obstructing a sidewalk, jumping a subway turnstile,” and countless other minor traffic and municipal code violations.<sup>25</sup>

Cities and municipalities often avoid taking responsibility for neglecting communities’ funding needs, allowing their courts to become institutions that deflect attention away from systemic disinvestment.<sup>26</sup> Scholars of restorative justice observe, “The harms created by social-structural violence are not taken into account by law because law, as an administrative derivative of power-based . . . institutions, is structured to direct the eyes of all towards the acts of those who are marginalized or disenfranchised by power.”<sup>27</sup> This idea explains the link between aggressive collection practices of cities and municipalities that perpetuate a police bureaucracy founded on “limiting the mobility (physical, economic, and political) of racialized subjects.”<sup>28</sup> The plethora of life-changing warrants being issued for minor violations raises the question of why local governments are burdening their residents with a proliferation of bench warrants. Intuitively, this predatory practice becomes both economically remunerative and politically expedient by shifting the responsibility for systemic problems away from government disinvestment, and onto historically under-resourced and disempowered minority groups.<sup>29</sup>

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discretion to compel defendant’s presence at any hearing they choose.”).

<sup>23</sup> *Id.* at 990.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 989.

<sup>26</sup> MARGARITA ZERNOVA, RESTORATIVE JUSTICE IDEALS AND REALITIES 54-55 (2007) (citing DENNIS SULLIVAN & LARRY TIFFT, RESTORATIVE JUSTICE: HEALING THE FOUNDATIONS OF OUR EVERYDAY LIVES 157 (1st ed. 2001)).

<sup>27</sup> *Id.*

<sup>28</sup> See Roediger, *supra* note 1, at 227.

<sup>29</sup> Alexandra Natapoff, *Criminal Municipal Courts*, 134 HARV. L. REV. 964, 984 (2021) (estimating U.S. municipal courts are collecting revenue at an annual rate of seven billion dollars from fees, fines and forfeitures: “[W]e still do not know how much revenue most municipal courts collect.”); see also Siân Mughan, *Municipal Reliance on Fine and Fee*



Disinvestment in communities corresponds with greater investment in policing.<sup>30</sup> The negative impact of bench warrant enforcement is evidenced when residents of a community are forced to “accept default judgments in civil cases, avoid voting at municipal buildings, and alter their driving routes, to name just a few examples.”<sup>31</sup> When money and power motivate the issuance of warrants, the judiciary becomes a tool for stripping any sense of justice from communities and residents. “At the same time, these warrants legitimize virtually all police activity in Black neighborhoods.”<sup>32</sup>

In the year preceding the tragic death of Michael Brown,<sup>33</sup> and during the resulting visceral reaction by the surrounding community,<sup>34</sup> the relatively small municipality of Ferguson, Mo., issued nine thousand bench warrants, numbering one warrant for every two residents.<sup>35</sup> Other St. Louis-area jurisdictions were engaged in the same practice of revenue collection by threat of bench warrant, issuing one small predominantly Black neighboring community of 1,400 households with 3,028 bench warrants.<sup>36</sup>

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*Revenues: How Local Courts Contribute to Extractive Revenue Practices in U.S. Cities*, 41 PUBLIC BUDGETING & FINANCE 1, 13 (2020) (“The average city with a municipal court reports over \$28 per capita in fine and fee revenue (or 5.2 percent of total tax revenue), compared to just under \$13 for every resident in the average city with no court (two percent of total tax revenue).”).

<sup>30</sup> See Roediger, *supra* note 1, at 223-25.

<sup>31</sup> *Id.* at 224.

<sup>32</sup> *Id.*

<sup>33</sup> Mansee Khurana et al., *10 years after Michael Brown’s death, we went to Ferguson to ask: What’s changed?*, NPR (August 9, 2024), <https://www.npr.org/2024/08/09/nx-s1-5064675/michael-brown-ferguson-killing-10-years> (discussing the death of 18-year-old Michael Brown on August 9, 2014, after he was shot and killed by Ferguson Police officer Darren Wilson. The tragic images of his body lying on the street were shared on social media and broadcast on national television. These images sparked outrage in the community and resulted in days of protest and the burning of buildings. The tragedy, “spurred the Black Lives Matter movement, born a year earlier.” Wilson was never charged by the Department of Justice (DOJ) or by local prosecutors. A DOJ investigation found “the Ferguson police department was incentivized and encouraged to lobby municipal fines and fees on individuals to generate revenue for the city and that these fines disproportionately were issued to Black people in the city.”); see also U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIVISION, INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT 3 (2015) [hereinafter DOJ FERGUSON REPORT] (finding the Ferguson municipal court utilized warrants as a tool to generate revenue from minor infractions as small as parking violations).

<sup>34</sup> See Sekhon, *supra* note 4, at 990.

<sup>35</sup> See *id.*

<sup>36</sup> See Roediger, *supra* note 1, at 224.



Cities and municipalities across the nation are issuing non-compliance and bench warrants for Black people at a disproportionate rate compared to the presence of this racial group in the population.<sup>37</sup> Virginia Beach, Va., Austin, Tex., and Omaha, Neb., are just a few of the many metropolitan areas where the excessive use of bench warrants disproportionately impacts people of color, with some cities issuing bench warrants at a rate that exceeds court authorization of all other types of warrants, including initial arrest warrants.<sup>38</sup> Scholars have documented repeatedly “that the geographic distribution of outstanding warrants will skew towards the neighborhoods in which poor Black residents are concentrated.”<sup>39</sup>

In *Utah v. Strieff*,<sup>40</sup> Justice Sotomayor cautioned how simply forgetting to pay a court fine could result in a warrant that forgives police misconduct.<sup>41</sup> In her dissent, the Justice called attention to the prolific nature of warrants for traffic violations, ordinance infractions, and minor offenses.<sup>42</sup> She pointed back to Ferguson as an example in which “The Department of Justice . . . reported that in the town of Ferguson, Missouri, with a population of 21,000, 16,000 people had outstanding warrants against them.”<sup>43</sup> She also noted how the “[s]tates and Federal Government maintain databases with over 7.8 million outstanding warrants, the vast majority of which appear to be for minor offenses.”<sup>44</sup> Because warrants for minor offenses are disproportionately utilized in communities of color, Black and Brown people are disproportionately stopped by police and subject to the humiliation of a search and the deprivation of dignity that comes with an arrest.<sup>45</sup>

The broader impact of bench warrants on communities can be witnessed in the relatively small town of Florissant, Missouri; one of over eighty municipalities in St. Louis County. Like most of the other municipalities in that county, it possesses its own police department, court system, a judge, municipal jail, and the authority to legislate ordinances and infractions into existence.<sup>46</sup> In 2019, the City of Florissant issued

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<sup>37</sup> See Sekhon, *supra* note 4, at 990-91.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Utah v. Strieff*, 579 U.S. 232 (2016) (Sotomayor, J., dissenting).

<sup>41</sup> *Id.* at 243-44.

<sup>42</sup> *Id.* at 249-51.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 252-54.

<sup>46</sup> See BETTER TOGETHER, REPORT ON PUBLIC SAFETY – MUNICIPAL COURTS 5-6 (2014),

29,017 warrants in a community consisting of approximately only 19,700 households.<sup>47</sup> The residents of Florissant are only a small fraction of individuals in the St. Louis area who are impacted by bench warrants issued by hundreds of local judges in both state and municipal courts.<sup>48</sup>

In a more visual example of the number of people impacted by bench warrants, on Sept. 17, 2023, when the Kansas City Tap In Center conducted its third warrant relief session, over one hundred people stood in a line stretching outside of a neighborhood library to seek assistance for a municipal warrant from a Kansas City-area jurisdiction (in both Kansas and Missouri).<sup>49</sup> Based on this massive outpouring of individuals seeking help and considering the vast number of pending warrants used as a mechanism for submission throughout the country, it is evident both courts and the legal system as a whole have negatively impacted individuals and neighborhoods.<sup>50</sup>

The human and community impact of courts issuing excessive bench warrants is more tragic considering, “[p]eople often missed court for three reasons. One, they simply forget that they have court. Two, they don’t have transportation to get to court, or three, they have childcare responsibilities that they aren’t able to get [covered].”<sup>51</sup> Experts have made clear that individuals in these circumstances are rarely attempting to “evade justice” or prosecution.<sup>52</sup>

This reality has been confirmed by procedural justice advocates who explain that warrants are often issued when individuals have difficulty appearing for court because of employment, transportation, and family care challenges.<sup>53</sup> “All too often when they attempt to explain

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<https://www.bettertogetherstl.com/wp-content/uploads/2014/10/BT-Municipal-Courts-Report-Full-Report1.pdf> [<https://perma.cc/PFD4-K5NJ>].

<sup>47</sup> See Roediger, *supra* note 1, at 224.

<sup>48</sup> See BETTER TOGETHER, *supra* note 46.

<sup>49</sup> See e-mail from Baily Baker, Coordinator of the Kansas City Tap In Center, and student in the UMKC Expungement Clinic (May 22, 2024) (on file with author) (providing spreadsheet containing the date of Tap In Center sessions for the first operating year).

<sup>50</sup> See Duda-Banwar & Burt, *supra* note 2, at 24 (“The majority of bench warrants are for minor offenses, yet this fugitive status significantly affects lives, regardless of the severity of the charges. This study provided a window into the lives of individuals with warrants, indicating that warrants impact lives in serious, [long-lasting] ways.”)

<sup>51</sup> William Snowden, *Innovative Warrant Clinics Help people Take Care of Legal Issues Without Risking Jail Time*, PBS (Oct. 26 2023), <https://www.wpbstv.org/innovative-warrant-clinics-help-people-take-care-of-legal-issues-without-risking-jail-time/>.

<sup>52</sup> *Id.*

<sup>53</sup> Interview of Tom Reed, Regional Attorney Manager, Office of the Wisconsin State

themselves, they are met with open skepticism or worse. The message is that [the courts] don't care about the problems they experience."<sup>54</sup> This treatment by judicial officers occurs while courts create significant obstacles to participation, violating the basic tenets of procedural justice and due process.<sup>55</sup> Bench warrants are often issued without the input of counsel or the individual themselves, as judges abandon their traditional gatekeeper role of protecting the public from unfair government action.<sup>56</sup>

This dehumanization of the warrant issuing process is certain to be accelerated as self-learning algorithms increasingly inform judicial decisions and police strategies.<sup>57</sup> Observers have noted how the "[d]enial of access to healthcare, housing, and employment through the use of AI perpetuates individual harms and generational scars. AI systems can kill us slowly."<sup>58</sup> This warning is certainly true if machine learning related to warrant delivery processes is grounded on data sets void of genuine human expression.<sup>59</sup> AI tools are "geographically referenced so that practitioners can pursue concentrations of high-risk absconders — along with others who have active warrants — to optimize resources," potentially impacting already disinvested neighborhoods.<sup>60</sup> A geographically referenced AI would accelerate the disproportionate impact of the warrant execution process on communities of color, where courts have issued non-compliance and bench warrants for Black people at a disproportionate rate.

While technology is accelerating the warrant delivery system in certain jurisdictions, activists and advocates labor to mitigate the number of bench warrants in communities of color.<sup>61</sup> Unfortunately, community-

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Public Defender, *in To Be Fair: Conversations About Procedural Justice* 159, CENTER FOR COURT INNOVATION, 159 (Emily LaGratta ed., 2017), [https://www.innovatingjustice.org/sites/default/files/documents/To\\_Be\\_Fair.pdf](https://www.innovatingjustice.org/sites/default/files/documents/To_Be_Fair.pdf) [<https://perma.cc/7Q9W-A2SA>].

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Sekhon, *supra* note 4, at 985 (suggesting an alternative approach to the role of judges in issuing bench warrants. The last section of this article further discusses this suggestion. Sekhon advises judges not to abandon their traditional magisterial role of safeguarding absent parties from unconstitutional practices: "In contrast, courts issue non-compliance warrants of their own accord and then turn to the police to execute them at their behest.")

<sup>57</sup> See Rigano, *supra* note 6.

<sup>58</sup> JOY BUOLAMWINI, UNMASKING AI; MY MISSION TO PROTECT WHAT IS HUMAN IN A WORLD OF MACHINES 151 (2023).

<sup>59</sup> See Rigano, *supra* note 6.

<sup>60</sup> *Id.* at 44.

<sup>61</sup> *Id.*; see Rigano, *supra* note 6; see e.g., *The Tap In Center, 2023 NACo Achievement*

based warrant clinics—similar to the Center in this study—tend to be positive exceptions rather than common practice.<sup>62</sup> These clinics are “different,” “innovative,” “unique,” and they are highlighted by national media and honored with awards; however, this recognition acknowledges the fact that warrant remediation initiatives are uncommon.<sup>63</sup> Additionally, amnesty events offered by law enforcement or courts are equally non-sustainable periodic solutions often limited to enforcing only financial obligations.<sup>64</sup>

Scholars have advocated for an overhaul, and in some cases an abolition, of municipal court systems because warrants are used by these courts to collect revenue and “control” racialized residents.<sup>65</sup> Academics have also exposed the limitations of warrant clinics like the Center in this study: “You might be able to extinguish your warrant by showing up to these clinics, but these fines and fees perhaps can still hang over your head. Well, if you didn’t have the money to begin with to pay the fines and fees how are we expecting people to come up with the money now after these clinics?”<sup>66</sup>

Advocacy organizations seeking reform have reported that despite being “investigated, shamed, and sued into their now-reduced level of activity,” municipal courts that abuse bench warrants remain “self-directed and unaccountable institutions . . . that punish[] and exacerbate[] poverty, with no identifiable benefit to public safety or community wellness.”<sup>67</sup> Until meaningful systemic change occurs, impacted

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*Award Winner*, Nat’l Ass’n of Counties (2023), <https://www.naco.org/resources/award-programs/tap-center>.

<sup>62</sup> See Sekhon, *supra* note 4, at 1016.

<sup>63</sup> See, e.g., Black Voters Matter Fund, North Carolina Warrant Clinic, YOUTUBE (Mar. 6, 2023), <https://www.youtube.com/watch?v=YtET8QdS2tc&t=169s> [<https://perma.cc/74NS-T7DT>]; Snowden, *supra* note 51; *St. Louis County Earns National Achievement Award for Tap In Center*, ST. LOUIS CNTY (May 24, 2023), <https://stlouiscountymo.gov/st-louis-county-government/county-executive/county-executive-news/st-louis-county-earns-national-achievement-award-for-tap-in-center/> [<https://perma.cc/NG95-NJ26>].

<sup>64</sup> See Sekhon, *supra* note 4, at 1016.

<sup>65</sup> See Roediger, *supra* note 1, at 226-27 (“Reforms, no matter how serious or how imaginative, can never change the nature of the arrangement, which is control. It finds its level. Municipal courts, as we are fond of saying, are not broken. They are a coercive apparatus perfectly suited to limiting the mobility (physical, economic, and political) of racialized subjects. They will produce what they are designed to produce until they are abolished.”).

<sup>66</sup> Snowden, *supra* note 51.

<sup>67</sup> ARCHCITY DEFENDERS, IN THE REARVIEW MIRROR: ST. LOUIS’S MUNICIPAL COURTS

individuals continue to live under the constant threat of arrest. The following section summarizes studies detailing the negative impact of warrants on individuals and communities.

### B. Previous Findings Regarding the Dramatic Consequences of Warrants on Individuals

Janelle Duda-Banwar and Jessica M. Burt investigated why individuals failed to resolve their warrant status and how people manage living as a low-level fugitive.<sup>68</sup> These researchers conducted in-person interviews of warrant-impacted people to determine the structural features that contribute to the problem of being a fugitive.<sup>69</sup> They found that respondents frequently “described intense negative emotions related to their warrant. While living with a warrant, participants described anxiety, depression, fear, sadness, and even embarrassment. This negative psychological state seemed to be chronic, affecting health and mental well-being.”<sup>70</sup> Because these findings presented in a population impacted by bench warrants in a separate region of the country than the study described in this article, it is evident the mental health implications of bench warrants are not isolated to a particular jurisdiction or community.<sup>71</sup>

The issuance of a warrant may be intended to provoke the experience of anxiety when a person has failed to appear for court.<sup>72</sup> Anxiety and stress are often viewed as a mechanism to prompt individual reengagement with the court system.<sup>73</sup> Notwithstanding these observations, high levels of stress and anxiety can result in irreversible trauma for individuals, their families, and descendants and have a long-lasting impact beyond the mere execution of a warrant.<sup>74</sup> This trauma is

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AFTER A DECADE OF REFORM AND Regress (2024) [hereinafter ARCHCITY DEFENDERS 2024], <https://www.archcitydefenders.org/wp-content/uploads/2023/05/ACD-White-Paper-In-the-Rearview-Mirror-7.25.24-1.pdf> [<https://perma.cc/EN63-7R3K>].

<sup>68</sup> Duda-Banwar & Burt, *supra* note 3, at 5-7.

<sup>69</sup> *Id.* at 24.

<sup>70</sup> *Id.* at 15.

<sup>71</sup> *See id.* at 7 (The Duda-Banwar & Burt study was conducted in New York State).

<sup>72</sup> *See generally id.* (describing warrant-impacted individuals’ common behaviors and emotional states, such as “risk calculation, arrest evasion, power creation, emotional distress, surrender planning”).

<sup>73</sup> *See id.*

<sup>74</sup> *See* Zoe Tao & Niki Kasumi Clements, *Transgenerational Trauma and Health Inequity Today*, 23(6) AMA J. ETHICS 437 (2021) (discussing transgenerational trauma: “Such inequity propagates harms rooted in ancestral traumas of slavery, internment, and trafficking among contemporary individuals and communities. [citation omitted]. Trauma events experienced by ancestors are widely documented in the public health

realized when individuals and communities live under the ubiquitous fear of being jailed and the resulting denial of “employment, . . . houses, children, the right to be present in a neighborhood, and the ability to stay in this country.”<sup>75</sup>

When legal institutions create an “impairment of fundamental human needs,” the result is a “structural violence” committed on individuals and communities.<sup>76</sup> The use of warrants to manage other human beings<sup>77</sup> is inseparable from the institutionalized aggression linked to social injustice and racial oppression.<sup>78</sup> The victims of social violence experience tangible and quantifiable health disparities with diminished effectiveness of medical treatments.<sup>79</sup> Warrants for failing to appear in court and structural violence have both been associated with racism, poor housing, and poverty.<sup>80</sup>

The expressions of trauma reported by the participants of this study corroborate the detrimental impact of living with a warrant on the physical and mental health of individuals and communities, as detailed in other studies.<sup>81</sup> “Trauma response in primary generations may include PTSD, depression, self-destructive behaviors, severe anxiety, guilt, hostility, and chronic bereavement. Psychological and emotional disorders may well translate into physical disease, and vice versa.”<sup>82</sup> Expressions of anxiety by survey participants represent more than the mere fear of incarceration: “For many municipal court defendants who work for an hourly wage, missing three or four days of work while in jail will seriously hinder their ability to balance their already-strained budgets and often result in being fired.”<sup>83</sup>

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literature as casting long shadows with measurable legacies of cumulative, embodied risk to descendants that undermine their and their children’s health status.”)

<sup>75</sup> Roediger, *supra* note 1, at 223.

<sup>76</sup> Paul Farmer et al., *Structural Violence and Clinical Medicine*, 3 PLOS MED. 1686 (2006).

<sup>77</sup> Roediger, *supra* note 1, at 213, 218-19, 224 (“He was there because he was Black, because the cops put him there, and because his everyday existence was subject to seemingly endless mechanisms of external management.”).

<sup>78</sup> Farmer et al., *supra* note 76, at 1686.

<sup>79</sup> *Id.*

<sup>80</sup> Compare *id.* with Roediger, *supra* note 1, at 223 (providing the example of a legal practitioner who has observed the devastating emotional toll of bench warrants on individuals).

<sup>81</sup> Michelle Sotero, *A Conceptual Model of Historical Trauma: Implications for Public Health Research and Practice*, 1 J. HEALTH DISPARITIES RSCH. AND PRAC. 94, 99 (2006)

<sup>82</sup> *Id.* at 99.

<sup>83</sup> Thomas Harvey et al., ARCHCITY DEFENDERS: MUNICIPAL COURT WHITE PAPER, 25

Similar studies administered at fugitive surrender programs also showed significant indicators of fear or “worry” from participants.<sup>84</sup> Many individuals who completed questionnaires when turning themselves in on a warrant expressed some form of anxiety, or a basic survival concern that could feed stress.<sup>85</sup> Primary reasons for surrendering included concern for family, transportation, employment, and anxiety.<sup>86</sup> Individuals’ concern for their families is emblematic of the devastating impact warrants—with the prospect of incarceration—have on families and communities beyond the individual.

The study of warrant-impacted people described in this article provides comparable results to other research in this area but uses a different research lens. The Kansas City study is participant-centered, making every attempt to relinquish control of data collection and data analysis to the survey participant. Individuals were not interviewed in person, and participants’ anonymity was guaranteed to avoid compromising statements with the fear of identification or incarceration. Researchers (and everyone other than the participant) were intentionally restricted access to the identities and demographic information of survey participants. Additionally, surveys were distributed at a center where warrants were being withdrawn without the threat of arrest, not at a fugitive surrender center where respondents were being questioned after entering custody. The purpose of this center was to provide warrant relief with no threat of arrest.

Data was not coded to avoid (as much as possible) reducing impacted voices to mere numerical values. Our study did not establish a predicate research question to avoid influencing responses by instruction or questionnaire. The study and accompanying research methods are detailed below.

## II. THE KANSAS CITY RESEARCH STUDY REGARDING WARRANT-

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(2014).

<sup>84</sup> Joseph D. Galanek et al., *Fugitive Safe Surrender: A Qualitative Analysis of Participants’ Reasons for Surrender and Anticipated Outcomes to Inform Program Evaluation*, 4 J. QUAL. CRIM. J. & CRIM. 161, 169 (2016); Daniel J. Flannery & Jeff M. Kretschmar, *Fugitive Safe Surrender*, 11(3) CRIM. & PUB. POL’Y 1 437, 449 (2012).

<sup>85</sup> *Id.* at 9-10.

<sup>86</sup> *Id.*



## IMPACTED INDIVIDUALS

### A. A Survey of Tap In Center Participants

The Kansas City Tap In Center began offering services to warrant-impacted residents in July 2023.<sup>87</sup> It is similar to and modeled after a warrant reduction center in St. Louis County, Missouri.<sup>88</sup> The initiative was a partnership between the Missouri State Public Defender System (Kansas City Trial Office), the Jackson County Prosecutor's Office, the Kansas City Public Library, and the University of Missouri Kansas City (UMKC) School of Law Expungement Clinic.<sup>89</sup> The faculty and students of UMKC School of Law provided advice, support, and assistance with staffing.<sup>90</sup>

The Center operated at the Lucile H. Bluford Branch of the Kansas City Public Library on the east side of Kansas City, Mo.<sup>91</sup> The Bluford Branch serves an area that is predominantly a community of color, consisting of a 61.7 percent African American and 21.8 percent Hispanic population.<sup>92</sup> Residents in the library's service area experience lower incomes than most other residents of the Kansas City metropolitan area: 39.1 percent of the households in the service area earn an income of less than \$25,000 a year.<sup>93</sup> Additionally, 26.7 percent of households are single-adult families with children.<sup>94</sup> Based on the research team's observations, the Bluford Library also serves a meaningful community of unhoused individuals.<sup>95</sup>

The Kansas City Tap In Center was active once a month during the ten-month investigation period.<sup>96</sup> The Kansas City Center serves a large volume of participants, with one session drawing a crowd of over

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<sup>87</sup> See e-mail from Baker, *supra* note 49.

<sup>88</sup> *Tap In Center: Kansas City*, KANSAS CITY PUBLIC LIBRARY [hereinafter *Tap In Center*], <https://kclibrary.org/sites/default/files/2023-10/Tap%20In%20Center%20Flyer-ongoing.pdf>.

<sup>89</sup> *Id.*

<sup>90</sup> This author provided advice and support gained from his experience in the St. Louis Center and connected organizers from both collaborations.

<sup>91</sup> See Tap In Center, *supra* note 88.

<sup>92</sup> E-mail from Jenny Garmon, Civil Engagement Specialist, Kansas City Public Library (Jan 25, 2023) (on file with author) (utilizing a Community Profile Report of Custom Region: Bluford Branch).

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> This observation is based on the author's personal observations and those of the Research Assistant on this project.

<sup>96</sup> See e-mail from Baker, *supra* note 49.

one hundred people.<sup>97</sup> Most Center participants are seeking help for municipal court warrants from Kansas City or a suburb, but the Center also provides warrant relief for state felony bench warrants.<sup>98</sup>

From July 2023 to May 2024, the Center offered ten monthly sessions.<sup>99</sup> At least 296 individuals engaged the Center for assistance with a pending bench warrant during the ten-month period.<sup>100</sup> An estimated thirty-six individuals approached the Center for assistance with expungements, public defender applications, and other needs.<sup>101</sup> In the first year of operations, the Kansas City Tap In Center helped recall more than 932 warrants, mostly originating from a Kansas City area municipal court; these recalls occur when a judge cancels a warrant.<sup>102</sup> The Center also experimented with a one-day visit by a Kansas City municipal judge, who recalled warrants in real time.<sup>103</sup>

### B. Study Methodology

In 2023, advocates for the Tap In Center envisioned a study to collect feedback on the experiences of Center participants. This study would be helpful to Kansas City organizers when crafting operating principles for the ongoing effort. Additionally, the study would provide a window into the attitudes of individuals impacted by a bench warrant. In researching individual attitudes, impressions, and fears, this study provides valuable information to future organizers endeavoring to create their own warrant relief programs.

A proposal for an exemption to conduct a survey of Tap In Center participants was submitted to the UMKC Institutional Review Board (IRB) in May 2023.<sup>104</sup> The IRB provided an exemption, and the study was carried out between July 27, 2023, and May 20, 2024, in Kansas City, Missouri.<sup>105</sup> Participants were individuals who were seeking assistance from the Kansas City Tap In Center, with most coming to the Center for assistance with a warrant resulting from their failure to appear in municipal or state court. IRB-compliant questionnaires were distributed

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<sup>97</sup> *Id.*

<sup>98</sup> See e-mail from Baker, *supra* note 49.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Interview with Bailly Baker, Coordinator of the Kansas City Tap In Center, and student in the UMKC Expungement Clinic (Aug. 14, 2024) (interview notes on file with author).

<sup>104</sup> See IRB application for exemption (on file with author) (May 8, 2023).

<sup>105</sup> IRB exemption letter (on file with author) (May 31, 2023).

to each participant who entered the Center.<sup>106</sup> The distribution dates occurred once each month, on seven different occasions during the study period. Questionnaires were not distributed in November, December, and April. Our research team distributed the questionnaires at the entrance of a community meeting space in the Lucile H. Bluford branch of the Kansas City Public Library.<sup>107</sup>

On each distribution date, a research assistant (RA) with no administrative connection to the Center distributed questionnaires to each participant who entered the Center for assistance. The RA would place themselves at a table outside the meeting space and distribute questionnaires either before participants entered or as participants were exiting the Center. Participants were offered a questionnaire packet whenever they approached the survey table regardless of whether they were starting or ending their visit. Each participant was instructed to complete the survey whenever they found an appropriate time that was convenient.<sup>108</sup>

All individuals seeking assistance on the dates outlined above were provided with the opportunity to participate in the study. Each packet included a pen, self-addressed stamped envelope (to the author), and a two-sided questionnaire with survey questions on one side along with IRB-recommended instructions and an informed consent statement on the other side.<sup>109</sup> For anonymity purposes, this study did not employ an individualized informed consent strategy. The instructions included multiple statements warning participants not to include their name or identifying information on the returned survey.<sup>110</sup>

The RA provided little or no instruction on how participants should complete the questionnaire, besides offering a short statement asking participants to consider completing the survey about their experience. Accepting a questionnaire was optional, and the RA made clear that completion of a questionnaire was not a precondition to obtaining any services. At times, when the RA was not available to assist, this author staffed the survey desk themselves. At other times, both the RA and this author distributed packets together.

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<sup>106</sup> Certification of research assistant (on file with author) (Aug. 13, 2024).

<sup>107</sup> See e-mail from author to the Kansas City Public Library (on file with author) (providing information about the questionnaire and the study) (Aug. 13, 2024).

<sup>108</sup> Certification of research assistant, *supra* note 106.

<sup>109</sup> Copy of questionnaire distributed to survey participants and IRB recommended statement of consent (on file with author).

<sup>110</sup> *See id.*

At no time were the identities of any Tap In Center participants revealed to this author or to the RA. Participants were given the option of returning their observations by mail or dropping sealed questionnaires off at the survey desk.<sup>111</sup> Surveys returned to the survey desk were placed in the mail at the end of the night's collection to provide greater anonymity for the survey participants.<sup>112</sup> When questionnaires arrived in the mail, they were removed from their envelopes, checked for identifying information, and then randomized with surveys previously received. Once our team checked and randomized the surveys, we secured them until the completion of the data collection period in May.<sup>113</sup>

### C. Questionnaire Design

The study questionnaire was designed to be open-ended and void of any multiple choice or directed questions. Participants were instructed in writing: “[T]here are no rules about your answer, just do not include, names, case information or personal information.”<sup>114</sup> The goal of the survey was to capture impressions or thoughts the individual completing the questionnaire wanted to convey about both the Center and their general experiences with the criminal justice system. The survey consisted of seven open-ended questions with space allotted for individuals to volunteer answers in a non-restrictive way.

These questions included the following:

What is good about the Tap In Center? (hereinafter Q1)

What is bad about the Tap In Center? (hereinafter Q2)

Was this a good place for the Tap In Center to be located or would another place be better, and why? (hereinafter Q3)

Was this a good time of day or night to have the Tap In Center available, and if not, when would be better and why? (hereinafter Q4)

How was the Tap In Center like or not like the other places you have gone when you needed help? (hereinafter Q5)

How would you make the Tap In Center better? (hereinafter Q6)

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<sup>111</sup> Certification of research assistant, *supra* note 106.

<sup>112</sup> When questionnaires arrived in the mail, they were removed from their envelopes and preliminarily reviewed for identifying information.

<sup>113</sup> Two copies of questionnaires were made to facilitate analysis by both this author and his research assistant. All copies were secured per IRB grant of exemption.

<sup>114</sup> Copy of questionnaire distributed to survey participants and IRB recommended statement of consent (on file with author).

Do you trust the justice system more or less because of your experience with the Tap In Center? Tell us why. (hereinafter Q7)<sup>115</sup>

Of significance is how respondents, without provocation or being asked directly, offered expressions and beliefs outside the parameters of the question. These response markers provide an insightful window into the thought process of a person living under the threat of undeterminable incarceration. While encouraging answers to be related to the services of the Tap In Center, this author attempted to provide respondents an instrument to freely express feelings, attitudes, and concerns reflective of life under the specter of arrest.<sup>116</sup>

The object of the analysis was to identify expressions of themes beyond the direct answer to the question. The impact of these unsolicited responses exceeded the expectations of the research team, as respondents moved beyond an assessment of the Tap In Center and delved into more revealing personal beliefs. The unplanned—yet illuminating—thematic markers that emerged from these recorded responses are analyzed in this study.

#### **D. Study Limits**

Findings should be evaluated within the context of our study limitations. Participant anonymity limited the ability to answer certain research questions often addressed through quantitative research methods. Basic demographic and potentially identifiable markers were not collected to protect study participants. The timing of the completion of the questionnaires and their return was also beyond the control of investigators. Since questionnaires were distributed at the time individuals were attending the Center, it was imperative that the study be carried out without compromising the affirming non-authoritarian tone being conveyed by Center staff.<sup>117</sup> The only restriction placed on survey participants was to not identify themselves through the questionnaire or personally to investigators. All control of questionnaire completion and submission was relinquished to participants.

Because of the employed study method, it is impossible to confirm all survey respondents were under threat of a bench warrant. In addition to bench warrants for municipal violations, the Tap In Center in Kansas City provides warrant relief for individuals with a felony bench

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<sup>115</sup> *Id.*

<sup>116</sup> *See id.*

<sup>117</sup> Baker interview, *supra* note 103.

warrant. Because some individuals would be facing more serious criminal charges, the study provided a guarantee of participant anonymity. For researchers to certify survey respondents were indeed in warrant status, the identities of participants would need to be known to researchers. It is assumed that most, if not all, respondents were in warrant status because several responses referenced warrants and, as Tap In Center statistical records indicate, most Center participants were seeking warrant relief.<sup>118</sup>

Generic answers lauding the services being provided by the Tap In Center were predictable. Individuals who are under threat of arrest and incarceration will understandably make positive comments concerning any offer of assistance.<sup>119</sup> Additionally, since questionnaires were distributed before final resolution of warrants, it is intuitive to assume mostly affirmative statements of support would be made. Attitudes toward the Center are likely to change if participants fail to receive a warrant recall after completing the questionnaire. Additionally, the seemingly low response rate was indicative of a community unsure if it could fully trust a new and unknown service.<sup>120</sup> Despite this predictability and lack of traditional empirical methods, quantification of generic responses (specifically about the Tap In Center) has been cataloged and noted in Part III of this article.<sup>121</sup>

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<sup>118</sup> See e-mail from Baker, *supra* note 49.

<sup>119</sup> This observation is intuitive and based on my many years as a public defender working with clients with warrants; see also John Boyle et al., *The Shy Respondent and Propensity to Participate in Surveys: A Proof-of-Concept Study*, SURVEY PRACTICE 16 (2023) (identifying how the discrepancy between polling data and election results following the 2016 and 2020 elections caused individuals who originally placed trust in institutions to become disillusioned when results did not align with expectations).

<sup>120</sup> *Id.*; see also Brian H. Bornstein et al., *Reducing Court's Failure to Appear Rate: A Procedural Justice Approach*, U.S. DEPARTMENT OF JUSTICE (2011) (studying the low survey response rate and reduced likelihood of court appearance for varying degrees of misdemeanor offenders, particularly from individuals that were part of historically disenfranchised groups and displayed mistrust in the government).

<sup>121</sup> The survey participant responses in this study have been arranged in a dataset (hereinafter *Dataset*) and identified by the cross section of question number (Q#) and survey response number (SR#). The Q number ranges from 1-7 and corresponds to the question number on the questionnaire. The survey number cited will range from 1-19 and is the result of a randomized process. The survey number corresponds to a particular anonymous survey completed by a study participant. Responses by any one survey participant are purposely not linked (in the analysis) to increase the anonymity of the process. The dataset grid is on file with the author and has been reviewed by the journal editors.

### E. Data Analysis Methods

A total of 130 questionnaires were distributed to individual survey participants,<sup>122</sup> with twenty-one completed surveys returned by mail, or to the research table at the library.<sup>123</sup> Two surveys were excluded from analysis because informed consent could not be established based on the language of the responses differing from the consent statement.<sup>124</sup> The return rate was 16.15 percent counting the excluded surveys and 14.61 percent when excluding these responses. In total, nineteen surveys (hereinafter S1-S19) were analyzed for both direct answers and thematic markers.

Survey participants completed all or some of the seven questions (Q1-Q7) evaluating the operations of the Kansas City Tap In Center. Compared to the analysis of the thematic markers in the next sections, these preliminary findings relate directly to practical suggestions that would improve the Center's operations. These findings are outlined in a data table used as the tool for identifying targeted responses.<sup>125</sup>

(Q7) was one of several questions that garnered insightful non-responsive expressions labeled as thematic markers and discussed in this article. These thematic markers were extracted from the nineteen available completed questionnaires to capture attitudes and beliefs of individuals living under the cloud of a warrant. These markers help in understanding the belief system of individuals who live their life knowing that at any given time, they are subject to arrest and incarceration. The final sections of this article curate markers to present emerging themes across the experiences of warrant-impacted individuals.

The qualitative research method of thematic framework data display—utilized across a range of disciplines—were employed to evaluate the returned questionnaires.<sup>126</sup> Responses to questions were

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<sup>122</sup> Sample self-addressed stamped envelope (on file with author).

<sup>123</sup> Statement of certification by author (on file with author).

<sup>124</sup> *Id.*

<sup>125</sup> See Dataset, *supra* note 121.

<sup>126</sup> See, e.g., ANNE CORDEN & ROY SAINSBURY, SOCIAL POLICY RESEARCH UNIT, UNIV. OF YORK, USING VERBATIM QUOTATIONS IN REPORTING QUALITATIVE SOCIAL RESEARCH: RESEARCHERS' VIEWS, (2006), <https://www.york.ac.uk/inst/spru/pubs/pdf/verbquoteresearch.pdf> [<https://perma.cc/YS39-8G2V>]; see also JANE RITCHIE, ET AL., QUALITATIVE RESEARCH PRACTICE (Jane Ritchie & Liz Lewis eds., 2003); LIZ SPENCER ET AL., GOV'T CHIEF SOC. RSCH. OFF., QUALITY IN QUALITATIVE EVALUATION: A FRAMEWORK FOR ASSESSING RESEARCH EVIDENCE (2003), <https://assets.publishing.service.gov.uk/media/5a8179c1ed915d74e33fe69e/Quality-in->



carefully read and thematic markers were identified to build a participant-originated data display. The research team was not guided by a formal research question to be answered through responses. Rather, the development of a predicate study question was intentionally avoided to prevent confirmation bias when investigators searched for thematic markers.

A framework analysis of data display was utilized to review questionnaires.<sup>127</sup> Responses were categorized into two frames of 1) targeted response and 2) emerging thematic markers extracted from the writings of participants.<sup>128</sup> Data extraction was conducted manually, and responses were organized by both question and thematic category.<sup>129</sup> Data was then summarized to present responses from all participants within the context of a common thematic framework.<sup>130</sup> An individual data marker that initially presents as a targeted response, but is subsequently contextualized by an emerging theme, is described in both thematic frames and possibly across several categories within the frame.

A formal coding qualitative methodology was intentionally not utilized to categorize the dataset of responses in this study.<sup>131</sup> To avoid filtering participant attitudes, a method was employed of “grouping, displaying and discussing data thematically.”<sup>132</sup> This process allows for a comparison between conceptual content and prompts additional areas of inquiry.<sup>133</sup> A more formalized quantitative or qualitative coding process would require the research team to depersonalize warrant-impacted individuals by labeling them as “variables,”<sup>134</sup> robbing participants of their voice and their unique perspective. This process would be antithetical to the core purpose of the study.

To supplement the thematic framework process employed in this article, direct quotations from impacted individuals are included. This commonly accepted empirical research tool is utilized to provide evidence of the conclusions advanced and to provide a greater voice to people traditionally dehumanized by judicial processes.<sup>135</sup> The next section

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qualitative-evaluation\_tcm6-38739.pdf [https://perma.cc/8JTH-YRRE]

<sup>127</sup> Spencer et al., *supra* note 126, at 56.

<sup>128</sup> See Corden & Sainsbury, *supra* note 126, at 5.

<sup>129</sup> *Id.*

<sup>130</sup> Ritchie et al., *supra* note 126, at 205-206.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.* at 205.

<sup>134</sup> *Id.*

<sup>135</sup> See Corden & Sainsbury, *supra* note 126, at 11.

explains why a participant-centered approach is used in this study.

### F. A Participant-Centered Approach

This study was participant-centered to better understand the attitudes of those impacted by bench warrants. The study is intended in part as an antidote to the legal community's reduction of individual humans to an unknown name on a "fail to appear" court docket.<sup>136</sup> The dignity of an individual is often ignored by courts, as mass numbers of bench warrants are issued absent consideration of the human behind the warrant.<sup>137</sup> Similarly, studies can also have that same effect, as participant expressions are coded and subsequently reduced to a statistical presentation of attitudes.<sup>138</sup> Predetermined research questions are traditionally adopted prior to study design, data collection, and data analysis.<sup>139</sup>

The goal of this study is to provide insight into the belief systems of impacted people by prioritizing individual opinions over a mere quantification of predetermined coding terms. Survey questions were designed to capture practical advice about the Center while avoiding any request for attitudes concerning the impact of warrants. Expressions having a research impact first evolved from the participants, and only after reviewing responses were thematic categories created. Thematic categories were developed after viewing the expressions of participants, which allowed them to evolve naturally from the participants' lived experiences.

The reader of this article should consider survey participants as experts in how warrants impact individuals. Their expertise should be considered equally with the authors of traditional scholarship cited in this article. Each contributing individual is a participant in this work and each expression should be considered within the context of its singular unique perspective. The research team made every attempt to showcase the ideas of study participants while respecting their agency in, and ownership of, their completed questionnaire; verbatim responses and complete questionnaire content are not offered in this piece for that reason. Each response (like each participant) is distinctly valuable and not derived from a congregation of similar opinions.

When traditional research methods or terms are utilized in this

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<sup>136</sup> See Sekhon, *supra* note 4, at 984.

<sup>137</sup> *Id.*

<sup>138</sup> See Ritchie et al., *supra* note 126, at 205.

<sup>139</sup> *Id.* at 204-05.

article, they are intended to aid the reader rather than to aggregate data in support of a predicate research question. A thematic framework data display methodology best accomplishes this principle, because it allows for the “grouping, displaying and discussing [of] data thematically” while deemphasizing a categorical causality approach.<sup>140</sup> Unfortunately, because of the need for anonymity, individuals had to be referenced as a numbered response on a dataset table. The author acknowledges that unfortunate research reality but wants to emphasize the full humanity of the person behind the cited dataset. The participants in this survey are experts in how warrants impacted their own lives. Each impacted person resides at the center of this analysis.

The attitudes of warrant-impacted individuals can better inform warrant reduction strategies, like the Kansas City Tap In Center. The next section of this article documents the responses that directly relate to the question being asked in the survey. In the subsequent section, this article analyzes the unplanned emerging themes recorded by survey participants.

### III. THE RESPONSES OF PEOPLE IMPACTED BY BENCH WARRANTS

#### A. General Survey Findings

When asked what was good about the Center (Q1), the most prevalent response referenced the help offered to individuals. In response to this question, the term “help” or “helping” was used in six of the nineteen returned surveys.<sup>141</sup> The second most common answer, three out of nineteen, was how the services being offered were free of charge. The remainder of the responses represented a range of expressions including: warrant assistance, how the staff were nice and fast, the operating hours and location, and “everything.”<sup>142</sup> The (Q1) responses suggest a perception in the community that there is a lack of assistance for people who were confronted by a warrant.

When questioned about what was “bad” about the Center (Q2), twelve of the nineteen respondents indicated nothing was negative about their Tap In Center experience.<sup>143</sup> The most common alternative answer dealt with the problem of long waits and lack of enough staff to

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<sup>140</sup> *See id.*

<sup>141</sup> Dataset, *supra* note 121, at Q1/SR8, Q1/SR9, Q1/SR10, Q1/SR15, Q1/SR16, Q1/SR17; *see also supra* note 119 (explaining survey curation in study).

<sup>142</sup> *Id.* at Q1/SR1, Q1/SR2, Q1/SR3, Q1/SR7, Q1/SR10, Q1/SR11, Q1/SR12, Q1/SR13, Q1/SR18, Q1/SR19.

<sup>143</sup> *See generally* Dataset, *supra* note 121.

accommodate the number of individuals present.<sup>144</sup> This response was referenced in four of the nineteen surveys.<sup>145</sup> The (Q2) responses are indicative of a population expressing appreciation for any help offered, despite logistical inconveniences.

When asked if the Tap In Center was located in a “a good place” and, if not, to recommend another site (Q3), sixteen of nineteen responses indicated the current Kansas City Library location was appropriately situated to be accessible and useful.<sup>146</sup> One respondent suggested a community center or YMCA, another participant indicating they were uncertain about the location, and another participant logged no response to this question.<sup>147</sup> The two main follow-up responses indicated approval of the site because the library venue was located in a city neighborhood, or because it was close to public transportation.<sup>148</sup>

Respondents to (Q4) reacted positively to the Tap In Center being available from 5 PM to 7 PM. Fifteen of nineteen respondents indicated positive expressions to Center operations occurring during this time of day.<sup>149</sup> The most common follow-up was that six respondents mentioned how the time of services impacted employment or work.<sup>150</sup> A few responses indicated disapproval of the time and they offered specific alternatives or indicated that they wanted more Center availability than just once a month.<sup>151</sup> The connection made between work and availability of services suggests people confronted by a warrant are still attempting to work or obtain employment.

When questioned about how the Tap In Center was different from other places they sought help from in the past, (Q5) respondents predominantly stated this was their first time seeking help.<sup>152</sup> Six out of nineteen responses indicated a first-time status.<sup>153</sup> Alternative responses presented across a range of answers, with several expressions indicating how the experience was “great,” “helpful,” and “encouraging.”<sup>154</sup> A few participants appeared to be thankful for location, hours, and the ability to

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<sup>144</sup> *Id.* Q2/SR5, Q2/SR12, Q2/SR16, Q6/SR16.

<sup>145</sup> *See generally* Dataset, *supra* note 121.

<sup>146</sup> *Id.*

<sup>147</sup> Dataset, *supra* note 121, at Q3/SR14, Q3/SR3, Q3/SR7.

<sup>148</sup> *Id.* at Q3/SR16, Q3/SR18.

<sup>149</sup> *See generally* Dataset, *supra* note 121.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at Q5/SR2, Q2/SR3, Q5/SR13.

actually get results.

In response to questions on how the Tap In Center could be made better (Q6), most respondents suggested a logistical improvement accomplished by more resources and volunteer staff. The answers presented a range of suggestions including the ability to obtain warrant relief in more area jurisdictions, better publicity to reach more individuals with warrants, more sessions being offered per month, a more organized waiting process, and better snacks.<sup>155</sup>

Responses to (Q7) indicated an even split between seven Tap In Center participants whose positive experience made them more likely to trust the criminal justice system and seven participants who indicated their trust level of the system remained the same despite their experience.<sup>156</sup> The remainder of the questionnaires consisted of non-responsive answers and one survey participant who expressed uncertainty. No responses indicated an experience that made them trust the criminal justice system less. (Q7) was one of several questions that garnered insightful non-responsive expressions labeled as thematic markers that this article will discuss in the next section.

These thematic markers were extracted from the nineteen available questionnaire responses, over seven questions, to capture attitudes and beliefs of individuals living under the cloud of a warrant. These markers help in understanding the belief system of individuals who live their life knowing that, at any given time, they are subject to arrest and incarceration. The next three sections curate markers to present emerging themes from warrant-impacted individuals.

## **B. Anxiety, Stress, and Trauma in People Impacted by Warrants**

Various indicators (markers) of trauma, stress, and anxiety were detected in eight of nineteen returned questionnaires.<sup>157</sup> Each unsolicited response was unique and presented differently by each participant. The individual sentiment was captured either in a single word, or alternatively, by a short phrase. What made these responses significant was the unsolicited nature of the expression. No question on the survey asked

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<sup>155</sup> *Id.* at Q6/SR5, Q2/SR17, Q4/SR5, Q6/SR12, Q6/SR18.

<sup>156</sup> *See generally* Dataset, *supra* note 121; *see also* Duda-Banwar & Burt, *supra* note 2 (researching the attitudes of bench warrant-impacted individuals on trust of the criminal justice system).

<sup>157</sup> Dataset, *supra* note 121, at Q7/SR2, Q7/SR5, Q1/SR10, Q7/SR12, Q5/SR13, Q7/SR14, Q1/SR17, Q7/SR18.

participants to communicate individual levels of stress or anxiety.<sup>158</sup> Because the responses were not tethered to a specific query, the expression serves as a thematic marker of what individuals experience when they are living with a warrant.<sup>159</sup>

Participants reported experiencing “anxiety,” or “stress,” or “PTSD,” on three separate questionnaires.<sup>160</sup> An additional individual was feeling “vulnerable” about their situation while another expressed a concern about becoming “homeless” as a result of the pending warrant.<sup>161</sup> Consistent with these emotions, a separate respondent used the term “targeted from birth.”<sup>162</sup> An expression of community trauma was also detected when an individual wrote about the “community” as a whole experiencing “hard times.”<sup>163</sup> Markers of stress, anxiety, or trauma appeared in eight of nineteen questionnaires.<sup>164</sup>

Expressions of stress and anxiety were not isolated to one question on the survey. A word or a phrase commonly connected to anxiety or fear was found throughout the questionnaire in response to different inquiries, yet each response was unique, with no one particular word or phrase presenting across survey responses. An expression of anxiety presented most when participants were asked to reflect on their trust of the criminal justice system (Q7).

The outcomes in this study correlate with the findings of Duda-Banwar & Burt, who detected evidence of trauma in a warrant-impacted population in a different region of the country. When comparing these findings, it is evident mental health implications do not appear to be confined to specific regions in the country.<sup>165</sup> Determining the role warrants play in impacting trauma is beyond the scope of this study, but this question remains a fertile area for future research. Until more research is forthcoming, courts may consider how their use of warrants can cause irreversible trauma for individuals, families, and communities. Conversely, courts should also reflect on whether their warrant practice is being disproportionately employed against already vulnerable populations and consider exercising restraint.

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<sup>158</sup> See questionnaire, *supra* note 114.

<sup>159</sup> This finding is consistent with the study of Duda-Banwar & Burt, *supra* note 2.

<sup>160</sup> Dataset, *supra* note 121, at Q1/SR10, Q7/SR5, Q7/SR18.

<sup>161</sup> *Id.* at Q7/SR12, Q7/SR2.

<sup>162</sup> *Id.* at Q7/SR14.

<sup>163</sup> *Id.* at Q1/SR17.

<sup>164</sup> See generally Dataset, *supra* note 121.

<sup>165</sup> *Id.*

### C. The Need for Assistance with Resolving Bench Warrants

Most survey responses contained indicators of appreciation for the services of the Kansas City Center, but seven participants elaborated about the general lack of resources available for individuals with a warrant.<sup>166</sup> The Tap In Center was novel because it provided a free legal service where individuals could resolve their bench warrant, during convenient hours, free from the threat of arrest.<sup>167</sup> One respondent noted, “Help is hard to find,” and it “is hard to find” the same services being offered.<sup>168</sup> A separate individual commented, “what[‘]s good is that they even have a center.”<sup>169</sup> A third participant appreciated “the amount of people that could be helped in the area,” because of the Center’s location.<sup>170</sup> Other markers revealed a more specific explanation as to the uniqueness of the service. “Not a lot of places will be open & available to help you after hours” was a sentiment expressed by an individual who lauded that they “love” how assistance was offered from 5 PM to 7 PM.<sup>171</sup> Respondents were also thankful about how the Center was helping the community generally.

Responses regarding the lack of available services (before being offered by the Tap In Center) presented over several questions despite no question directly dealing with this issue. Attitudes toward the lack of services in the community appeared when participants were asked generally about what was good about the Center (Q1), whether it was located in a good place (Q3), and how the center was different from other places where they had gone for help (Q5).<sup>172</sup> Similar to the attitudes concerning trauma (as explained in the previous section), expressions appeared to be independent and not tied to an individual query. The lack of Tap In Center-type services and assistance for individuals who are under threat of a warrant is an emerging theme that was unanticipated, yet present, throughout the study.

This study bolsters the small body of scholarship that speaks to

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<sup>166</sup> *Id.* at Q1/SR8, Q1/SR9, Q1/SR12, Q3/SR19, Q5/SR1, Q5/SR17, Q3/SR10.

<sup>167</sup> *Kansas City Tap In Center: Resolve Open Warrants Without Fear of Arrest*, CLEAR MY RECORD MO. (2023), <https://clearmyrecordmo.org/event/kansas-city-tap-in-center-resolve-open-warrants-without-fear-of-arrest-2/> [<https://perma.cc/G8DG-BZTL>].

<sup>168</sup> Dataset, *supra* note 121, at Q5/SR1.

<sup>169</sup> *Id.* at Q1/SR9.

<sup>170</sup> *Id.* at Q3/SR10.

<sup>171</sup> *Id.* at Q1/SR17, Q5/SR17.

<sup>172</sup> *See* questionnaire, *supra* note 114.



the lack of resources available when an individual is the target of a warrant issued to secure their submission.<sup>173</sup> Courts will often use databases to record warrants but fail to provide tools to the public to help resolve a warrant or even provide the capability to detect when a warrant exists.<sup>174</sup> Many of these warrants are mere compliance warrants utilized to collect fees and fines or enforce the payment of traffic tickets and minor offenses.<sup>175</sup>

When warrants are issued without transparency or without potential solutions to remedy them, it “can create pervasive anxiety and mistrust of police and other public institutions” throughout a community.<sup>176</sup> Anxiety evolves into mistrust when individuals fail to detect an equitable process for withdrawing a court action that is threatening their livelihood and basic survival. The respondents of this survey provide individualized evidence that there is a fundamental need for more clinics like the Tap In Center, more community awareness, and more judicial reforms that will provide support for people who live with the trauma that accompanies an arrest warrant. It is an oversimplification to say, but people are afraid of going to jail. The trauma discussed in the previous sections is linked to the necessities of human dignity and survival.

#### **D. The Implications of Bench Warrants on Basic Human Rights**

In 1968, Dr. Martin Luther King Jr. reframed the struggle for civil rights as a fight for the basic individual human rights to possess food, shelter, healthcare, education, and security.<sup>177</sup> Dr. King fought for human beings to have the right to be treated with dignity regardless of their race.<sup>178</sup> He observed that these fundamental provisions of a free democracy—free from racial hierarchy—are commonly denied to people of color and poor people.<sup>179</sup> In relation to this study, participant answers closely touched upon the basic rights enumerated above. Answers that relate to general human dignity and social justice are also noted.

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<sup>173</sup> See Sekhon, *supra* note 4, at 969.

<sup>174</sup> *Id.* at 1016.

<sup>175</sup> *Id.* at 969.

<sup>176</sup> *Id.* at 1016.

<sup>177</sup> See MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 39-40 (2010) (explaining that civil rights should be viewed as basic human rights).

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

Food security played a role with individuals who presented at the Center. In response to a question concerning ways the center could improve (Q6), one respondent commented “snacks.”<sup>180</sup> Another individual, in response to the same question, proposed “more snacks.”<sup>181</sup> A third response proposed “having more snacks drinks etc.”<sup>182</sup> The library provided water and some snack packets for participants. By the end of the session most of the offered food and water had been consumed by participants.<sup>183</sup> A fourth survey participant highlighted the fact they were “homeless” and requested “more snacks, and food [and] hygiene kits.”<sup>184</sup> This same respondent mentioned on the questionnaire that they need “shelter services.”<sup>185</sup>

A request for snacks is not singularly an indication of food insecurity, but when such a request is combined with markers indicating a respondent is unhoused, a simple request for snacks should be considered a thematic marker. Consistent with the participant-centered methodology of this study, the expression of one person gives insights into the needs of people under the threat of a warrant. Any expression of hunger and thirst is not surprising considering in the United States, “over 47 million people, including 14 million children, experience food insecurity annually. However, many more people—including millions who do not meet the definition of food insecure—turn to the charitable food sector for support.”<sup>186</sup>

Tied closely to the issue of food is shelter, and equally, the ability to maintain employment and afford housing. A number of respondents indicated a connection between their warrant and their fear of losing their jobs. One survey participant indicated, “job equals paying my rent [and] not being homeless.”<sup>187</sup> Of the nineteen returned questionnaires, thematic markers referencing “work” or “job” presented in seven surveys.<sup>188</sup> Most appeared in reply to a question inquiring about the time of day services were being offered, (Q4). “Ones who work days have to choose going to

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<sup>180</sup> Dataset, *supra* note 121, at Q6/SR18.

<sup>181</sup> *Id.* at Q6/SR1.

<sup>182</sup> *Id.* at Q6/SR2.

<sup>183</sup> This phenomenon was based on the observations of the author when attending Tap In Center sessions.

<sup>184</sup> Dataset, *supra* note 121, at Q6/SR19.

<sup>185</sup> *Id.*

<sup>186</sup> *Hunger in America*, FEEDING AMERICA (last visited Nov. 19, 2024), <https://www.feedingamerica.org/hunger-in-america/food-insecurity>.

<sup>187</sup> Dataset, *supra* note 121, at Q7/SR2.

<sup>188</sup> *Id.* at Q4/SR9, Q4/SR12, Q4/SR13, Q4/SR14, Q4/SR16, Q4/SR18, Q5/SR17.

work or court, so . . . [r]ent or warrant or missed days result in write-ups.”<sup>189</sup> It is important to note that the questionnaire never referenced jobs, employment, or work. The survey responses are consistent with scholarship observing how municipal warrants—accompanied with the threat of police action—can strip clients of employment, housing, community engagement, and their ability to use efficient modes of transportation.<sup>190</sup>

Participants also referenced the need for transportation to access services: “I think the [Tap In Center] was good because it’s right on the bus line so everyone can come,” one respondent wrote.<sup>191</sup> Another respondent pointed out the Center was in the “heart of the city” and on a “bus line.”<sup>192</sup> The Kansas City Tap In Center was intentionally situated outside of downtown Kansas City and away from court buildings.<sup>193</sup> It borders a residential area and is just feet away from a sheltered bus stop.<sup>194</sup>

The ability to travel safely is directly connected to an individual’s ability to be secure in access to food, housing, employment, medical care, social services, and their ability to engage in civic activities like voting and jury service.<sup>195</sup> Transportation was on the mind of survey participants as they confronted the logistical challenges of appearing in court. One individual who praised how the Center was on a bus line also noted the fact that no one attempted to “take us to jail” while at the Center.<sup>196</sup> This one response is significant, because it demonstrates how transportation is a concern for an individual who is threatened by the prospect of incarceration.

Nearly half of the survey participants recorded an explicit thematic marker indicating they were treated with respect and dignity at the Center.<sup>197</sup> These markers were not expressly solicited. No indication appeared on any survey that a Center participant was treated poorly by Center staff. The unsolicited nature of the response speaks to how individuals with a warrant are attuned to the necessity that “all human

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<sup>189</sup> *Id.* at Q4/SR18.

<sup>190</sup> *See* Roediger, *supra* note 1, at 223-224.

<sup>191</sup> Dataset, *supra* note 121, at Q3/SR16.

<sup>192</sup> *Id.* at Q5/SR18, Q3/SR18.

<sup>193</sup> Baker interview, *supra* note 103.

<sup>194</sup> *Id.*

<sup>195</sup> *See* Patrick C. Brayer, *Pandemic, Protest, and Agency: Jury Service and Equal Protection in a Future Defined by COVID-19*, 5 UCLA CRIM. JUST. L. REV. 1, 6-7 (2021).

<sup>196</sup> Dataset, *supra* note 121, at Q7/SR16.

<sup>197</sup> *See generally* Dataset, *supra* note 121.

beings of all races are treated with dignity.”<sup>198</sup> Survey participants gave varied examples on how they were treated by the staff. “Everyone was very supportive and nice,” “informative, polite, and quick,” and “encouraging for people with warrants.”<sup>199</sup> Participants praised how the Tap In Center was a “great place,” “giving an opportunity to help the community,” and was “really trying to help.”<sup>200</sup>

A number of these responses were recorded when an individual was asked to compare how the Center was different from other places they have “gone when they needed help,” (Q5). The juxtaposition between the positive thematic markers expressed about the Center and other institutions of the criminal justice system was stark and revealing. It was evident because of race, ethnicity, class, economic status, and/or warrant status, individuals had been treated with disrespect and indignity in the past.<sup>201</sup> The survey did not ask direct questions about previous maltreatment but several respondents felt compelled to share their experiences. Some of the comments came when asked about if they trusted the criminal justice system more because of the Tap In Center.

One survey participant indicated their perception of the criminal legal system: “you were guilty before [you are] innocent.”<sup>202</sup> Another individual associated “PTSD” with their past experiences with the police.<sup>203</sup> A different response expressed, “The justice system has always been unfair for the American African, poor, and the sick . . . when [you’re] targeted from birth.”<sup>204</sup> Individuals were “anxious” when attending the Center and others were happy they were not thrown in “jail.”<sup>205</sup> In an honest reflection, a survey participant admitted their feelings for the “justice system” had not changed because “it’s not the [Tap In Center—

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<sup>198</sup> Alexander, *supra* note 177, at 246.

<sup>199</sup> Dataset, *supra* note 121, at Q2/SR19, Q5/SR10, Q5/SR13.

<sup>200</sup> *Id.* at Q1/SR17, Q3/SR15, Q7/SR16.

<sup>201</sup> Reed, *supra* note 53, at 158-59 (“We often have clients who have trouble getting to court. When they are late or having difficulty it can be a big problem . . . Clients are berated when their tardiness slows court calendars, and very little effort is made to understand the circumstances leading to the delay. We have numerous examples of clients who face warrants and time in custody because they could not find a way to solve problems with their jobs, transportation, or their families. All too often when they attempt to explain themselves, they are met with open skepticism or worse. The message is that we don’t care about the problems they experience.”).

<sup>202</sup> Dataset, *supra* note 121, at Q7/SR9.

<sup>203</sup> *Id.* at Q7/SR18.

<sup>204</sup> *Id.* at Q7/SR14.

<sup>205</sup> *Id.* at Q7/SR5, Q7/SR16.

lit's the justice system.”<sup>206</sup> Ten out of the nineteen respondent surveys failed to indicate they would trust the criminal justice system more because of the services being offered by the Center. Some participants didn't answer the question, while others praised the Center, though their positive experience wasn't enough to alter their mistrust of the system.<sup>207</sup>

These expressions are consistent with the beliefs of procedural justice scholars who warn that trust in the criminal justice system is directly tied to the quality of encounters individuals have with police and the courts.<sup>208</sup> If warrant-impacted individuals sense a malicious motive behind the use of warrants accompanied by a lack of procedural fairness, their distrust in the system will grow.<sup>209</sup> The present study suggests attitudes of distrust toward the criminal legal system are difficult to dislodge even after a positive experience. However, despite a deep entrenchment of suspicion toward authority, some responses suggest positive experiences may gradually change attitudes.

The Center inspired some participants to reflect and provide a higher meaning, beyond the mere avoidance of incarceration. One survey participant spoke about how the assistance received provided a “second chance,” while another person said the help was good for those “who can't afford to pay.”<sup>210</sup> The Tap In Center initiative prompted a person to reflect how “a second chance is call for meaning.”<sup>211</sup> These expressions can inform how bench warrants impact an individual's core self-image, influencing an impacted person's view of their purpose in life.

The Center was a good initiative because of its assistance in “getting rid of warrants,” as asserted by one participant.<sup>212</sup> This study seeks to humanize warrant-impacted individuals, in part by bringing attention to their commonplace yet deeply personal experiences. Some struggled to hold down jobs and care for loved ones, and at least one participant retains a faith in a better future, proclaiming, “I trust in

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<sup>206</sup> *Id.* at Q7/SR3.

<sup>207</sup> Compare the results in this study to the findings of Duda-Banwar & Burt, *supra* note 2, at 19 (“Respondents described a system that did not respect, empathize, or show concern for their situation. Respondents identified differences in treatment based on the jurisdiction of the offense and the specific judge.”).

<sup>208</sup> See TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS, at XV (2002).

<sup>209</sup> *Id.*

<sup>210</sup> Dataset at Q1/SR13, Q1/SR11; *see generally* Dataset, *supra* note 121.

<sup>211</sup> *Id.* at Q7/SR2.

<sup>212</sup> *Id.* at Q1/SR7.

God.”<sup>213</sup> Listening to the voices of warrant-impacted people is a crucial first step in reforming the laws and procedures regulating the courts’ use of warrants. The implications of this survey’s results and its impacts on future research, practice, and reform efforts will be discussed in the following sections of this article.

#### IV. DISCUSSION AND FUTURE IMPLICATIONS FOR PRACTICE, RESEARCH, AND REFORM

##### A. Future Issues for Practice and Research

Researchers across a number of disciplines (including legal scholars) have successfully detailed the quantitative impact of bench warrants.<sup>214</sup> Additionally, Supreme Court opinions have alerted the legal community to the broad harmful impact of these legal instruments.<sup>215</sup> This study seeks to provide a different perspective and a unique contribution to the body of work in this area. The voices captured in this piece were most likely derived from individuals in, or recently in, warrant status. These individuals expressed beliefs independent of a conversation with a researcher and without a fear of identification or an expectation of immediate incarceration. Future researchers can find value in the expertise expressed by each cited participant in this study.

Unsolicited expressions by survey participants indicated significant mental health impacts resulting from courts’ uses of bench warrants. These beliefs show evidence that bench warrants impact the mental health of individuals, and potentially, families and communities.<sup>216</sup> When mental health conditions stem from the actions of institutions of power, they result in medical disparities and reduce the effectiveness of medical treatments.<sup>217</sup>

Future research should consider the connection between the mass use of bench warrants by American courts and the societal cost of inflicting mental health and medical maladies on disinvested communities. Researchers might also evaluate how bench warrants delay abrogation of crime rates by inflicting long-lasting trauma on residents of a community.<sup>218</sup> Judges, prosecutors, and defense attorneys should

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<sup>213</sup> *Id.* at Q7/SR19.

<sup>214</sup> *See* Duda-Banwar & Burt, *supra* note 2.

<sup>215</sup> *Utah v. Strieff*, 579 U.S. 232, 252 (2016) (Sotomayor, J., dissenting).

<sup>216</sup> *See* Farmer et al., *supra* note 76, at 1686.

<sup>217</sup> *Id.*

<sup>218</sup> In their third white paper on municipal courts, the advocacy organization ArchCity

consider the implications of their actions when they are part of the warrant-issuing process.

In this study, individuals with warrants asserted beliefs that few trusted alternatives to arrests existed to resolve warrants. This lack of alternatives to arrest is particularly relevant to court administrators and policy makers as they work to change perceptions that courts deny access to justice for often minoritized people living in poverty.<sup>219</sup> The warrant recall center mentioned in this article should inform consideration of these findings. Successful efforts, like Tap In Centers and community warrant clinics, are being made in some communities to reduce the impact of warrants.<sup>220</sup> Practitioners and researchers should study these efforts to see how they change members of disinvested communities' perceptions of law enforcement and the legal system.

As expressed by survey respondents, there is a negative correlation between a bench warrant and the ability to maintain employment and support a family. When bench warrants are used to manage human beings, they have a direct impact on an impacted individual's ability to maintain a job and put food on the table—in short, to survive.<sup>221</sup> People impacted by bench warrants expressed concerns that attending court or being arrested would lead to adverse employment actions, resulting in a loss of income. This concern also extends to the ability to maintain a home, buy food, and obtain transportation. Warrants may have a direct impact on poverty and the number of people who are unhoused. This is a fertile area for future scholarship, where researchers could explore the impact of bench warrants on the economic health of households in a particular area.

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Defenders observed how the actions of municipal courts have exacerbated poverty in their municipalities with no benefit to community wellness and public safety. See ARCHCITY DEFENDERS 2024, *supra* note 67, at 15.

<sup>219</sup> See Zernova, *supra* note 26.

<sup>220</sup> See, e.g., *Tap in Center: Kansas City*, CLEAR MY RECORD MISSOURI (Aug. 21, 2023), <https://clearmyrecordmo.org/event/tap-in-center/> [<https://perma.cc/DAZ4-T6Y4>]; *The Tap In Center, 2023 NACo Achievement Award Winner*, NAT'L ASS'N OF COUNTIES (2023), <https://www.naco.org/resources/award-programs/tap-center> [<https://perma.cc/445N-WJ49>]; *Franklin County, OH FY 2023 Justice Assistance Grant*, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FUND (Sept. 22, 2023), <https://bja.ojp.gov/funding/awards/15pbja-23-gg-03689-jagx> [<https://perma.cc/3AJT-SJE6>].

<sup>221</sup> See Roediger, *supra* note 1, at 213, 218-19, 227 (“The existence of a municipal warrant effectively means that one is subject to state capture at any moment. It modifies behavior in a myriad of ways.”)



Future scholarship studying the health implications and economic impact of bench warrants will certainly be contextualized through a frame of artificial intelligence.<sup>222</sup> AI will make the warrant delivery process faster, more resourceful, and more efficient.<sup>223</sup> Law enforcement is currently using geographically referenced algorithmic tools to pursue concentrations of individuals with warrants.<sup>224</sup> AI has the potential to make the warrant delivery process less biased and more equitable by using properly developed risk assessment tools.<sup>225</sup> Conversely, AI also has the potential to exacerbate the over-policing of disinvested neighborhoods by geographically targeting police resources to neighborhoods where the greatest number of warrants can be executed in the shortest period, regardless of charge or assessment of risk.<sup>226</sup> The long-term implications of this warrant delivery tool are still unclear.

What is certain is that the criminal justice system is being shaped by the emergence of artificial intelligence.<sup>227</sup> The question arises: how will self-learning algorithms value the expressions of the individuals in this study, or, stated more generally, how will AI value data that loses meaning if aggregated? If efficiency of the warrant execution process becomes the dominant objective, will AI perpetuate or accelerate an already depersonalized judicial practice? Can AI properly consider a voice or solitary expression and weigh it appropriately against a mountain of cumulative behavioral data on “warrant-impacted individuals?”<sup>228</sup>

The future of criminal justice has arrived, and this requires a determination regarding the current direction of machine learning.<sup>229</sup> Have AI developers already framed warrant-impacted people as fugitives and absconders with predictable behaviors?<sup>230</sup> The dataset discussed in this article attempts to provide an alternative starting point for AI, where a single expression is heard and not just analyzed for risk and behavior.

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<sup>222</sup> See Rigano, *supra* note 6.

<sup>223</sup> See *id.*

<sup>224</sup> See *id.*

<sup>225</sup> See *Applying Data Science To Justice Systems: The North Carolina Statewide Warrant Repository (NCAWARE), Award Information*, NATIONAL INSTITUTE OF JUSTICE, <https://nij.ojp.gov/funding/awards/2015-ij-cx-k016> [<https://perma.cc/4H34-JKYX>].

<sup>226</sup> See Rigano, *supra* note 6.

<sup>227</sup> See *id.*

<sup>228</sup> See *id.*

<sup>229</sup> See *id.*

<sup>230</sup> See *id.* at 44 (“The algorithms form decision trees and perform survival analysis to determine the time span until the next occurrence of an event of interest and predict the risk of reoffending for absconding individuals (if a warrant goes unserved”).

For example, AI has the potential to do more good than harm in the warrant execution space if it is referenced through a human dignity lens. Will an AI warrant execution tool consider “a second chance is a call for meaning,”<sup>231</sup> before it factors in location and risk? Intuitively, if AI can be geographically referenced, it can also be trained to reduce the disproportionate impact of our current warrant delivery system on communities of color. It can direct impacted people to available resources and assist governments in creating warrant remediation strategies. In my opinion, achieving these outcomes are how AI can eventually factor in human dignity and empathy.

The individuals expressing views in this survey do not regularly receive dignity or respect. This tragic undercurrent speaks to how the courts and police treat people. Both researchers and practitioners must consider the perspectives of people who have faced warrants as they try to understand the disconnect between communities and institutions who wield power. This study attempts to focus on voices of impacted people and listen to their requests for lives with dignity. These voices speak to how bench warrants are powerful tools that can deprive individuals of their health, humanity, survival, and access to justice.

## **B. The Reform and Remediation Landscape**

Scholars have provided detailed recommendations to judges and judicial officers on how courts can prevent abuse of bench warrants.<sup>232</sup> These recommendations urge judges to uphold the magisterial process and to embrace their traditional role by “seriously consider[ing] a defendant’s interests and [balancing] them against the government’s

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<sup>231</sup> Dataset, *supra* note 121, at Q7/SR2; *see also* Paul Formosa et al., *Medical AI and human dignity: Contrasting perceptions of human and artificially intelligent (AI) decision making in diagnostic and medical resource allocation contexts*, COMPUTERS IN HUMAN BEHAVIOR 133 (2022) 10-11 (discussing the ability of AI to provide respectful and dignified decisions for individuals seeking help within the healthcare system).

<sup>232</sup> *See* Sekhon, *supra* note 4, at 1014-15 (“(1) Courts should clearly state that non-compliance warrants are a last resort where a non-compliant defendant threatens the orderly dispensation of justice, not the first line of administrative recourse. (2) Courts should identify procedural requirements that unnecessarily generate FTAs [Failure to Appear] such as requiring in-person appearance for infractions and motions practice in criminal cases. . . . (3) Courts might create blanket policies not to issue non-compliance warrants for specific categories of offenses. . . . (4) Courts might create blanket policies not to issue non-compliance warrants for specific categories of alleged offenders. . . . Courts should also create administrative policies that aim to minimize the harms generated by non-compliance warrants. Again, such policies should be conceived through the lens of the magisterial ideal, with sensitivity to local circumstances.”).

interests before issuing a warrant.”<sup>233</sup> It is acknowledged that management of courts may sometimes require the use of bench warrants or “failure to appear” warrants, but judges should never issue warrants in a “mechanical” or “thoughtless” manner.<sup>234</sup> Additionally, judges should also avoid relinquishing their warrant authority to clerks or court personnel.<sup>235</sup> Conversely, empowering court clerks and staff to recall warrants would provide more opportunities for warrant-impacted people to seek relief.<sup>236</sup>

This approach embraces the traditional magisterial role of a thoughtful and reflective judge issuing warrants while their court concurrently provides greater resources in the community for assistance. The responses of survey participants in this study highlight the scarcity of assistance available following a warrant’s issuance.<sup>237</sup> To seek assistance, warrant-impacted individuals must often suffer a gauntlet: traveling to a city center, navigating courthouse security checkpoints, lacking clear guidance on where to go or whom to speak with, and, if fortunate enough to reach someone, often finding a court staff member with limited authority and few answers.<sup>238</sup> This odyssey is often endured under constant threat of arrest and immediate incarceration.<sup>239</sup> By expanding remedies for warrant-impacted people, courts can attempt to reframe their punitive, oppressive images and aspire to be places of community-centered support.<sup>240</sup>

Another important recommendation by scholars is for courts to reduce the frequency of required court dates.<sup>241</sup> State and municipal courts often schedule status conferences in which individuals have to appear before the court, but these conferences make no substantive progress

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<sup>233</sup> Sekhon, *supra* note 4, at 1013.

<sup>234</sup> *Id.*

<sup>235</sup> *Id.* at 1015; see Natapoff, *supra* note 29, at 989-90 (describing how judges relinquish the issuing of warrants to court clerks); see also *Shadwick v. City of Tampa*, 407 U.S. 345 (1972) (allowing municipal clerks the ability to issue municipal court bench warrants).

<sup>236</sup> Sekhon, *supra* note 4, at 1015.

<sup>237</sup> Dataset, *supra* note 121, at Q1/SR8, Q1/SR9, Q3/SR2, Q5/SR1, Q3/SR10.

<sup>238</sup> See Sekhon, *supra* note 4, at 1016 (recommending that courts develop efficient systems where individuals can determine if they have a warrant); see also Reed, *supra* note 53 (describing the obstacles a person attending court experiences).

<sup>239</sup> These common fears had been observed by the author when attending court sessions with clients as a public defender.

<sup>240</sup> See Roediger, *supra* note 1, at 214 (“My clients unanimously view municipal courts as a problem and not a phenomenon.”).

<sup>241</sup> Sekhon, *supra* note 4, at 1014.

toward case resolution.<sup>242</sup> Beyond the inefficiency of using judicial resources in this manner, justice-impacted individuals often must take time from work and arrange childcare, only to attend a court visit that yields no tangible outcomes.<sup>243</sup> As one survey participant noted, they are frequently required to “choose [between] going to work or court.”<sup>244</sup>

When an individual predictably misses one of an endless litany of nonproductive court dates, a bench warrant is often issued.<sup>245</sup> To address this issue, courts should minimize the number of required court dates for defendants and issue bench warrants only when essential for the orderly administration of justice.<sup>246</sup> “For unrepresented parties—including those charged with traffic offenses—courts might use technological solutions to permit defendants to appear virtually when they would like to contest a citation or make a showing that they are unable to pay.”<sup>247</sup>

A straightforward recommendation for judges is to avoid issuing bench warrants for low-level offenses, infractions, traffic violations, and for enforcing the payment of fees and fines.<sup>248</sup> In 2015, the U.S. Department of Justice advised the Ferguson Municipal Court to “[c]ease [the] practice of automatically issuing a warrant when a person on a payment plan misses a payment, and adopt procedures that provide for appropriate warnings following a missed payment.”<sup>249</sup> Additionally, law enforcement agencies have been encouraged by the Department of Justice to curtail their execution of bench warrants for infractions and minor offenses.<sup>250</sup>

While some scholars offer procedural recommendations for judges to minimize the abuse of bench warrants, others instead advocate for the abolition of municipal courts by framing them as mechanisms of control that disenfranchise low-income populations.<sup>251</sup> Abolitionists argue municipal courts use bench warrants as a tool to maintain racial and

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<sup>242</sup> *Id.* at 1003-04, 1014 (describing practices similar to those observed by the author when attending court sessions with clients).

<sup>243</sup> Sekhon, *supra* note 4, at 1003 (“Even making appearances in court is more difficult for the poor, who tend to have marginal employment that affords little flexibility to take time off work.”).

<sup>244</sup> Dataset, *supra* note 121, at Q4/SR18.

<sup>245</sup> *See* Sekhon, *supra* note 4, at 1014.

<sup>246</sup> *Id.*

<sup>247</sup> *Id.*

<sup>248</sup> *Id.* at 1014-15.

<sup>249</sup> DOJ FERGUSON REPORT, *supra* note 33, at 99.

<sup>250</sup> *Id.* at 1013.

<sup>251</sup> Roediger, *supra* note 1, at 219, 225.

class hierarchies.<sup>252</sup> They contend that these courts are designed to expand police bureaucracy by facilitating the unfettered capture and control of marginalized and under-resourced residents.<sup>253</sup> This reform model does not view bench warrants as a tool of revenue generation, but rather, one of many instruments used by governments to control disinvested populations.<sup>254</sup>

Some legal advocacy organizations would prefer complete abolition of warrant-generating municipal courts but recognize such reform is unattainable under current municipal court systems.<sup>255</sup> Instead, these reformers advocate for reducing the number of municipal courts and consolidating unnecessary and costly judicial operations.<sup>256</sup> Advocates assert consolidation “would diminish these courts’ role as tools of racial and economic oppression. It would reduce their ability to generate revenue through fines and fees, thereby disrupting the cycle of poverty and incarceration that disproportionately affects marginalized communities.”<sup>257</sup>

Advocacy organizations acknowledge that, in some jurisdictions, progress has been made in curbing the revenue-generating activities of municipal courts.<sup>258</sup> Legislation, court orders, litigation, investigations, and public “shame” have led to a decrease in the collection of fines and fees by some municipal courts.<sup>259</sup> However, the issuance of bench warrants in these same jurisdictions has not been consistently reduced, with some municipal courts showing annual increases in their use of bench warrants since 2021.<sup>260</sup> Advocates caution that the issues stemming from bench warrants are unlikely to be resolved in the near future.<sup>261</sup>

Despite continued judicial education and court reform, the

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<sup>252</sup> *Id.* at 214, 224.

<sup>253</sup> *Id.* at 223-24.

<sup>254</sup> *Id.* at 214, 224-225.

<sup>255</sup> *See, e.g.*, ARCHCITY DEFENDERS 2024, *supra* note 67, at 17 (detailing an abolitionist legal advocacy organization recommending consolidation of municipal courts in St. Louis County, Missouri).

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.* at 15.

<sup>259</sup> *Id.*

<sup>260</sup> *Id.* at 14 (“St. Louis County’s warrants issued spiked 3330.26% from FY2022 to FY2023 (532 warrants to 18,249). Despite the City of St. Louis issuing fewer warrants in FY2023 than any other year in the past decade, it still issued a staggering 63,599 warrants—equivalent to 1 in every 5 residents having a warrant.”)

<sup>261</sup> *Id.*

negative impact of bench warrants on individuals and communities persists. To address this problem, agencies, activists, and community leaders are collaborating to establish warrant recall centers.<sup>262</sup> Warrant relief initiatives—such as the Center in this article—are currently being implemented in major metropolitan areas, with the U.S. Department of Justice expanding its funding to future relief efforts in communities like Columbus, Ohio.<sup>263</sup> In addition to St. Louis County, Kansas City, and Columbus, policymakers nationwide are engaging with current relief organizers to discuss new initiatives in their jurisdictions.<sup>264</sup> Successful community-based warrant recall operations have garnered both national and local awards in addition to media recognition as criminal justice success stories.<sup>265</sup> Furthermore, clinics are emerging throughout the nation as a result of warrant reduction philosophies, exemplifying policy initiatives that have successfully righted injustices in historically disinvested communities.<sup>266</sup>

“Restorative justice”—the aim of restoring justice back into communities—is a core principle that is driving many criminal justice organizations to engage in bench warrant relief efforts.<sup>267</sup> Many justice-oriented institutions have recognized the need to reframe traditional notions of restorative justice, especially in the wake of George Floyd’s death and the disproportionate impact of COVID-19 on communities of color.<sup>268</sup> Communities that have been historically marginalized and

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<sup>262</sup> See, e.g., Miranda Gibson & Beth Huebner, *A New “Tap In Center” Aims To Restore Community Trust*, SAFETY AND JUSTICE CHALLENGE BLOG (Apr. 14, 2022), <https://safetyandjusticechallenge.org/blog/a-new-tap-in-center-aims-to-restore-community-trust/>, (describing a similar center to the one described in this article established in St. Louis, Mo.).

<sup>263</sup> *Franklin County, OH FY 2023 Justice Assistance Grant*, UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (September 22, 2023).

<sup>264</sup> Interview with Miranda Gibson, Justice Services Specialist, Adult Services, St. Louis County Library (July 15, 2024) [hereinafter Gibson interview] (recording on file with author).

<sup>265</sup> See *Tap In Center at the St. Louis County Library*, THIRD ANNUAL REPORT 2 (2023) (on file with author) (listing of agencies and organizations that currently contribute to the Tap In Center collaboration and recognitions for the program).

<sup>266</sup> See Snowden, *supra* note 51.

<sup>267</sup> See Annalise Buth & Lynn Cohn, *Looking at Justice Through a Lens of Healing and Reconnection*, 13 NW. J. L. & SOC. POL’Y at 1-3 (2017) (defining restorative justice); see also Gibson & Huebner, *supra* note 262 (“the new ‘Tap In Center’ aims to rebuild trust between community members and the criminal justice system, with racial equity at its core. Each of the county’s reform strategies is meant to decrease the disproportionate burden that people of color face in the criminal justice system.”).

<sup>268</sup> See Gibson & Huebner, *supra* note 262.

systematically oppressed need support to heal from decades of targeted racism and underinvestment. The proliferation of bench warrants is a critical area of reform identified to help redress this disparity.<sup>269</sup>

Community organizers and activists have capitalized on opportunities to launch community-led warrant relief initiatives by partnering with local libraries aiming to enhance community outreach and support disinvested populations.<sup>270</sup> Public defenders have collaborated with prosecutors to generate sustainable resources for clients with warrants.<sup>271</sup> Prosecutors and judges have embraced opportunities for community-based warrant relief centers where defendants re-engage with the legal process “and obtain support.”<sup>272</sup> Law enforcement agencies have also joined warrant relief efforts to slow the rising tide of a costly jail population and governments, universities, and foundations have worked to harmonize warrant reduction strategies.<sup>273</sup>

Successful warrant relief initiatives have been “community-led”<sup>274</sup> and “participant-driven”<sup>275</sup> with diverse institutions collaborating to manage operations. These programs are typically situated within the

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<sup>269</sup> *See id.* (“Minor legal issues are often part of the reason people ‘tap out’ of trusting the criminal justice system. They prevent people from proactively and collectively engaged in their community’s safety and security. The new ‘Tap In Center’ aims to rebuild trust between community members and the criminal justice system, with racial equity at its core. The goal is to help people to re-engage with court cases and legal assistance.”).

<sup>270</sup> *See, e.g.,* American Staff, *Bail Project – St. Louis Opens a Center at Flo Valley County Library Branch*, ST. LOUIS AM. (Nov. 9, 2020), [https://www.stlamerican.com/news/local\\_news/this-was-a-way-better-option-than-turning-myself-in/article\\_75d797a8-22b8-11eb-b8c7-d7b38a2738f4.html](https://www.stlamerican.com/news/local_news/this-was-a-way-better-option-than-turning-myself-in/article_75d797a8-22b8-11eb-b8c7-d7b38a2738f4.html).

<sup>271</sup> *See* MacArthur Foundation, *NYT’s Emily Bazelon & MacArthur’s Safety and Justice Challenge Talk Local Solutions to Incarceration*, YOUTUBE (Feb 21, 2021), (commenting of Beverly Hauber, St. Louis County District Defender: “[D]on’t forget about the person or the people and telling their stories.”).

<sup>272</sup> *See id.* (commenting of Wesley Bell, St. Louis County St Louis County Prosecuting Attorney: “When you give individuals the support and resources that they need they offend at a lower rate.”).

<sup>273</sup> American Staff, *supra* note 270 (“The Tap In Center was created in collaboration with the St. Louis County Library, the Missouri State Public Defender’s Office, MacArthur Foundation Safety & Justice Challenge, University of Missouri-St. Louis, the St. Louis County Prosecuting Attorney’s Office and the St. Louis County Department of Justice Services.”).

<sup>274</sup> E-mail from Chase Shiflet, Bail Disrupter, The Bail Project-St. Louis, to author (Aug. 12, 2022) (on file with author).

<sup>275</sup> *Id.*; *see also* Emily Woodbury, *County Library’s ‘Tap In Center’ Helps Residents Resolve Warrants, Get Legal Assistance*, St. Louis Public Radio broadcast (Feb. 17, 2021) (interviewing The Bail Project Court Support Specialist Hattie Svoboda-Stel).



community rather than traditional centers of power and authority.<sup>276</sup> Warrant relief centers have emerged as safe places for participants to seek assistance while modeling themselves as safe forums that foster collaboration between contributing organizations.<sup>277</sup> This “safe place” framing has allowed contributors to transcend their traditional roles of judge, non-profit activist, social service provider, public advocate, prosecutor, academic, law enforcement, and librarian.<sup>278</sup>

Justice service organizations continue to be driven by the traditional adversarial binary of prosecution versus defense, but a shifting cultural landscape is fostering a unified vision for neighborhood restoration.<sup>279</sup> No single organization is uniquely positioned to spearhead warrant relief initiatives or to lead discussions on racial reckoning and community healing.<sup>280</sup> Traditional rivals, like prosecuting attorneys and public defenders, are coming together to uphold shared values, recognizing “the power of yes” to advance a broader goal of restoring social justice for individuals and communities.<sup>281</sup>

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<sup>276</sup> American Staff, *supra* note 270.

<sup>277</sup> *Id.* (“When I got there, I was connected with resources like temporary housing, where to get some clothes, where to get help with food, and the biggest thing, I got my warrant recalled for free.”)

<sup>278</sup> Gibson Interview, *supra* note 264.

<sup>279</sup> See, e.g., Jason Christian, *Abolitionist Library Workers Want Library Access for All That Begins with Getting Cops Out*, IN THESE TIMES (Aug 23, 2021) (<https://inthesetimes.com/article/no-police-in-libraries-abolition>), (describing how the St. Louis County library and library systems across the nation grappled with issues of racial reckoning after the murder of George Floyd).

<sup>280</sup> See *id.*; see also Alice Sperti, *Can Progressive Prosecutors Bring Justice to Victims of Police Violence?*, THE INTERCEPT (Aug. 27, 2020), <https://theintercept.com/2020/08/27/wesley-bell-michael-brown-darren-wilson-ferguson-police/>. (highlighting the limits of progressive prosecutor’s ability to convict police officers of brutality).

<sup>281</sup> Stephen Jackson, *10 Practical Steps for Integrating Restorative Practices in Libraries*, LIB. J. (Apr 12, 2021), <https://www.libraryjournal.com/story/Restorative-Libraries-Restorative-Justice-Practices-and-How-to-Implement-Them>, (describing the ways warrant reduction efforts are models for how legal institutions can reimagine traditional practice into innovative and new initiatives. A review of the literature reveals the following emergent operating practices that best describe the success of warrant reduction initiatives. These initiatives tend to be: (1) Community-led humanitarian approaches, see Woodbury, *supra* note 275; (2) Designed to restore justice in communities, see Jackson, *supra* note 280; (3) Based on a commitment to say “yes” to participants and other collaborators, *id.*; (4) With a holistic client-centered focus where warrant-impacted individuals are participating in the process of justice, See American Staff, *supra* note 270; (5) Structured to reintegrate impacted individuals back into the community, see MacArthur Foundation, *supra* note 271 (Bell’s comments); (6) Constructed on

At the heart of all reform and warrant reduction initiatives is ultimately a person affected by a warrant. The participants in this study approached a Center seeking help and support, uncertain about the future of both their legal issues and their lives in general. While at the Center, they were handed a questionnaire and encouraged to share with researchers their thoughts and feelings. Despite past efforts aimed at addressing the abuse of bench warrants, impacted individuals continued to express pain, futility, and fear for their survival. Future efforts to educate judges, reform courts, and develop initiatives should be guided by the countless voices of individuals impacted by these powerful instruments.

### CONCLUSION

A significant lesson is learned by understanding the attitudes of warrant-impacted individuals. Through the study's responses, it is clear that the use of warrants by courts to manage people is traumatizing to individuals, families, and communities. Once warrants are issued, few or no trustworthy resources are available to assist people to resolve the threat. It is also evident that the fear of a warrant is rooted in its impact on basic human needs of survival, food, shelter, transportation, employment, medical care, and necessity to be treated with dignity. The use of bench warrants has disproportionately impacted people and communities of color, further stripping trust out of the justice system and creating a chasm between communities and the police and courts. AI has the potential to accelerate this result by directing police resources to minoritized and disinvested communities.

An expression by a warrant-impacted person is more than a variable derived from data. These beliefs represent a deep humanity, with each human voice connected to a system of family, friends, and community. Each target of a bench warrant is a person that carries a unique perspective, and seldom does that perspective include the intent to intentionally avoid the administration of justice.

The implication of this study on future research and practice is found in the humanity of each person cited in this article. When future researchers study the impact of bench warrants and when policy makers debate reform strategies, the human element must be considered. When a

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nontraditional relationships and novel collaborations based on trust, *see* MacArthur Foundation, *supra* note 271 (Hauber's comments); (7) Void of hierarchy but coordinated and executed by a non-authoritative moderator and organizer, *see* Gibson Interview, *supra* note 264.).

judge issues a bench warrant ordering the arrest of another human being, consideration must be given to the deep impact their actions have on individuals, families, and communities. Impacted voices are pleading for such consideration.