



Warrants

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What is a warrant?

A **warrant** is an order made by a judge telling a party in a case (for example a person accused of a crime) to do something they have failed to do – like show up for a court date. A warrant can also be issued by a judge allowing the police to do something, like search your home.

This resource guide explains the different types of warrants.



What is a search warrant?

A search warrant is a judge's order that tells the police to search a specific place, like a person's home or office.



When they do search, the police may have the authority to take specific items from a home or office as **evidence**. Evidence is the information presented in the case. Sometimes a search warrant can also tell the police to arrest someone.

In some situations the police can search a place without a warrant. This is a complicated issue; if you have any questions speak to an attorney.

What is a bench warrant?

A bench warrant is a judge's order telling the police to arrest the person named on the warrant and bring him or her to court.

A bench warrant can be issued by a judge when a person fails to appear in court on a scheduled date, fails to show proof of community service, fails to pay a fine, or fails to appear for sentencing after being convicted.

How can someone clear (vacate) a bench or arrest warrant?

A warrant can only be **cleared** or **vacated** (VAY-kay-ted) by appearing in front of the Judge who issued the warrant. If you think that there is any kind of warrant issued against you, you should contact an attorney.

What is an arrest warrant?

An arrest warrant is a judge's order telling the police to arrest the person named on the warrant.



If there is a warrant against me where will the police look for me?

Anywhere you may be, including your home or where you work.



Do bench or arrest warrants expire? What about search warrants?



Bench or arrest warrants do not expire. Search warrants are usually more limited, meaning that the search must be done within a set time frame.

What is the difference between a Family Court warrant and a Criminal Court warrant?

The big difference between a warrant issued by a Family Court judge and a Criminal Court judge is what can happen after you are “picked up.”

Once you are brought to Criminal Court you may:

- Have to post **bail** (money or assets) in order to be released again. (For more information, see our “Bail” Resource Guide)
- Be **remanded** (ree-MAN-did). Remanded means sent to jail without bail.
- Be **released on your own recognizance** (re-COG-ni-zens) (RORed).
- Get an **Adjournment in Contemplation of Dismissal** (ad-JURN-mint in con-tem-PLA-shun of diss-MISS-al) or ACD. This means that if the accused doesn’t get arrested in the next six months or a year, the adjourned case will be dismissed.

In Family Court, you will usually be released after you have done whatever the judge wanted of you in court (usually to come to a hearing or to talk to you).

How can I find out if there is a warrant for my arrest?

You can contact the Warrant Office at the court where your case started or is being heard. Depending on the borough, you may need any of the following information: docket number, NYSID number, or an arrest number.

Can having a warrant against me affect my public benefits?

Sometimes. If there is any warrant related to a felony case (that is, a case where if convicted you face more than one year in prison) you may be at risk of losing your SSI, SSD, or retirement Social Security benefits. There are some exceptions to the rule. If you are concerned that you might lose your benefits, you should talk to an attorney.

This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.