



## Use of Court Date Reminder Notices to Improve Court Appearance Rates

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### Why Provide Reminder Notices?

Notification systems are commonly used in health and service industries to remind patients or clients of upcoming appointments or payment due dates. It is one example of a behavioral intervention strategy that can help to improve compliance and reduce waste of system resources. This approach has been similarly adapted for use in various justice system settings (e.g., with defendants to remind them of court appearance or payment due dates; with jurors to remind them of their upcoming jury service).

When used at the pretrial stage, notification systems may help to improve the court appearance rates of defendants, thereby reducing the community and court costs associated with missed hearings. When defendants fail to appear in court, arrest warrants must be issued and served, defendants may serve more jail time, docket sizes increase, workloads increase for justice system professionals, and an additional burden may be placed on victims and witnesses. Interventions that decrease failure-to-appear (FTA) rates may therefore provide a multi-layered budget-saving measure for courts. They may also help to improve perceptions of justice system fairness by avoiding the need to impose potentially harmful penalties (such as jail time) on defendants, who otherwise may have unintentionally missed their scheduled court date. The National Institute of Corrections cites court date notification as an effective pretrial supervision practice in "[A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency.](#)"

### Court Date Notification Systems: Four Approaches

Several jurisdictions across the country have adopted a court date reminder process (or court date notification system) to improve court appearance rates, such as in Coconino County (AZ), Jefferson County (CO), Lafayette Parish (LA), Reno (NV), New York City (NY), Multnomah and Yamhill Counties (OR), Philadelphia (PA), King County (WA), and the states of Arizona, Kentucky, and Nebraska. Recently, Judge Timothy C. Evans, Chief Judge of the Cook County Circuit Court in Illinois, issued an order requiring the county to implement a pretrial notification system by December 1, 2017.<sup>1</sup>

There are, however, significant variations across jurisdictions in how these reminder programs have been implemented. One major difference is the communication method used to deliver the reminder message to the defendant. We illustrate four such methods below, featuring jurisdictions in which these approaches have been formally evaluated.

#### A. Mailed Letter or Postcard

Some jurisdictions issue reminder notices to defendants with known addresses by mail, whether by form letter or postcard. The most well-known and rigorously evaluated of these programs was implemented in the state of Nebraska in 2009. With funding from the National Institute of Justice, a postcard notification program was developed for use with misdemeanor defendants and pilot tested in fourteen of the state's county courts between March 2009 and May 2010.<sup>2</sup>

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Researchers from the University of Nebraska Public Policy Center evaluated the efficacy of the postcard notification system with a group of “7,865 defendants (19 years and older) issued a non-traffic ticket by law-enforcement officials instructing them to appear in court for an initial hearing on their non-waiverable, misdemeanor offense.”<sup>3</sup> The pilot study used the gold standard of experimental designs (a randomized controlled trial) to evaluate three different types of postcard notification messages compared to business-as-usual (i.e., no reminder notice). That is, defendants were randomly assigned to one of four possible conditions: (1) receive no reminder notice, (2) receive a simple reminder notice containing only the date, time, and location of their scheduling hearing, their case ID number, and a contact number to call with questions (i.e., “simple reminder” postcard), (3) receive a reminder notice containing the simple reminder content plus a description of the possible negative consequences of or sanctions for failing to appear in court (i.e., “reminder plus sanctions” postcard), and (4) receive a notice that contained the “reminder plus sanctions” content and an additional statement designed to capture elements of procedural fairness (i.e., “reminder combined” postcard). All reminder notices were written in English and Spanish and were mailed to the defendant at least five days prior to the scheduled court date to ensure timely delivery.

Issuing any type of reminder postcard significantly reduced the defendant FTA rate compared to the no-reminder condition, which observed an FTA rate of 12.6%.<sup>4</sup> Although each of the three postcard messages significantly reduced the FTA rate, the reminder messages that delivered more information to defendants about the implications of their failure to appear in court (the “reminder plus sanctions” and “reminder combined” postcards, with FTA rates of 8.3% and 9.8%, respectively) were found to be more effective at reducing the FTA rate than the simple reminder message (FTA rate of 10.9%). Researchers estimated that the net benefit

of using reminder postcards ranged from \$20 to \$50 per FTA reduction, and \$1,715 to over \$11,000 per county per year, depending on the locality and degree of automation used in the postcard distribution process.<sup>5</sup>

## B. Telephone (Live Caller)

Of all the court date notification systems used, the live caller method has been the most studied.<sup>6</sup> “Live caller” refers to the personal delivery of court date reminder calls to defendants with known telephone numbers by a “live” staff person. Some jurisdictions use a live caller who can address questions defendants might have about attending their upcoming court date (e.g., confirming directions, transportation options), or choose this method because it is the easiest to implement using available resources. Reported below are three examples of jurisdictions that have documented successes using the live caller method (King County, Washington; Coconino County, Arizona; Jefferson County, Colorado).

- King County, Washington was one of the first jurisdictions to use live callers to issue court date reminder notices. Beginning in October 1998, six court volunteers placed calls to defendants with upcoming court hearings, focusing on defendants in misdemeanor cases and for pretrial, trial, and post-trial appearances in the Shoreline Division of King County.<sup>7</sup> Each defendant received one phone call two to three days prior to his or her scheduled court appearance. The callers followed a standard script to deliver the court date reminder.

In a study published in 2000, King County District Court staff compared court appearance data collected from October 1998 to December 1999 with baseline data collected from October 1997 to September 1998, before their Court Hearing Reminder Project was implemented.<sup>8</sup> The live caller program produced lower FTA rates (ranging from 1.33 to 22 percentage points lower) compared to baseline in each of the localities studied, with greater reductions



observed in localities with higher baseline FTA rates. County staff noted additional benefits of the program, including a 1.6% decrease in the number of total hearings held and positive feedback from defendants about the usefulness of the reminder calls.

- Coconino County, Arizona has also experimented with a live caller system. In 2006, a volunteer from the Flagstaff Police Department made reminder calls to approximately 550 defendants with upcoming appearances on misdemeanor citations.<sup>9</sup> The caller placed a single call to these defendants five to seven days prior to their scheduled appearance, between the hours of 12 and 3 pm, and followed a standard script to deliver the reminder message. No follow-up calls were made if the call was not answered or if the caller was unable to leave a message. If the caller spoke with the defendant directly, defendants failed to appear only 5.9% of the time – a reduction of 19.5 percentage points compared to the pre-program baseline FTA rate of 25.4%. If the caller left a message with a third party, the FTA rate was 15%. If the caller left a voicemail message for the defendant, the FTA rate was 21%. Coconino County estimated that reducing the number of FTAs by 127 per year would save the jurisdiction approximately \$150,000. The county recommended varying call times to earlier and later in the day to attempt to reach a greater number of defendants. Observed benefits of the program included financial savings for the county’s court and jail, improved efficiency and customer service, and reduction in workload.
- Jefferson County, Colorado implemented a pilot notification program in 2006 aimed at increasing appearance rates in the county’s Duty Division.<sup>10</sup> The county created a dedicated staff position, hiring a caller to deliver telephone court date reminders to defendants one week prior to their scheduled court date.

The caller followed a script for delivering the reminder in English or Spanish. Over the ten-week study period, 2,100 defendants were called with a reminder of their initial summons to appear in the county’s Duty Division on misdemeanor or traffic offenses. Calls improved court appearance rates compared to the baseline rate of 79%. When the caller left a voicemail or message with a third-party adult, defendants made their court appearance in 87% of cases. When the caller spoke directly with the defendant, an appearance rate of 92% was observed. Based on these findings, the county launched a permanent Court Notification Program using the same live caller method, which has sustained high court appearance rates among those successfully contacted (91% in 2007 and 92% in 2010, compared with appearance rates of 71% and 73%, respectively, among those who were not successfully contacted). A number of additional benefits of the program were also reported, including enhanced customer service (e.g., live callers helped to answer defendant questions that might otherwise have been directed to court clerks and helped to allay fears of those intimidated by the court), positive feedback from defendants who appreciated the reminders, and greater quality control (e.g., live callers helped to catch ticketing or data entry errors, assisted clerks in combining cases where appropriate, and uncovered instances of identity theft).<sup>11</sup>

### C. Telephone (Automated Call)

Some jurisdictions have implemented an automated system of telephone calls to minimize personnel expenses associated with the court date reminder process.

Oregon’s Multnomah County, one of the first jurisdictions to implement an automated telephone software system to deliver court date reminder notices, is one of the most well-documented automated caller programs. The county published a

process and outcome evaluation of this system, called the Court Appearance Notification System (CANS), in 2006.<sup>12</sup> From May 31, 2005 to November 30, 2005, the CANS software was used to place 4,440 calls to defendants in 2,391 cases to remind them of their upcoming court hearings. Calls were typically made at least three days prior to the defendant's scheduled appearance. If the first call was not successful (i.e., a person or an answering machine received the call), a maximum of two additional calls were made later that same day.<sup>13</sup> Call attempts were successful in 75.3% of the cases. Among defendants who were successfully called during the evaluation period, the FTA rate was 16%-13 percentage points lower than the baseline FTA rate of 29%.<sup>14</sup> Jurisdictional savings were estimated to be \$1,320 per FTA warrant avoided and "a total cost-avoidance of as much as \$232,836" over the six month evaluation period.<sup>15</sup> A 2007 follow-up assessment reported that "in the first eight months of FY07, CANS helped prevent over 750 instances of FTA and 300 FTA warrants, resulting in approximately \$1 million of net cost avoidance for Multnomah County's criminal justice system."<sup>16</sup>

In 2015, Oregon's Yamhill County adopted CANS, joining Multnomah County's agreement with Fieldware (the web-based technology vendor that operates the automated telephone reminder software system) to deliver automated phone calls to all pretrial defendants with known telephone numbers.<sup>17</sup> The defendant is called six days and two days prior to the scheduled court appearance and, if not successful, up to five call attempts are made. Yamhill County reports a monthly invoice of \$550 to \$600 to operate the automated call service (a cost of \$1.25 per successful call and \$0.85 per unsuccessful call).

#### **D. Text Message**

Some jurisdictions use text notification systems or employ a combination of multiple communication methods that include text message reminders. For example, New York City officials have reported on their use of mail, automated phone calls, and text

messages to notify defendants in the city's Criminal Court and Supreme Court of upcoming court appearances.<sup>18</sup> Defendants received reminder notifications tailored to the type of contact information available. Defendants who provided a landline telephone number at arrest were issued an automated reminder phone call three days prior to their court date and between 6 and 10 am on the morning of their scheduled hearing.<sup>19</sup> Defendants who provided a cell phone number were sent reminder texts two days before and on the morning of their appearance in addition to the reminder telephone calls. Defendants who did not provide any phone number were mailed a reminder letter at least seven days prior to their court appearance.<sup>20</sup> The agency reported that these types of reminders, when successfully delivered to defendants, consistently reduce FTA rates. The agency also noted that, based on their evaluations, telephone contact is the most effective method in their jurisdiction.

#### **Planning for Local Implementation**

In developing or adapting a court date notification system in a jurisdiction, there are several factors stakeholders should consider in selecting an appropriate communication method, including but not limited to the quality of data on hand (e.g., the availability and accuracy of the required type of contact information for each defendant).

Stakeholders also need to make many other decisions about the design of a court date notification system that could affect program outcomes. For example, decisions about how the selected methods are deployed (e.g., when and how often reminder notices are issued) and with whom (e.g., defendants in misdemeanor cases and/or felony cases) could be important determinants of not only program expenses (and resulting cost-savings), but also program efficacy in reducing FTA rates.

Although many jurisdictions have documented their successes using a court date notification program, some jurisdictions have reported no measurable

effect of their programs on reducing FTA rates with some or all of their local target populations or on reducing system costs. For example, a court date notification system using a combination of reminder notice delivery methods failed to reduce FTA rates with felony defendants in Kentucky, according to a

recent study.<sup>21</sup> Additional research is needed to better understand how local variations in program design, target population, and implementation can affect program outcomes. Evaluation is strongly recommended to ensure that the local court date notification program is effective.

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## Endnotes

<sup>1</sup> The order stated that “reminders shall be communicated to the defendant by telephone, Short Message Service (SMS), or similar technology” and by any other means as appropriate (e.g., mail, email, in-person contact). Defendants will be able to opt in or out of the notification system. The order specifically applies to defendants in felony cases, but does not prevent reminder notices to defendants in misdemeanor cases. General Order No. 18.8A is available at <http://www.cookcountycourt.org/Portals/0/Orders/General%20Order%20No.%2018.8a.pdf>.

<sup>2</sup> Tomkins, A. Bornstein, B., Herian, M., Rosenbaum, D., & Neeley, E. (2012). An experiment in the law: Studying a technique to reduce failure to appear in court. *Court Review*, 48, 96-106. Available at <http://digitalcommons.unl.edu/ajacourtreview/395>.

<sup>3</sup> p. 98 in Tomkins et al. (2012), note 2.

<sup>4</sup> Defendants who received the simple reminder postcard had an FTA rate to 10.9%. Defendants who were sent the “reminder plus sanction” postcard had an FTA rate of 8.3%. Defendants who were sent the “reminder combined” postcard had an FTA rate of 9.8%. See Tomkins et al. (2012), note 2.

<sup>5</sup> See pp. 103-105 in Tomkins et al. (2012), note 2.

<sup>6</sup> E.g., Crozier, T. (2000). *The Court Hearing Reminder Project: “If you call them, they will come.”* Williamsburg, VA: National Center for State Courts, Institute for Court Management. Available at <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/437>.

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<sup>7</sup> See Crozier (2000), note 6.

<sup>8</sup> See Crozier (2000), note 6.

<sup>9</sup> See White (2006), note 6.

<sup>10</sup> See Schnacke et al. (2012), note 6.

<sup>11</sup> See p. 92-93 in Schnacke et al. (2012), note 6.

<sup>12</sup> Nice, M. (2006). *Court Appearance Notification System: Process and outcome evaluation*. Multnomah County, OR: Department of County Management, Budget Office. Available at <https://multco.us/file/26885/download>.

<sup>13</sup> To improve the likelihood of a successful call, the report recommended placing up to four calls until successful—with calls occurring before 7:30 am, around 12:30 pm, after 7:30 pm, and up to once more the following day. See p. 12 in Nice (2016), note 11.

<sup>14</sup> The FTA rate among defendants who missed the CANS reminder call was 23%. See Nice (2016), note 11.

<sup>15</sup> See p. 11 in Nice (2016), note 11.

<sup>16</sup> O’Keefe, M. (2007). *Court Appearance Notification System: 2007 analysis highlights*. Multnomah County, OR: Department of County Management, Budget Office. Available at

<https://www.pretrial.org/download/research/Multnomah%20County%20Oregon%20-%20CANS%20Highlights%202007.pdf>.

<sup>17</sup> The county transfers files containing defendants’ names, phone numbers, and court date information from the court data system, Odyssey, to the Fieldware system on a nightly basis. For more details, see <http://okb.oregon.gov/portfolio-item/auto-notification/>.



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<sup>18</sup> New York City Criminal Justice Agency (2013). *Annual report 2013*. New York: Authors. Available at [http://www.nycja.org/lwdcms/doc-view.php?module=reports&module\\_id=1410&doc\\_name=doc](http://www.nycja.org/lwdcms/doc-view.php?module=reports&module_id=1410&doc_name=doc).

<sup>19</sup> According to data recorded by the New York Criminal Justice Agency from January through December 2013, 74% of the three-day calls were delivered and 80% of the

“wake-up” calls were delivered. See New York City Criminal Justice Agency (2013), note 18.

<sup>20</sup> Of these notification letters, 88% were not returned and therefore presumed to be delivered. See New York City Criminal Justice Agency (2013), note 18.

<sup>21</sup> Lowenkamp et al. (in press), note 6.