

WHAT TO DO IF YOU GET AN ARREST WARRANT FROM SANTA CLARA COUNTY

It can be scary to learn there is a warrant for your arrest, particularly if you don't have the money to pay bail. Now people who are charged in Santa Clara County can appear in court to request removal of a warrant. You no longer have to surrender to jail first or wait to be arrested.

This step by step guide explains how the process works.

1. Arrest warrants come with bail amounts.

So, when you receive notice of a warrant, you have the option to post bail (if you can). Posting bail gets you a date for your first court appearance, which is called an "arraignment." In court, you will be advised of the charges against you and you can enter an initial plea (such as "not guilty").

2. But, if you cannot afford bail, or don't wish to post it, there is now another way to get a court date.

3. The first step is to contact an attorney for assistance. If you do not have an attorney and are concerned about your ability to hire one, call the [Santa Clara Public Defender's Office](#) (408-299-7700) and ask for their Pre-arraignment Representation and Review team. Let them know that you have an arrest warrant and would like help scheduling a court date.

4. Currently, court dates can be scheduled on Monday afternoons at the Hall of Justice, located at 190 West Hedding Street in San Jose. Contact your attorney as soon as possible to make sure your case can be calendared on one of these dates..

5. Once your attorney confirms your court date, you need to go to the Sheriff's Department for an "informal booking." Plan to arrive at the Main Jail, located next to the courthouse, **by 11 a.m. on your court date.** You must complete this booking process before going to court.

6. An informal booking occurs in the lobby of the jail. You will get fingerprinted and be asked to provide identifying information. **You should not be arrested or taken into jail custody.** However, if you have any warrants from other counties, you could be arrested on those warrants. Discuss any concerns with your lawyer before going through this process.

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7. When you go to the jail for the informal booking, **bring valid identification and the warrant number** or a copy of the warrant/notice of warrant. If you need it, you should also be able to find out the warrant number from the public defender and/or court clerk.
8. **After your informal booking**, get a copy of your paperwork and **bring it to court in the afternoon as proof that you completed this process**.
9. **At court for your arraignment**, meet the **public defender or your privately-retained counsel**. They will ask the **judge to recall your warrant** and also assist you in entering your plea (such as “not guilty”). The court may address bail and/or impose conditions on your release while the case is pending.
10. **IMPORTANT: Going through this process does not guarantee that the judge will allow you to remain released before trial. But this process does allow you to appear in court without first being arrested on the warrant. And it shows the judge that you will come to court voluntarily** (a helpful factor when the judge is deciding whether to order pre-trial release).
11. **If you go through this process, but do not show up for the informal booking or court, your arrest warrant will still be active**, meaning you can still get arrested.

FOR MORE INFORMATION

Santa Clara Public Defender’s Office

Website: pdo.santaclaracounty.gov

Phone: 408-299-7700

*Note: This process specifically relates to arrest warrants that are issued when charges are filed, *not* bench warrants resulting from a missed court date, although the advice to contact an attorney for assistance applies to both.*

This information is current as of May 2024.

Published by the [ACLU of Northern California](#) following successful litigation over Santa Clara Superior Court’s arraignment procedures, which the ACLU and the [Stanford Law School Criminal Defense Clinic](#) had challenged in partnership with [Silicon Valley De-Bug](#). To learn more about that case, visit: [O’Neill Rogge et al v. Fleming](#).
