

**EXECUTIVE SUMMARY**

# **National Guide to Improving Court Appearances**

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# Introduction

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## The importance of court appearance

Missed court appearances cost court systems and court users (for the purposes of this report, those charged with a criminal offense) dearly. Forty-nine states consider court nonappearance a crime,<sup>1</sup> and arrest warrants for nonappearance contribute significantly to swollen daily jail populations.<sup>2</sup> Despite these consequences, nonappearance varies greatly based on the jurisdiction and case type, with the higher rates affecting the more common, lower level charges (such as misdemeanors and traffic offenses).<sup>3</sup>

Addressing the nonappearance problem is key to a well-functioning pretrial release system and critical to processing cases efficiently and reducing case backlogs. There is a growing acknowledgment that we need to rethink the approach that has led us to this situation. The conventional approach uses sanctions (like the threat of warrants, jail time, and fines) and restricts people's activities (through pretrial conditions and monitoring) to deter people from intentionally missing court.<sup>4</sup> The fact that nonappearance rates can remain high even with these systems in place tells us that this approach does not address the real reasons that many people miss court. To move the needle on court appearance, ***we need to take a closer look at why court nonappearance happens, and then create targeted solutions for those reasons.***

Courts around the country have begun doing this work: many courts have developed alternative practices to improve appearance rates, focusing on reducing the barriers that often prevent people from showing up despite their intention to do so. This report uplifts the change that courts are already creating, to the benefit of both the system and people who use it. ***Courts and their system stakeholders can use this report to discover, adapt, and implement both tested and promising practices in their jurisdictions.***

## What makes court appearance challenging

Certainly, anyone can miss a court appearance, just like with any sort of appointment. People miss doctor appointments at rates that are comparable or even higher than the rates at which people miss court dates.<sup>5</sup> On the surface, appearing in court seems simple. But a closer look ***reveals many specific steps that the court system and its users must get right to achieve a successful appearance on the right date and time.*** As they are navigating these steps, court users may experience multiple ***barriers to court appearance.*** These barriers can be ***behavioral*** (such as a lack of clarity about the process, forgetting, limited cognitive bandwidth caused by chronic poverty, fear and an expectation of being treated unfairly); they may be related to a ***lack of key resources*** (such as transportation challenges, lack of childcare, inflexible work schedules, housing instability, limited technology access); they may be related to court users' ***health or other personal circumstances*** (such as mental and behavioral health challenges, medical emergencies, limited English proficiency, disabilities) and more. Overall, these barriers disproportionately impact people with less wealth, meaning that court appearance costs them more in terms of time, effort, money, and stress.<sup>6</sup>

To improve appearance rates, courts can make it their mission to ensure that all court users have the opportunity to participate in their cases without undue hardship. ***Rather than relying on sanctions like warrants, jail, or fines to deter nonappearance, courts should be working to actively support appearance.*** To do this, courts can adopt existing evidence-based practices and pilot innovative ideas that prevent expected human error, mitigate resource gaps, and make court processes easier to navigate. Supporting appearances not only assists court users in resolving their cases, but also greatly benefits courtroom efficiency by increasing appearance rates and reducing case delays and warrant issuance, all of which ***improve overall effective court case management.***<sup>7</sup>

# PRACTICES TO SUPPORT COURT APPEARANCE

This report documents practices courts have used to support court appearance and classifies the practices so that court leaders can more easily assess what might be suited for their communities. We created simple categories to rate the likely cost of a practice, its ease of implementation, and the strength of evidence supporting the practice. We also provide summaries of specific practices courts have implemented. Additionally, in the full report we describe “*practices worth more attention*” that have compelling designs but have either not yet been implemented or have insufficient information as it relates to about their efficacy in improving appearance rates. Finally, [the full report](#) also includes practices “*beyond the court*” that other stakeholders (for instance, district attorney offices, state and local legislatures, and others) can lead on, with the courts’ partnership, to reduce barriers to appearance.

## PRINCIPLE #1 MAKE INFORMATION CLEAR, TIMELY AND ACCESSIBLE

Information about court appearances can be confusing, unclear, or poorly communicated, and court documents are often drafted for court personnel, rather than for the court user. **Court reminder systems and behaviorally designed court documents** that clarify information and guide people through the process are proven to reduce nonappearances while often being low-cost to implement, offering a strong return on investment for the court.<sup>8</sup> Additional support through **post-arraignment meetings** may also help.

Practice	Ratings	Examples
<p><b>A Court date reminders:</b></p> <p>Reminders provide court users timely information about the date, time, and location of their scheduled court date and can be delivered via text message, phone call (live or automated), email, and/or mail.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Easy</li> <li>▪ <b>Cost:</b> Low to High, depending on type</li> <li>▪ <b>Strength of evidence:</b> Strong</li> </ul>	<ul style="list-style-type: none"> <li>▪ One-way text reminders, New York, NY</li> <li>▪ One-way/two-way text reminders, (city not reported)</li> <li>▪ Two-way text reminders, Tulsa, OK</li> <li>▪ Live-calling reminders, New York, NY</li> <li>▪ Live-calling reminders, Lafayette Parish, LA</li> <li>▪ Automated calls, Multnomah County, OR</li> <li>▪ Postcard reminders, Lincoln, NE</li> <li>▪ Email and text reminders, Hennepin County, MN</li> </ul>
<p><b>B Behaviorally designed court forms:</b></p> <p>Court forms, such as citations, summonses, bond paperwork, notices of next court dates, and others, can be redesigned using behavioral science principles to help the court user effectively navigate the court system and understand the details of their next court date as well as the consequences of nonappearance.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Easy</li> <li>▪ <b>Cost:</b> Low</li> <li>▪ <b>Strength of evidence:</b> Strong</li> </ul>	<ul style="list-style-type: none"> <li>▪ New York, NY</li> <li>▪ Harris County, TX</li> </ul>
<p><b>A Post-arraignment meetings with court users:</b></p> <p>This voluntary program invites court users at an elevated risk of not appearing to participate in a brief meeting following their arraignment, where staff answer the person's questions regarding appearances and help them make a plan to return to court. The court user also receives a personalized reminder phone call prior to their next court date.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Somewhat challenging</li> <li>▪ <b>Cost:</b> Medium</li> <li>▪ <b>Strength of evidence:</b> Strong</li> </ul>	<ul style="list-style-type: none"> <li>▪ Court Appearance Pilot Project (CAPP), New York, NY</li> </ul>

## PRINCIPLE #2 REDUCE LOGISTICAL CHALLENGES

Simplifying the court appearance process can make it easier for court users to make their court dates and streamline court operations. For hearings requiring court users' presence, allowing **virtual appearances** can reduce substantial travel time and related hassles. For hearings focused purely on process-related matters (discovery obligations, pleading filings, etc.), courts can dispense completely with requiring court users' presence and, with court users' permission, hold such **hearings with counsel only**. **Better processes for clearing warrants** can address the logistical challenges (no court date, no time) and behavioral barriers (fear of arrest, procrastination) specific to warrants.

Practice	Ratings	Examples
<p><b>A Virtual appearances:</b></p> <p>Virtual court hearings allow court users to participate in their hearing via phone, tablet, or computer.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Somewhat challenging</li> <li>▪ <b>Cost:</b> Medium</li> <li>▪ <b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li>▪ El Paso, TX</li> <li>▪ Michigan</li> <li>▪ New Jersey</li> <li>▪ Maricopa County, AZ</li> <li>▪ Washington, DC</li> <li>▪ Minnesota Legal Kiosk Project, MN</li> <li>▪ Computer loans and internet access, Maryland</li> </ul>
<p><b>B Reduce appearances:</b></p> <p>Courts can limit the number of court dates at which court users are required to appear, in-person or virtually, to substantive hearings such as 1) arraignments; 2) evidentiary hearings; 3) final date of trial or plea; and 4) bail or violation hearings. Court users can choose to attend non-required hearings if they wish.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Somewhat challenging</li> <li>▪ <b>Cost:</b> Medium</li> <li>▪ <b>Strength of evidence:</b> Little to no evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Harris County, TX</li> </ul>
<p><b>C Warrant clearing:</b></p> <p>Courts can offer streamlined processes and special events that specifically address court users' fear of arrest when clearing a warrant for nonappearance, helping cases to get back on track more quickly.</p>	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Somewhat challenging</li> <li>▪ <b>Cost:</b> Medium</li> <li>▪ <b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li>▪ In the Neighborhood Program, Cleveland, OH</li> <li>▪ Tap-In Centers, St. Louis County, MO</li> <li>▪ Bus Station Outreach Program, Atlantic and Cape May Counties, NJ</li> <li>▪ Kayak Court, Salt Lake City, UT</li> <li>▪ Warrant resolution court, Pima County, AZ</li> <li>▪ "Back on Track" Amnesty Week, Jefferson County, AL</li> <li>▪ Mental health warrant review, Douglas County, KS</li> </ul>



## PRINCIPLE #3 ADD FLEXIBILITY

Often, court nonappearance is a near-miss: for instance, a court user is delayed on the bus and makes it to court 20 minutes after the end of the docket; or a hearing is scheduled during a court user's work shift on a Monday, rather than during their day off on Wednesday. When these things happen in other spheres of life, like with an appointment with one's doctor, for instance, the appointment would be rescheduled. But at court, rigid court schedules and swiftly issued bench warrants following a nonappearance can lead to much larger consequences of possible incarceration or driver's license suspension. Offering more flexible appearance options like **flexible rescheduling** and **grace periods following a missed appearance** can allow court users to fulfill their court obligations alongside all the other obligations they are managing, while courts benefit from higher appearance rates and save on costs stemming from nonappearance.

Practice	Ratings	Examples
<b>A Flexible (re)scheduling:</b> Courts allow court users to choose appearance days and times that are most convenient for them and/or allow court users to reschedule one or more appearances.	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Somewhat challenging</li> <li>▪ <b>Cost:</b> Low</li> <li>▪ <b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li>▪ Salt Lake City Justice Court, Salt Lake City, UT</li> <li>▪ Harris County Criminal Courts at Law, Harris County, TX</li> <li>▪ Red Hook Community Justice Center, Brooklyn, NY</li> </ul>
<b>B Grace periods:</b> Grace periods offer a designated period of time for a person to remedy a missed appearance before a warrant is issued.	<ul style="list-style-type: none"> <li>▪ <b>Ease of implementation:</b> Easy</li> <li>▪ <b>Cost:</b> Low</li> <li>▪ <b>Strength of evidence:</b> Little to no evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Orders for arrest grace period, Robeson County, NC</li> <li>▪ Orders for arrest grace period, Orange County, NC</li> <li>▪ 30-day grace period, Nevada</li> <li>▪ 48-hour grace period, New York</li> </ul>

## PRINCIPLE #4 PROVIDE USEFUL RESOURCES FOR THOSE WHO NEED THEM

Some court users need **basic resources** (like **transportation**, **early representation**, and more). Courts and system partners can work to lower these barriers to appearance, helping to prevent delays in these cases. Providing meaningful resources entails not only making resources *available* but also making them *accessible* and *easy to use*, without costing court users more in time and effort to take advantage of them.

With regard to **more complex challenges** like homelessness, chronic poverty, mental illness, drug and alcohol addiction, and other physical and behavioral health challenges, courts can focus on the twin goals of 1) minimizing the potential for the pretrial process to be further destabilizing and 2) connecting the court user to resources that can address critical needs. Courts can use proactive, personalized strategies to assist court users in navigating both their court obligations and their larger life challenges. Providing **case management with wraparound services** is an example of a broad practice that courts can leverage.

Practice	Ratings	Examples
<b>A Transportation assistance:</b> Helping court users get to court by directly providing transportation assistance to the courthouse or making public transportation and ride-share services more accessible.	<ul style="list-style-type: none"> <li><b>Ease of implementation:</b> Somewhat challenging</li> <li><b>Cost:</b> Medium to High</li> <li><b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li><b>Client Ride</b> Hennepin County, MN</li> <li><b>SEATS program</b> Robeson County, NC</li> </ul>
<b>B Early access to counsel:</b> Access to counsel at or, ideally, before first appearance may increase court users' sense that proceedings are fair and reduce fear and confusion about the process. Counsel at first appearance can also lead to faster case resolutions with fewer hearings and continuances, resulting in fewer subsequent missed appearances. Some programs also provide supportive services (e.g., transportation) that actively help court users appear.	<ul style="list-style-type: none"> <li><b>Ease of implementation:</b> Somewhat challenging</li> <li><b>Cost:</b> Medium to High</li> <li><b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li><b>Early Representation Program</b> Contra Costa County, CA</li> <li><b>First Appearance Project</b> Ingham County, MI</li> </ul>
<b>C Wraparound support with case management:</b> A provider coordinates resources and services addressing court users' vital needs (for example, mental and behavioral health treatment and housing) while also helping them appear in court and meet other pretrial obligations. This may be provided by the public defender office, a pretrial services agency, a non-profit partner, or a community bail fund.	<ul style="list-style-type: none"> <li><b>Ease of implementation:</b> Challenging</li> <li><b>Cost:</b> Medium to High</li> <li><b>Strength of evidence:</b> Promising</li> </ul>	<ul style="list-style-type: none"> <li><b>Holistic Intervention Partnership</b> Contra Costa County, CA<sup>9</sup></li> <li><b>San Francisco Pretrial Diversion Program</b>, San Francisco, CA</li> <li><b>Supervised release</b>, New York, NY</li> <li><b>Misdemeanor Arraignment Diversion Project</b>, New York, NY</li> </ul>



# Where we go from here

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Improving court appearance is vital: it moves cases forward to serve justice, saves time and money for all, and prevents people from getting snarled in the system. Yet we're increasingly learning that relying solely on the traditional approach to fixing nonappearance—punishing people who miss court—simply cannot fix the problem. Court users lead complex and demanding lives; what they need in order to meet their obligations are the resources and supports to match those realities.

**The good news is this can be—and is being—done.** Many courts have already started to make changes and see progress. In fact, all courts have the power to actively improve appearance rates. To do so requires courts to envision a new path forward—one where things are done differently, and new approaches achieve better results.

To continue advancing, experimentation and rigorous research need to go hand in hand. The practices reviewed for this report point to a few key considerations for both courts and research partners:

- ▶ There is a clear need for **more rigorous evaluation**, both to increase knowledge across the field and to support courts in adopting practices to achieve their specific goals for improving appearance.
- ▶ Particular focus should go toward **understanding and addressing inequities in appearances**.
- ▶ Continue efforts to build trust through deeper **engagement with court users and the broader community** and **culturally responsive practices**, focusing specifically on engaging Black, Indigenous, and People of Color (BIPOC) communities.
- ▶ Efforts to support appearance must also **prioritize court users' perspectives**. In designing and evaluating practices to support appearance, courts and researchers can also focus on outcomes that are meaningful for court users and the community.

As new solutions are explored, we urge courts to **start with the premise that court users want to meet their legal obligation to attend court**. And, with additional help to address known barriers, many more people will be able to consistently show up. We also urge **courts to be bold**. The legal system, by nature, is rooted in precedent—yet to solve a problem like court appearance, we need to adopt new methods and imagine processes to better serve the system and court users.

Whether courts are just beginning or are already building on existing efforts, the practices included here provide a menu of options for courts to pilot, evaluate, and implement.

We hope this report inspires action and makes it easier for courts to understand each practice and connect with other courts, system partners, and researchers. Improving court appearance is a priority across the country, and doing so leads to greater savings, improved efficiency, and safer, healthier communities.

# About ideas42



We are a non-profit looking for deep insights into human behavior—why people do what they do—and using that knowledge in ways that help improve lives, build better systems, and drive social change. Working globally, we reinvent the practices of institutions, and create better products and policies that can be scaled for maximum impact.

Our Safety & Justice team partners with local and state governments to improve outcomes and increase equity in the legal system. We work directly with courts, district attorneys and public defenders, police, probation and parole, and sheriff departments, alongside impacted individuals and community organizations, to bring about positive change. This is done in partnership with advocates, justice organizations, funders, policymakers, and researchers. Through our **(Un)warranted initiative**, we bring our proven expertise in reforming court date communications to help courts and system partners across the country effectively reduce nonappearance.

Visit <https://www.ideas42.org/unwarranted/> and follow [@ideas42](https://twitter.com/ideas42) on Twitter to learn more about our work. Contact us at [unwarranted@ideas42.org](mailto:unwarranted@ideas42.org), including questions about this guide or for support in redesigning and evaluating court date forms and reminders.

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## Endnotes

- <sup>1</sup> National Conference of State Legislatures (2022). *Statutory Responses for Failure to Appear*. <https://www.ncsl.org/research/civil-and-criminal-justice/statutory-responses-for-failure-to-appear.aspx>
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- <sup>5</sup> Reaves, B (2013). Felony Defendants in Large Urban Counties, 2009 - Statistical Tables. US Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/fdluc09.pdf>; Department of Veterans Affairs Office of Inspector General (2008). Audit of Veterans Health Administration's Efforts to Reduce Unused Outpatient Appointments. Retrieved from <https://www.va.gov/oig/pubs/VAOIG-08-00879-36.pdf>; Crutchfield, T., Kistler, C. (2017). Getting patients in the door: medical appointment reminder preferences. Patient Prefer Adherence. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5279837/>
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