

## IMPLEMENTING EFFECTIVE COMMUNICATIONS TO IMPROVE COURT APPEARANCE RATES



Missed court dates can be reduced by 36% with improved forms and reminders. These court communications, when implemented and behaviorally designed, increase efficiency while reducing warrants and jail.

This cost-effective solution is quick to set up and provides ongoing benefits and reduced costs for all. Over a year of misdemeanor cases in an average sized state, for example, effective court date communications would lead to an estimated 28K more court dates attended and social benefit of \$75 million.

Millions of people are required to go to court each year for low-level offenses, yet one in three court dates are missed.<sup>1</sup> Missing court is pervasive and harmful: “failure to appear” is **one of the most common charges for people in jail**.<sup>2</sup> For instance, in Michigan, missed court dates are the leading cause of arrest.<sup>3</sup> And in three counties studied in North Carolina, one in six jail bookings are due solely to missed court dates.<sup>4</sup>

Research shows that most people miss court for the same reasons they miss their doctor’s appointment: they accidentally forgot, confused dates, couldn’t find transportation or childcare, or had to deal with an emergency.

We have an impactful solution that is quick and inexpensive to set up, provides ongoing benefits and reduced costs for all, and addresses a problem all legal stakeholders want to solve.

Addressing missed court dates is imperative: they are costly to all legal agencies, to individuals with court cases, and to communities at large. Any amount of time in jail can jeopardize employment, economic security, housing, and child custody, while increasing the likelihood of future arrests. And within local jails, racial disparities are large: Black individuals make up 35% of the jail population yet only 15% of the population.<sup>5</sup>

### A SIMPLE COST-EFFECTIVE SOLUTION

Effective court date communications can dramatically improve court appearance rates. Simply redesigning the citation form to make its purpose clear and to highlight important information, such as the court date and location, can significantly reduce missed court appearances. Combined with behaviorally informed text messages reminders, research by ideas42 has found that **effective communications can reduce missed court dates by 36%**.

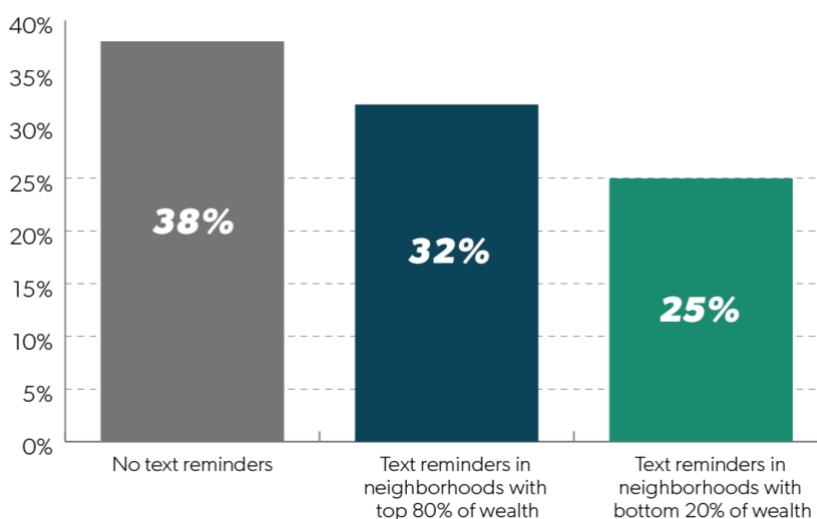
These reductions are **doubly impactful among communities with the lowest wealth**:

for example, text message reminders have been shown to reduce missed court dates by 12.5 percentage points (27%) for people living in the bottom 20% of neighborhood wealth, significantly higher than the average of 6.4 percentage points (19%) in communities with the top 80% of wealth.<sup>6</sup> A separate study with individual data by race found that phone call reminders

**benefited people of color the most**: missed court dates reduced by 44.9% for Latinx participants and 30% for Black participants, as compared to only 22% for white participants.<sup>7</sup>

## RATE OF MISSED COURT DATES

Effect of Reminders by Neighborhood Wealth



Similar results were found in Hennepin County, MN, where text and email reminders reduced bench warrants for missed court dates by 25% overall, and by 35% when contact information was good. A 35% reduction saves an estimated \$3.1 million dollars in one year (\$1.8 million in jail days, \$770,000 in nonproductive hearings and a minimum of \$490,000 savings to people *(based on minimum wages)*).<sup>8</sup>

Improving court communications costs very little but the potential savings are significant in both the long and short term. Excluding start-up costs, sending three reminder texts costs about 3 cents per court date. There is also no additional cost to sending new forms. For every court date that is attended, the government saves on the costs of issuing a warrant, arresting, booking, and jailing a person, as well as saves on additional hearings, attorneys, or possible pretrial supervision.

There are also significant benefits to community members such as preventing lost wages while in jail, fines, potential loss of bail, possible supervision, and inability to work with a warrant. A pretrial detainment for any length of time is associated with a higher likelihood of re-arrest while awaiting trial and a longer sentence.<sup>9</sup> Keeping people out of jail also prevents trauma to the individuals and their families.

Overall, ideas42 estimates about \$2,674 is saved for every court date attended. And this only includes common quantifiable costs.<sup>10</sup> Over a year of misdemeanor cases in an average sized state, for example, would equate to about 28,137 additional court dates attended and social benefit of \$75 million.<sup>11</sup>

## WHAT POLICY MAKERS CAN DO

Based on the evidence and cost-effectiveness, several states (Alaska, Colorado, Massachusetts, New York, Texas and Washington) have passed laws creating statewide court reminder systems. States can create a similar program to assist all courts to redesign their court orders to be more effective and implement text and email message reminders. Local courts could also adopt these measures directly.

*Learn More: Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court by Brice Cooke, et al. (2018)*

### ELEMENTS OF EFFECTIVE COMMUNICATIONS

To be effective, **court orders** should be designed for the recipient (rather than solely for operational processes) and written in a helpful tone and plain language, including:

- ▶ Clear titles that describe the purpose and required action for the recipient.
  - For example: “Criminal Court Appearance Ticket” or “Agreement to Appear in Court” as opposed to “Summons” or “State vs. Defendant;”
- ▶ At the top of the form, before administrative data:
  - First: Court date, time, and location. Video link and instructions as applicable.
  - Consequences of missing the court date
  - What to expect at court, for example: the judge will explain the process; you will not be arrested or forced to pay any fines that day; can plead not guilty or guilty; a public defender may be provided at no cost
  - Contact information and hours for questions or additional information, as well as available resources such as childcare, transportation, parking, directions
  - Case number and charge details
  - For traffic tickets or other fines, include options for payment help (ability to pay, payment plans, extension options) and make these easy to find
- ▶ Require collection of phone numbers (cell, or landline if only available) and email addresses, if not gathered elsewhere, to be used for reminders.

Behaviorally informed **text and email messages** should use a helpful tone and plain language, and:

- ▶ Be sent at multiple intervals ahead of and right before the court date. For example: 7 days, 3 days, and 1 day before the court date. If the court date is missed, a follow up message with instructions is shown to reduce open warrant rates.
- ▶ Include the following information across messages:
  - Court date, time and location. Video link and instructions as applicable
  - Case number
  - Contact information for additional information and available resources
  - Consequences of not showing up for court, what to expect at court, and encouragement to set reminders and make a plan to get to court
- ▶ Be automatically sent to everyone with contact information. Provide an option to “Stop” communications on the first text and “Unsubscribe” in emails. When additional sign-up is required, data collection is often skipped and many people who would benefit are excluded.

For support to develop policy or create effective communications to reduce nonappearance, contact us at [unwarranted@ideas42.org](mailto:unwarranted@ideas42.org)

---

<sup>1</sup> Based on multiple jurisdictions where ideas42 has worked on misdemeanor charges. Often, missed court date rates are 1 in 2. This number can be even higher for traffic offenses. Felony offenses typically have the lowest rate of missed court dates, and are documented to be about 1 in 4 court dates missed nationally: Cohen, T. H. (2010). Pretrial release of felony defendants in state courts: State court processing statistics, 1990-2004.

<https://www.bjs.gov/content/pub/pdf/prfdsc.pdf>

<sup>2</sup> See Jail Profiles on the Jail Data Initiative website: <https://jaildatainitiative.org/>

<sup>3</sup> Michigan Joint Task Force on Jail and Pretrial Incarceration: Report and Recommendations. January 10, 2020.

<https://www.courts.michigan.gov/48e562/siteassets/committees,-boards-special-initiatives/jails/jails-task-force-final-report-and-recommendations.pdf>

<sup>4</sup> North Carolina Court Appearance Project: Findings and Policy Solutions from New Hanover, Orange and Robeson Counties. April 22, 2022.

<https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2022/04/NC-Court-Appearance-Project-Report-4-22-22.pdf>

<sup>5</sup> Based on all 459 U.S. counties reported, accessed on 9/2/22 at <https://jaildatainitiative.org/special-topics>

<sup>6</sup> A. Fishbane et al., *Science* 370, eabb6591(2020). DOI: 10.1126/science.abb6591

<sup>7</sup> R. Ferri, The benefits of live court date reminder phone calls during pretrial case processing. *J. Exp. Criminol.* 10.1007/s11292-020-09423-0 (2020). doi: 10.1007/s11292-020-09423-0 29. E. A. Carson, "Prisoners in 2

<sup>8</sup> Marcy R Podkopacz. Using Reminders to Reduce Failure to Appear in Court. Fourth Judicial District of Minnesota. September 2019. Note: this research did not employ an experimental design or statistical tests.

<sup>9</sup> The Hidden Costs of Pretrial Revisited, March 21, 2022. <https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf>

<sup>10</sup> Common quantifiable costs include cost to government such as warrant issuance, booking, jail, new court hearing, and attorneys, and costs to people such as fines, lost wages in jail, and inability to get job, renew license or receive public benefits with active warrant.

<sup>11</sup> Based on estimated 34% court appearance rate and 1.57 million misdemeanor cases in Georgia in 2020; caseload accessed on 8/29/22 at the Court Statistics Project website. <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-criminal>.