



North Carolina Court Appearance Project

Table of Contents

Executive Summary.....	1
Project Team Members.....	2
Background.....	4
Key Findings.....	6
What’s the scale of missed court appearances?.....	6
What are the consequences of a missed appearance?.....	12
Policy Solutions at a Glance.....	17
Policy Solutions by County.....	18
New Hanover County.....	18
Orange County.....	23
Robeson County.....	31
State-Level Changes.....	36
Appendix A: Methodology and References.....	38
Appendix B: Supplemental Data Tables.....	42

Executive Summary

Diverse teams of justice system stakeholders in New Hanover, Robeson, and Orange Counties participated in the North Carolina Court Appearance Project. Project teams sought to improve local court appearance rates and develop better responses to nonappearances. Starting in August 2021, teams examined local court and jail data, reflected on court practices and procedures, and crafted policy solutions suited to the needs of their communities and courtrooms. The project was supported by The Pew Charitable Trusts and the University of North Carolina School of Government Criminal Justice Innovation Lab.

The tables below summarize the key problems that project teams saw in the North Carolina data and the range of policy innovations they developed to address those issues within their own counties.

Measuring the Problem

A lot of people miss court...	About 1 in 6 North Carolina criminal cases had a missed court appearance.
Mostly for traffic offenses...	Traffic misdemeanors accounted for 82% of nonappearances statewide.
More often for younger people...	People in their 20s were twice as likely to miss court as people in their 60s or 70s.
Especially when cases weren't resolved quickly...	Nonappearance rates for non-traffic misdemeanors were twice as high in cases resolved in 6 months compared to those resolved in 3 months.
With notable differences by race...	Black people made up 22% of the resident population but 40% of the criminal cases served and 49% of court nonappearances.
Significantly hampering people's ability to drive...	Failures to appear in court prevented 1 in 10 North Carolinians from driving.
And causing people to go to jail.	About 1 in 6 jail bookings in project counties occurred solely because of a failure to appear.

Adopting Policy Solutions

Help people understand and remember the need to appear	Text message reminders; palm cards to accompany citations; forms that are easier to read and understand
Address barriers to appearance	Transportation assistance; virtual appearance options
Make court more user-friendly	Hearings scheduled in smaller time blocks; walk-in hours; services for high-need groups; shorter disposition times
Build community trust	More diverse court personnel; regular community engagement
Reduce collateral harms	Fewer unnecessary orders for arrest; license restoration services; updating state laws

Note: Table reflects statewide data unless otherwise noted.

Project Team Members

New Hanover County

Team Members:

Honorable J. H. Corpening II, Chief District Court Judge, *Team Leader*

Honorable Phyllis Gorham, Senior Resident Superior Court Judge

Jennifer Harjo, Chief Public Defender

Major Jonathan Hart, Sheriff's Office

Michelle Taylor, Community Justice Services Adult Enhancement Services Division Manager

Barrett Temple, Assistant District Attorney

Wanna Whitted, Chief Magistrate

Additional Support and Participation:

Max Ashworth, Assistant Public Defender

Tonya Gilley, Trial Court Administrator

Ret. Major Lachlan MacNeish, Sheriff's Office

Kristi Severo, Assistant District Attorney

Alysha Scheer, Public Defender Investigator

William Van Trigt, Assistant District Attorney

Orange County

Team Members:

Honorable Allen Baddour, Senior Resident Superior Court Judge, *Team Leader*

Woodrena Baker-Harrell, Chief Public Defender

Sheriff Charles Blackwood, Sheriff's Office

Honorable Samantha Cabe, Chief District Court Judge

Caitlin Fenhagen, Criminal Justice Resource Director

Mark Kleinschmidt, Clerk of Superior Court

James R. Woodall, Jr., District Attorney

Additional Support and Participation:

Natasha Adams, Assistant Public Defender

Captain David Berry, Sheriff's Office

Ted Dorsi, Criminal Justice Resource Department Pretrial Services Director

Emma Ferriola-Bruckenstein, Criminal Justice Resource Department Restoration Legal Counsel

Jeff Nieman, Assistant District Attorney

Angela Pendergraft, Deputy Clerk of Superior Court

Jennifer Powell, Assistant Clerk of Superior Court

Robeson County

Team Members:

Honorable James Bell, Senior Resident Superior Court Judge, *Team Leader*

Major Howard Branch, Sheriff's Office

Ronald Foxworth, Chief Public Defender

Carlton Mansfield, Immediate Past President, District 20 Bar

Honorable Angelica Chavis McIntyre, Chief District Court Judge

Joseph W. Osman, First Assistant District Attorney

Shelena Smith, Clerk of Superior Court

Harry Warriax, Offender Resource Center Assistant Director

Additional Support and Participation:

Shannon Blackwell, Superior Court Legal Assistant

Johnson Britt, President, District 20 Bar

Major Tammy Deese, Sheriff's Office

Krystle Melvin, Assistant District Attorney

Jack Moody, Assistant Public Defender

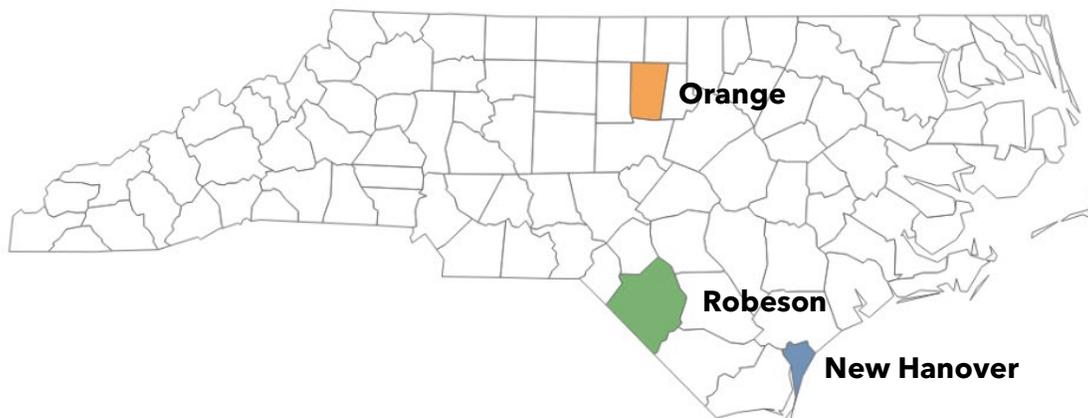
Matt Scott, District Attorney

Background

North Carolina courts process more than one million criminal cases each year.¹ While some cases are handled online, many require people to appear in court one or more times before their case is resolved. Although most people appear for court, no-shows in even a small percentage of cases can add up to a large number of rescheduled hearings. This is inefficient for court personnel, and causes inconvenience for people involved as witnesses, victims, and anyone else expecting a proceeding. Additionally, common responses to nonappearance – even a single missed court date in a low-level case – can land people in jail or prevent them from driving, causing significant consequences for them, their families, and the community.

Despite this significant impact, practitioners have few resources to improve local appearance rates. Studies have found that adopting behavioral science tactics, such as sending reminders before a court hearing or simplifying court date notices, can increase appearance rates,² but little to no research has been done on other court practices. Still, local court leaders across the country are creating innovative models to rethink court appearance policies and practices.

The Court Appearance Project launched in August of 2021 to support local North Carolina criminal justice system leaders committed to examining the scale and impact of missed court appearances in their communities and devising policy solutions to address them. New Hanover, Orange, and Robeson Counties were selected from a diverse pool of applicants, based on the collective commitment of local practitioners and their ideas and momentum for improving policies. Teams were comprised of stakeholders from across the justice system, including the senior resident superior court judge; chief district court judge; representatives from the offices of the district attorney, public defender, clerk, and sheriff; and others.



¹ Gibson, S., et al., eds. (2022). *CSP STAT Criminal*. Court Statistics Project. <https://www.courtstatistics.org/csp-stat-nav-cards-first-row/csp-stat-criminal>.

² Cook, B., et al. (2018). *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court*. University of Chicago Crime Lab & Ideas42. <https://www.courthousenews.com/wp-content/uploads/2018/01/crim-just-report.pdf>; Hatton, R. (2020). *Research on the Effectiveness of Pretrial Court Date Reminder Systems*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>.

With technical assistance support from The Pew Charitable Trusts and the University of North Carolina (UNC) School of Government Criminal Justice Innovation Lab,³ the teams met over several months to review findings from court and jail data, evaluate the available research and examples of innovation, and develop consensus local solutions. Relying on their combined expertise and the findings from the data, each county team crafted policy solutions that they believed would deliver a high impact in their courts and communities.

³ To contact project staff, please reach out to Jessica Smith, Director of the Criminal Justice Innovation Lab, at smithj@sog.unc.edu and Terry Schuster, Manager of Pew's Public Safety Performance Project, at tschuster@pewtrust.org.

Key Findings

To understand the scale of missed court appearances and their impact on individuals and justice system resources, the North Carolina Court Appearance Project teams examined local data from courts and jails, reviewed existing research and data on court appearance nationally, and explored the growing body of innovative and evidence-based policy solutions designed to improve appearance rates and better respond to missed court dates.

What's the scale of missed court appearances?

Missed court appearances occurred in about 1 in 6 North Carolina criminal cases. These included people who missed their very first court hearing and individuals who missed a hearing after having successfully appeared multiple times. Collectively, they amounted to almost 250,000 missed hearings a year, a significant strain on court systems. Missed appearances require additional resources from court and law enforcement personnel and generate orders for arrest and other collateral harms for court users.

ABOUT THE DATA

Unless otherwise cited, the findings in this report are from court and jail data analyzed for the project. The court data comes from the UNC School of Government Criminal Justice Innovation Lab's North Carolina Criminal Information System, a comprehensive database of Automated Criminal / Infractions System (ACIS) data from 2015 to present. Sheriffs' offices in Orange and New Hanover Counties provided local jail data, covering two years of recent jail bookings. See Appendix A for more information about the data and methodology.



1 in 6 criminal cases in North Carolina had at least one missed court appearance.

Trends in nonappearance data can guide policymakers to targeted solutions. The project teams saw differences in failure to appear rates by geography, charge type, demographics, and case length.

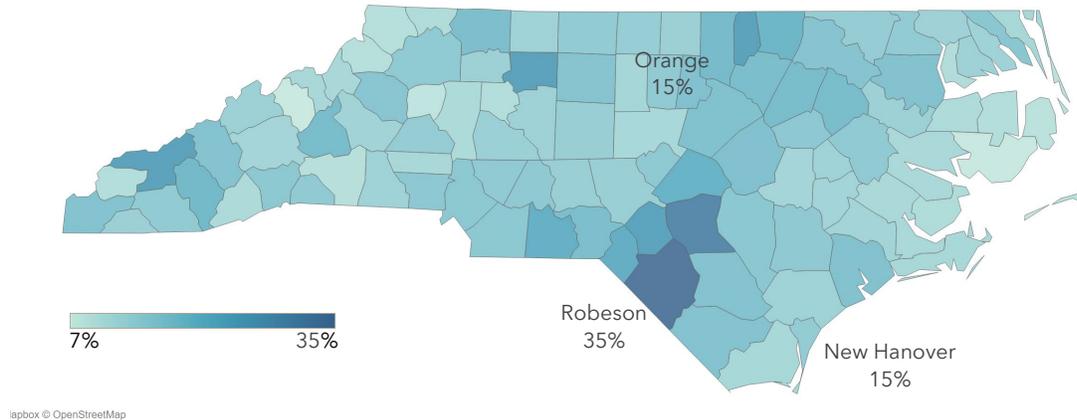
Geography

Court appearance rates varied across North Carolina's 100 counties. Rates of missed appearances ranged from 7% in Yancey County to 35% in Robeson County (see Figure 1). Among project counties, Orange and New Hanover Counties both had rates closer to the state average of 15%. Variation by geography might reflect differing practices, suggesting that practitioners can learn and benefit from sharing ideas across jurisdictions. It might also be tied to differences in public transportation access and other court appearance barriers.

Figure 1

County nonappearance rates range from 7% to 35%.

Nonappearance rates by county for North Carolina criminal cases, 2015 - 2020.



lapbox © OpenStreetMap

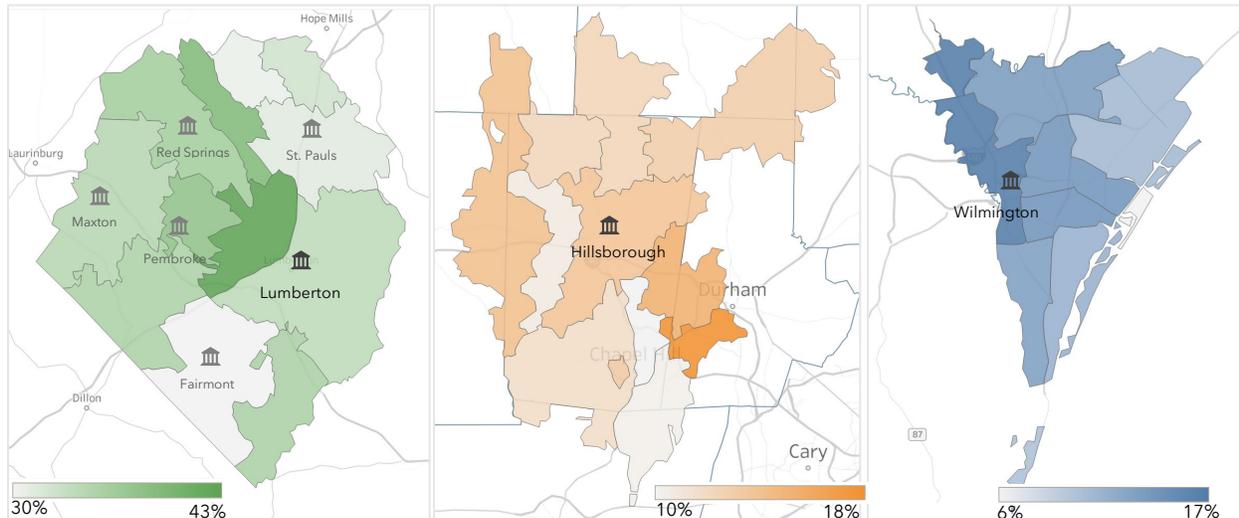
Source: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System.

Even within counties, location mattered. Analysis of individuals' zip codes found that certain areas in each project county had higher nonappearance rates. In some instances, zip codes farther from the courthouse had higher nonappearance rates, but in others there was not a clear relationship (see Figure 2). When stakeholders evaluated their own county maps, they suggested that bus routes, neighborhood density, and income levels could all factor into the variation.

Figure 2

Nonappearance rates vary by zip code.

Nonappearance rates by in-county zip code, criminal cases served in Robeson, Orange, and New Hanover Counties, 2015-2020.



Source: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System.

Type of Cases

Court appearance rates varied by type of case. Traffic misdemeanors had the highest nonappearance rates statewide, with about 1 in 5 individuals missing court at some point before case resolution. Missed appearances were less likely for other types of misdemeanors, occurring in about 1 in 10 non-traffic misdemeanor cases. Felonies had the lowest nonappearance rates at 1 in 20.⁴

Traffic misdemeanors make up about two thirds of criminal cases handled in North Carolina courts. Their sheer volume coupled with the higher rates of nonappearance meant that 82% of all missed appearances between 2015 and 2020 were for traffic misdemeanors.



Traffic misdemeanors accounted for 82% of all nonappearances in North Carolina.

⁴ The data did not distinguish people who were released prior to their court date from those held in jail, so all cases were included when calculating appearance rates. Felonies likely have lower nonappearance rates in part because individuals facing felony charges are more often held in jail pretrial, ensuring their appearance in court.

The most common offense for which people missed court was Driving While License Revoked where the underlying revocation was not for impaired driving.⁵ Expired Registration and Speeding rounded out the top three and together accounted for about half of all nonappearances statewide (see Figure 3).

Figure 3

Most common nonappearances were for driving-related offenses.

Nonappearances by offense for North Carolina criminal cases served, 2015-2020.

Rank	Top 10 offenses by nonappearance
1	Driving While License Revoked - Not Impaired Revocation
2	Expired Registration Card or Tag
3	Speeding
4	No Operator's License
5	Operating a Vehicle with No Insurance
6	Fictitious or Altered Title or Registration Car or Tag
7	Misdemeanor Larceny
8	Driving or Allowing Driving with No Registration
9	Cancelled, Revoked, or Suspended Certified Tag
10	Reckless Driving to Endanger

Note: If a case included multiple offenses, the most serious offense was used for analysis.

Source: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System.

Traffic misdemeanors include a variety of motor vehicle offenses with a broad range of public safety implications. To better understand this key contributor to nonappearances, project staff classified traffic misdemeanors into three subgroups:

⁵ Because a failure to appear can result in license revocation, a missed appearance for Driving While License Revoked often reflects a situation where a person has some history of failure to appear in court. See analysis on pages 13 and 14.

- *DWI-related*: Offenses related to driving while impaired.
- *Administrative*: Offenses that involve operating a vehicle with improper licensing, registration, or other paperwork.
- *Moving*: Offenses related to unsafe driving behavior, such as speeding and reckless driving.

Broken out in this manner, the data showed court nonappearances were primarily for administrative offenses such as driving with expired tags or with a revoked license unrelated to impaired driving. Administrative traffic charges accounted for 76% of all nonappearances in traffic misdemeanor cases, with moving offenses representing 20%, and DWI-related offenses making up only 4%.

Missed court dates also occurred in non-traffic misdemeanor cases. About 1 in 7 misdemeanor larceny cases had a missed court date, making that the top non-traffic offense for nonappearance. Other common non-traffic misdemeanors, like marijuana possession up to ½ ounce, drug paraphernalia charges, and second-degree trespassing, had missed court dates in about 1 in 8 cases.

Demographics

Even for similar types of cases, nonappearance rates differed by demographics. Younger people missed court most often, and nonappearance rates steadily declined as people aged.⁶ For example, of people charged with traffic misdemeanors, those in their twenties missed court in 24% of cases, those in their forties missed court in 18% of cases, and those in their sixties missed court in 11% of cases (see Figure 4). The typical person who misses court is a young person charged with a traffic misdemeanor. This trend may reflect differences by age group in ability to take time away from work or in housing stability. Or it may signal a need to reach younger court users more effectively through different means of communication.

Figure 4

Younger people have higher rates of missing court.

Nonappearance rates by age, all criminal cases in North Carolina, 2015-2020.



Source: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System.

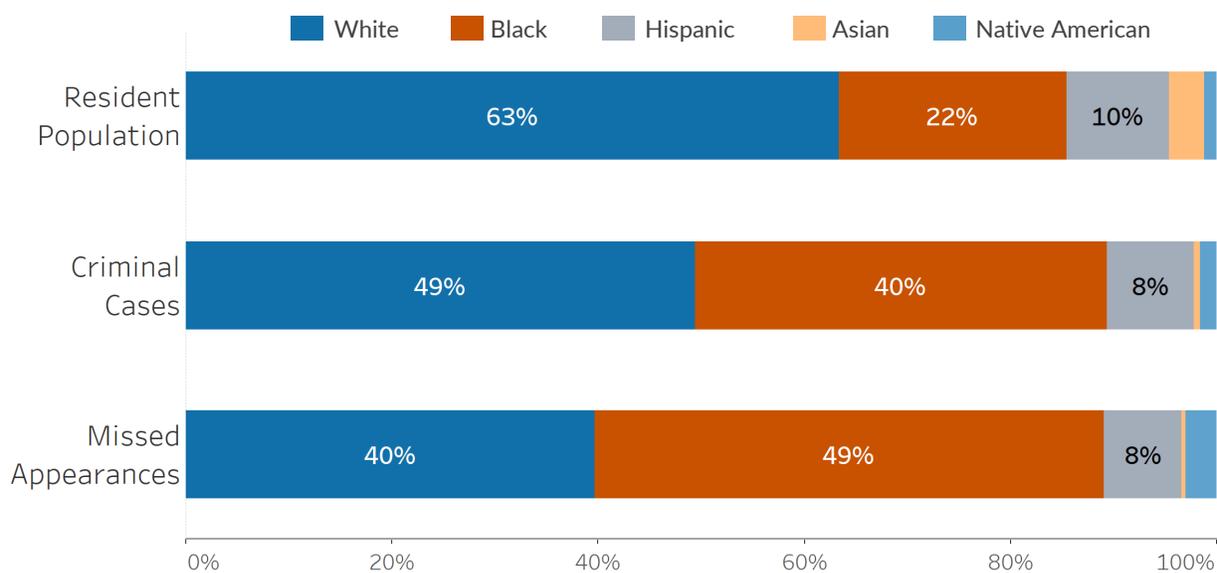
⁶ Nonappearance rates began to rise at age 80, but this group made up less than 1% of cases.

Court appearance rates also differed by race and ethnicity, which may suggest that some groups face more significant barriers to appearance, hold different assumptions about the consequences of nonappearance, or have different levels of confidence that the court process will be fair. Black people, for example, made up 22% of the state’s population, 40% of criminal cases served, and 49% of missed court appearances (see Figure 5). This pattern is more pronounced in some counties and less in others but persists in most jurisdictions across the state.

Figure 5

Racial differences exist in both cases served and nonappearance rates.

North Carolina resident population by race, 2020; North Carolina criminal cases and nonappearances by race, 2015-2020.



Sources: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System; U.S. Census Bureau population data, 2020.

Case Length

It can take months or even years to resolve a case. The case’s complexity may have the biggest impact on disposition time, but even non-complex cases can experience numerous delays or continuances before resolution, increasing the opportunities for a person to fail to appear.

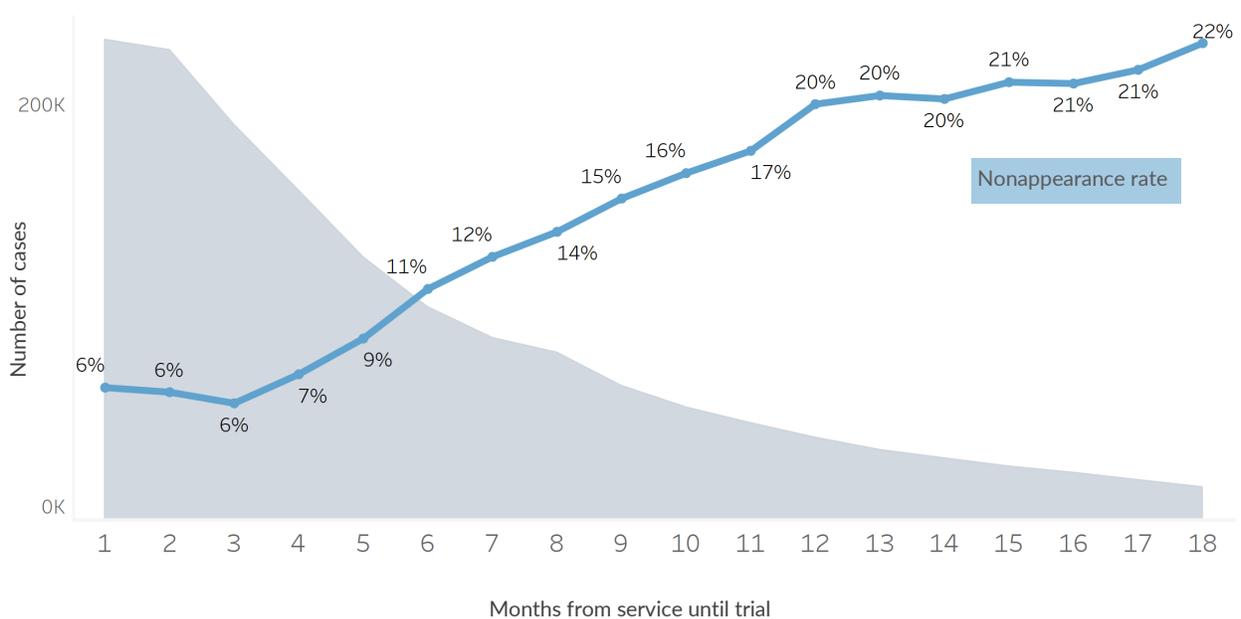
The longer a case takes to resolve, the more likely it is that the person charged will miss an appearance. This trend is particularly pronounced among non-traffic misdemeanors. The majority of North Carolina’s non-traffic misdemeanor cases moved through the court system in six months or less, and the nonappearance rate for those cases was 7%. Among the smaller number of non-traffic misdemeanor cases that took 12 to 18 months to resolve, the nonappearance rate jumped to just over 20% (see Figure 6).

Without greater detail available in the data, it is difficult to distinguish if the nonappearance was the cause or the effect in this pattern. Did cases take longer to resolve because people missed court? Or did longer cases require multiple appearances, making it more challenging for people to attend each required hearing? Based on their experiences, project teams believed both situations routinely occurred and contributed to the higher nonappearance rates for cases with longer resolution times.

Figure 6

Cases that take longer to resolve have higher nonappearance rates.

Nonappearance rate by case length for non-traffic misdemeanors in North Carolina, 2015-2020.



Note: Includes only cases with trial dates within 18 months of service date in district court.

Source: UNC School of Government Criminal Justice Innovation Lab North Carolina Criminal Information System.

What are the consequences of a missed appearance?

The full impact of a missed court appearance is difficult to quantify. The repercussions depend on the type of case, the individual's circumstances, local policy, and discretion of local system actors. A missed appearance could result in a driver's license suspension, an additional fine,

an order for arrest, and potential jail time.⁷ Any witnesses, victims, or family members who show up for court when the person charged fails to appear also experience disruption in their lives and work schedules, which may erode their confidence in the justice system.

There are repercussions for court actors as well. To reschedule a case, issue and serve an order for arrest, contact a person who missed court, or take other steps to resolve a nonappearance requires additional time from clerks, lawyers, magistrates, judges, and law enforcement. Clerks in particular carry additional work in pulling case files and rescheduling hearings following missed appearances.

Project teams were able to measure two key consequences of failures to appear using state and local data: driver's license suspensions and jail admissions.

Driver's License Suspensions

State law requires the Division of Motor Vehicles to revoke the license of an individual who fails to appear for a hearing on a motor vehicle offense.⁸ The statute imposes the same penalty for failure to pay certain fines and fees.⁹ Most commonly, these nonappearances occur in cases that are unrelated to dangerous driving, like having an expired registration tag.

Researchers at Duke University School of Law analyzed North Carolina data on license suspensions and found that more than one million people had active driver's license suspensions in the state in 2018. The vast majority of those suspensions, more than 800,000, were solely for missing court.



More than 800,000 driver's licenses are suspended in North Carolina solely for missing court.

Failure to appear alone prevents 1 in 10 driving-age North Carolinians from driving. In Orange and New Hanover Counties the rate is also 1 in 10, and in Robeson County it is larger, at 1 in 4 (see Figure 7). Robeson County team members shared that because their rural county does not have a regular bus service, transportation is a major obstacle for getting to court.

⁷ N.C. Gen. Stat. § 20-24.1; N.C. Gen. Stat. § 15A-305. Note that North Carolina statute refers to license "revocation" for a missed court appearance, but literature and existing research often refer to license "suspension." The terms are used interchangeably in this report.

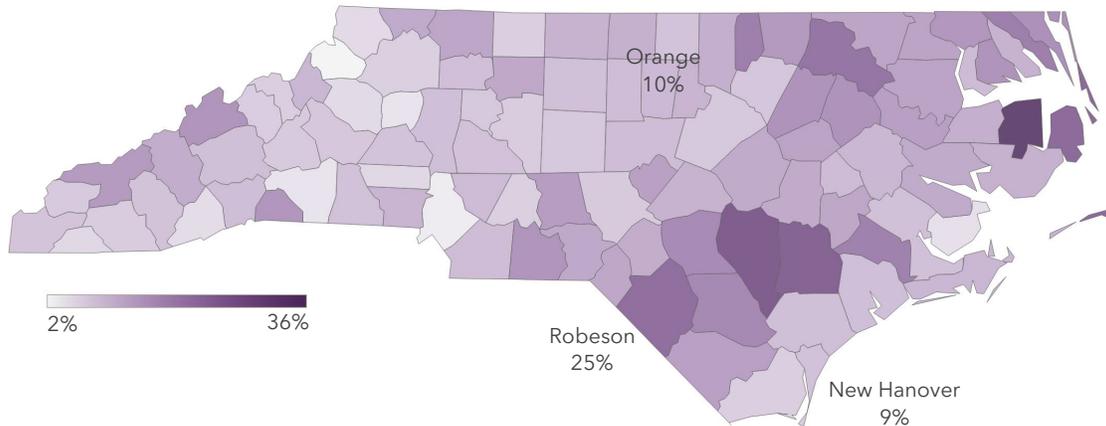
⁸ N.C. Gen. Stat. § 20-24.1; N.C. Gen. Stat. § 20-24.2.

⁹ N.C. Gen. Stat. § 20-24.1.

Figure 7

Failure to appear alone prevented 1 in 10 North Carolinians from driving.

Active license suspensions for failure to appear cases only as share of driving age population by county, 2018.



© 2022 Mapbox © OpenStreetMap

Note: Driver's license suspensions for failure to appear and failure to comply cases prevent 1 in 7 driving-age North Carolinians from driving. Source: "Driver's License Suspension in North Carolina," Wilson Center for Science and Justice, Duke University School of Law (2019).

A license suspension and the underlying motor vehicle offense incur many potential costs that can add up to several hundred dollars, some that can be waived by the courts and some that cannot. Potential costs include: a fine for the underlying traffic offense between \$5 and \$500,¹⁰ court costs of \$176,¹¹ an insurance premium increase of 30% to 340%,¹² a failure to appear fee of \$200,¹³ and license restoration and service fees of \$120.¹⁴ Individuals charged with certain misdemeanors that are ineligible for jail time, including many common traffic offenses, are typically not provided with court appointed counsel even if indigent, and may therefore find it difficult to understand these and other consequences of failing to appear.

¹⁰ "Traffic Offenses for Which Court Appearance May Be Waived," North Carolina Administrative Office of the Courts (2020). <https://www.nccourts.gov/assets/documents/publications/waiver-list-traffic-waiver-2020.pdf>.

¹¹ "Court Costs and Fees Chart," North Carolina Judicial Branch (2020).

<https://www.nccourts.gov/assets/documents/publications/2020-criminal-costs-chart.pdf>.

¹² "A Consumer's Guide to Automobile Insurance," North Carolina Department of Insurance (2019).

https://files.nc.gov/doi/documents/consumer/publications/consumer-guide-to-automobile-insurance_cau1.pdf

¹³ N.C. Gen. Stat. § 7A-304(a)(6).

¹⁴ "Driver License Restoration," North Carolina Department of Transportation (2021).

<https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/driver-license-restoration.aspx>.

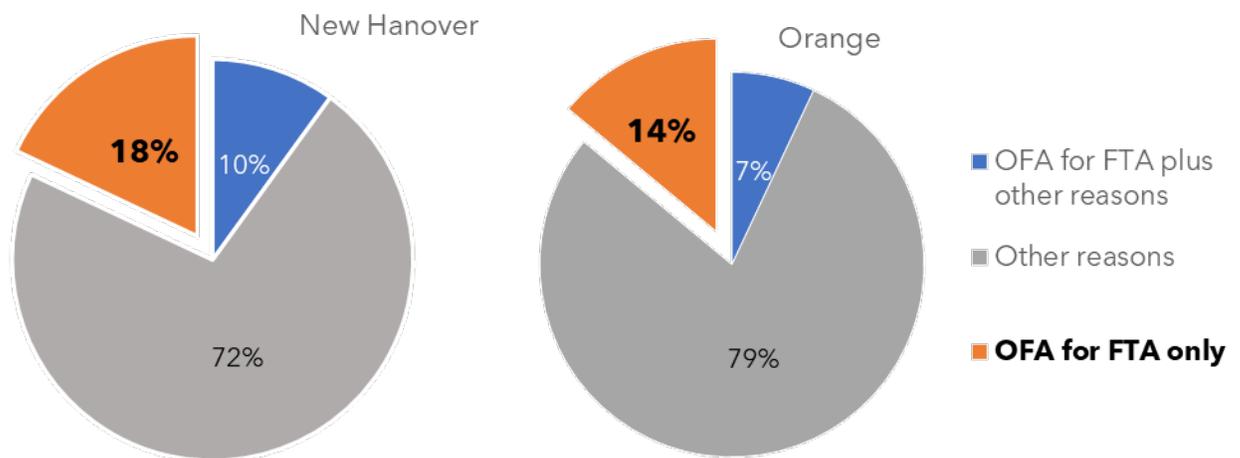
Orders for Arrest

State law allows orders for arrest (OFAs) for anyone who fails to appear at a court hearing in a criminal case, even if the original charge is ineligible for a jail sentence.¹⁵ To gauge the extent to which missed court appearances were leading to jail bookings, project staff analyzed jail data provided by Orange and New Hanover Counties covering bookings from January 1, 2019 through June 30, 2021. While multiple reasons could be associated with a single jail booking (e.g., a person could be arrested for shoplifting and also have an outstanding OFA for failing to appear in another case), about 1 in 6 bookings into the New Hanover jail and 1 in 7 bookings into the Orange County jail were solely attributable to failure to appear (see Figure 8).

Figure 8

Some people were jailed solely for missing court.

Share of jail bookings by reason for booking, New Hanover and Orange Counties, 2019-2021.



Source: New Hanover County and Orange County jail data.

Additionally, bookings solely for failing to appear on a misdemeanor outnumbered all other reasons or charges associated with jail booking (see Figure 9). Driving while impaired and probation violations were other common reasons for booking.

¹⁵ N.C. Gen. Stat. § 15A-305.

Figure 9

Missing misdemeanor court dates was the most common reason people went to jail.

Jail bookings by reason for admission, New Hanover and Orange Counties, 2019-2021.

Orange County

Rank	Most Common Reasons for Jail Booking
1	OFA for Failing to Appear on a Misdemeanor
2	Assault on a Female
3	Driving While Impaired

New Hanover County

Rank	Most Common Reasons for Jail Booking
1	OFA for Failing to Appear on a Misdemeanor
2	Driving While Impaired
3	Probation Violation on a Felony

Note: Multiple reasons may be associated with a single booking. OFA for failure to appear was only counted if it was the sole reason identified at booking. Source: New Hanover County and Orange County jail data.

Individuals booked solely for failing to appear tended to have shorter lengths of stay compared to those booked for other reasons. Most people booked only for an OFA for failure to appear were released within 24 hours and only 1 in 10 stayed in jail longer than a week.

Because of these relatively short lengths of stay, people arrested for failing to appear did not comprise a large share of the jail population on any given day, but they remained a substantial contributor to jail bookings, consuming law enforcement time and resources. Research has found that it can take North Carolina police officers about two to four hours to make an arrest, a significant drain on resources that pulls police officers away from other patrol and public safety priorities.¹⁶

¹⁶ Reported time is for warrantless arrests in misdemeanor incidents. See Smith, J., Desmarais, S.L., McKinsey, E., & Rex, E. (2021). *The Citation Project: First Report*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/07/Citation-Project-Report-1-Final.pdf>.

Policy Solutions at a Glance

Steps to Increase Court Appearance

	New Hanover	Orange	Robeson
Improve text message reminders for court	✓	✓	✓
Design law enforcement "palm cards" with helpful links and information		✓	✓
Offer support with transportation to court		✓	✓
Reduce wait times for hearings with block scheduling		✓	
Formalize and expand options for remote or virtual participation in court	✓	✓	✓
Launch diversity and inclusion initiatives to foster community trust		✓	
Set benchmarks for reducing disposition times and continuances	✓	✓	

Better Responses to Nonappearance

	New Hanover	Orange	Robeson
Implement walk-in hours for people to resolve missed court appearances	✓	✓	
Reduce unnecessary orders for arrest through a nonappearance bench card	✓	✓	
Implement a grace period before issuing some orders for arrest		✓	✓
Provide driver's license restoration support	✓	✓	✓
Partner with service providers to help high-needs populations get to court	✓	✓	

State-Level Recommendations

Joint Recommendation

Stop revoking driving privileges for missed court dates	✓
Eliminate mandatory bond doubling statute	✓
Expand access to state's criminal justice database with nonappearance history and jail custody status	✓
Simplify forms given to people charged with crimes by law enforcement and courts	✓

✓ Indicates new or improved policies prioritized in the project.

✓ Indicates pre-existing initiatives.

Policy Solutions by County

New Hanover County

New Hanover County is an urban center located on North Carolina's coast. The county seat, Wilmington, is the state's eighth largest city.¹⁷ The county is home to 226,000 people, with 10% living below the poverty line.¹⁸ Each year, New Hanover courts process between 25,000 and 30,000 criminal cases, with a nonappearance rate of 15%, near the statewide average of 16%.



Since 2016, the county's Criminal Justice Advisory Group, which consists of stakeholders from across the local justice system and county

government, has met regularly to take on significant issues affecting the community, such as gang violence and the opioid epidemic. In 2021, many of these same stakeholders came together as part of the Court Appearance Project. The project team sought to create more efficient court calendars and case processing, ensure courts are more accessible and easier to navigate, and reduce the burden on law enforcement resources to enforce court appearance.

The New Hanover County Clerk's Office was unable to participate in the Court Appearance Project because of staffing and workload challenges. The project team will seek to implement the following solutions, making adjustments as needed in coordination with the clerk's office to ensure feasibility for their staff and to address any additional issues identified by that office.



Solution 1: Court Reminders

Increase enrollment in automated text messages reminding people of their court dates.

Doctors' offices, hair salons, and other businesses commonly use text or phone call messages to remind clients of upcoming appointments. In recent years, courts have followed suit, and reminders have successfully increased appearance rates across many jurisdictions.¹⁹ The New Hanover County Public Defender's Office was one of the first public defender's offices in the state to pilot software from Uptrust that provides a platform for attorneys to communicate more efficiently with their clients and sends tailored text message reminders about upcoming court dates.²⁰

The North Carolina Administrative Office of the Courts (AOC) launched a text and email reminder service for all courts in North Carolina in 2018. Since then, enrollment has been relatively low across the state. Despite the tens of thousands of cases that are handled by New

¹⁷ "North Carolina Cities by Population," North Carolina Demographics by Cubit (2022). https://www.northcarolina-demographics.com/cities_by_population.

¹⁸ "QuickFacts: New Hanover County, North Carolina," United States Census Bureau (2021). <https://www.census.gov/quickfacts/newhanovercountynorthcarolina>.

¹⁹ Hatton, R. (2020). *Research on the Effectiveness of Pretrial Court Date Reminder Systems*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>.

²⁰ See <https://uptrust.co/how-it-works/>.

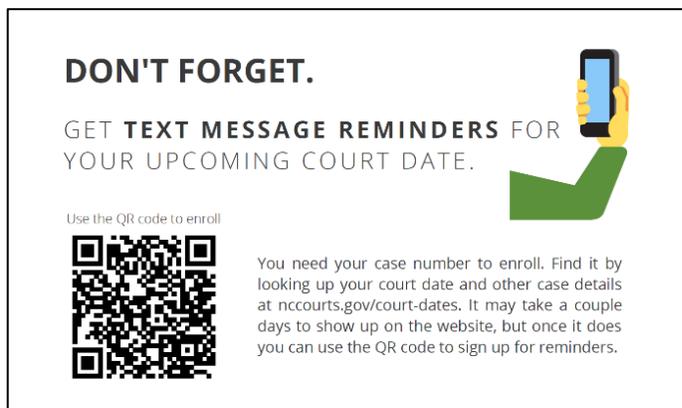
Hanover County courts each year, only 1,100 people were enrolled in AOC reminders for New Hanover County cases by 2021.²¹ To increase appearance rates among people *not* represented by the Public Defenders' Office, stakeholders will better publicize the AOC text reminder service using information cards and posters.

How It Works

Justice system practitioners will distribute wallet-sized cards with clear and simple information about the free AOC text reminder service to individuals charged with crimes and members of the public and will post signs throughout the courthouse advertising the available service. The card and poster both feature a QR code to easily allow people to enroll in reminders using their mobile device (see reminder card below and poster on page 24).

Stakeholders across the local justice system, including defense counsel, jail staff, magistrates, assistant district attorneys, pretrial services, and law enforcement will be provided with cards to hand out at court proceedings and elsewhere. The back of the card will remain blank to allow stakeholders to share additional, individualized information (such as defense counsel's name and contact information) with the person if necessary.

Mock-up of Reminder Card



Solution 2: Virtual Court

Use remote appearance for people who have difficulty traveling to the courthouse.

During the COVID-19 pandemic, virtual court (in which the person charged appears at a proceeding remotely by video), has become more common in North Carolina.²² Allowing individuals to take part in court hearings remotely removes potential barriers to appearance, such as travel, missed work, or family obligations. Like many practitioners throughout the country, New Hanover County stakeholders made use of remote appearance as a public health measure. Now, stakeholders will formalize the use of remote appearance as a tool to expand access to court for people facing charges who might otherwise have challenges attending court in-person.

²¹ Enrollment figures are as of 8/6/2021, provided by the Administrative Office of the Courts.

²² Clarke, S.E.D. & Smith, J. (2021). *Virtual Court Proceedings In North Carolina: Adapting to a Global Pandemic*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/Virtual-Courts-Findings-Report-FINAL-3.15.2021docx.pdf>.

How It Works

District and Superior Court will adopt different virtual court policies, tailored to each court's cases and procedures. Both policies will ensure that defendant's Sixth Amendment rights are protected. In District Court, where the bulk of nonappearance occur, virtual appearance is allowed via Webex for any matter except pleas, trials, evidentiary hearings, and probation matters. In Superior Court, where charges are often more serious, individuals charged with crimes will be allowed to appear virtually via Webex for first appearances, status hearings, and proceedings relating to problems with attorney-client representation, excluding waivers of counsel. In all cases, individuals and their attorneys should coordinate with the court to request a virtual appearance and ensure access to the necessary technology. The courts will accept a verbal waiver of an individual's right to appear in person, as long as the court is satisfied that the waiver is knowing, intelligent, and voluntary.²³



Solution 3: Reduced Time to Disposition

Shorten case resolution time to reduce opportunities for nonappearance.

Resolving cases efficiently creates more manageable caseloads for defense attorneys and prosecutors and also may reduce the likelihood of nonappearances. The longer a case remains open in North Carolina, the more likely a person will fail to appear. For non-traffic misdemeanors, for example, nonappearance rates for cases that took six months to resolve were twice as high as for cases resolved in three months.²⁴ Disposing of cases more quickly could have the added benefit of improving appearance rates.

New Hanover County stakeholders recognize that reducing case disposition times requires a careful review of state and local procedures, statutory time periods, constitutional protections, county resources, and other factors, and thus cannot be resolved quickly. County leaders will continue this work, exploring opportunities in policy and practice to minimize unnecessary hearings and reach timely case resolutions while protecting constitutional rights.



Solution 4: Walk-In Hours

Provide a time for people who missed court to resolve their nonappearances.

People may fail to appear at court because of conflicts with work, illness, or simply forgetting, reasons that are unrelated to evading justice.²⁵ Stakeholders believe that individuals should have a straightforward opportunity to resolve scheduling conflicts or accidentally missed court appointments. As an area for future work, the team aims to establish regular and accessible walk-in hours to provide a set time each week for people to appear voluntarily and address their case. Staffing shortages in the Clerk's Office and technological limitations that require the movement of a physical case file for each individual appearing in court are obstacles to

²³ A charged individual must be able to communicate fully and confidentially with counsel (if represented), per N.C. Gen. Stat. § 7A-49.6(b), and, except as otherwise permitted by law, when the right to confront witnesses or to be present is implicated, the court may not proceed with the virtual proceeding unless it has obtained a knowing, voluntary, and intelligent waiver of those rights, per N.C. Gen. Stat. § 7A-49.6(e).

²⁴ See analysis on pages 11 and 12.

²⁵ See Mahoney, B., et al. (2001). *Pretrial Services Programs: Responsibilities and Potential*. National Institute of Justice, U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/181939.pdf>; Bornstein, BH., Tomkins, A.J., & Neeley, E.M. (2011). *Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach*, Report submitted to the U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/234370.pdf>.

immediately implementing this policy. However, North Carolina is moving toward electronic case management through the Odyssey platform,²⁶ which could make walk-in hours more feasible to implement in the future.



Solution 5: Fewer Unnecessary Orders for Arrest

Adopt a bench card to standardize when nonappearance should result in arrest.

Currently, individuals who fail to appear in court often receive an order for arrest (OFA), and failure to appear is the most common reason for booking into the New Hanover County jail. Almost 1 in 5 bookings are the result of a court nonappearance.²⁷ County stakeholders recognized that not every missed appearance requires such a response.

Stakeholders will implement a structured decision-making tool, called a bench card, to guide judicial officials in responding to nonappearances. This includes providing recommendations for distinguishing which instances of nonappearance should justify custodial arrests and standardizing the use of arrest alternatives, authorized by an administrative order. The changes will reduce the burden on court clerks issuing OFAs and law enforcement serving them.

How It Works

A nonappearance bench card recommends factors that judges should consider when deciding whether to issue an OFA for a nonappearance and what conditions of release to impose. If the person has good cause for missing court, is charged with a misdemeanor and has not previously failed to appear, or is charged with the lowest level misdemeanor,²⁸ the bench card will recommend that the person's court date be reset without issuance of an OFA. If the court determines that an OFA is necessary, the judge will set conditions of release in the OFA, in consultation with defense counsel and the assistant district attorney, to avoid mandatory operation of the bond doubling statute. Judicial officials retain discretion to override the bench card's recommendations.

In recognition that the highest rates of nonappearance are for traffic misdemeanors,²⁹ New Hanover County's bench card will recommend against using an OFA for any case set during administrative traffic court, which includes the least serious cases. To further reduce collateral consequences for missed appearances in traffic cases, the bench card will also recommend resetting the case without entry of a failure to appear (FTA) for a first missed appearance in administrative traffic court. An FTA on a traffic offense results in a driver's license suspension, which can have serious and compounding consequences.³⁰

²⁶ See "eCourts," North Carolina Judicial Branch (2022). <https://www.nccourts.gov/ecourts>.

²⁷ See analysis on pages 15 and 16.

²⁸ Class 3 misdemeanors in North Carolina are minor offenses not likely to result in incarceration, so New Hanover County's bench card will recommend against issuance of an OFA for a nonappearance on a Class 3 misdemeanor.

²⁹ See analysis on pages 8 to 10.

³⁰ See analysis on pages 13 and 14.



Solution 6: Driver's License Restoration

Cancel old unpaid fines and fees to provide relief for thousands of people with revoked licenses, and proactively assess ability to pay moving forward.

North Carolina law requires the Division of Motor Vehicles to revoke a person's license when they have failed to appear for a court hearing on a motor vehicle offense.³¹ In New Hanover, 1 in 10 driving-age residents is unable to drive because of a license revocation for failing to appear in court.³² Without a valid driver's license, people may find it even more challenging to get to court, keep their job, or maintain other family and community responsibilities.

The team identified costly fines and fees as a reason why people fail to appear in court initially and an obstacle to restoring their driver's licenses even after their cases are resolved. To address this barrier, stakeholders will periodically review cases and waive fines and fees for cases that do not pose a public safety risk but where those monetary obligations are preventing license restoration. On the front end, stakeholders will implement a process for assessing ability to pay before fines and fees are imposed, to avoid licensing issues down the line.

How It Works

The district attorney and court will periodically conduct a review of cases with outstanding fines and fees, including those resulting from failure to appear, that are preventing people from getting their driver's licenses restored. The court will waive fines and fees that are past a certain age, where it is clear that the person does not have an ability to pay and there are no other public safety concerns. Court leaders also will examine the process for assessing ability to pay before the imposition of fines and fees in traffic court, partnering with the state's Equal Access to Justice Commission for support.



Solution 7: Support for High-Needs Individuals

Partner with service providers to help people who face extra barriers in getting to court.

While resolving a case can be challenging for anyone, those with additional hardships face an uphill battle in getting to court. Individuals experiencing homelessness or others without a permanent physical address may not be aware of the time and location of their court date. Those with developmental disabilities or mental illness may not understand the importance of being present in court or how to navigate getting to court.

Local service organizations in New Hanover have built deep roots and relationships with the county's vulnerable residents. These organizations are often the best point of contact for high-needs populations and have a familiarity and level of trust with court-involved individuals not found elsewhere. Court leaders will hold a series of meetings with established service organizations to discuss ways to partner in support of high-needs individuals who face criminal charges, including assisting them with court reminders and transportation to court.

³¹ N.C. Gen. Stat. § 20-24.1.

³² See analysis on pages 13 and 14.

Orange County

Orange County is a medium-sized metropolitan county and home to the University of North Carolina at Chapel Hill, a large campus of the state’s public university system.³³ The county is home to 149,000 residents, with 10% living below the poverty line.³⁴ Each year, Orange County courts process between 13,000 and 18,000 cases, with a nonappearance rate of 15%, near the state average (16%).



Orange County’s Justice Advisory Council meets regularly to address system needs and had already taken on several large-scale reform efforts prior to the Court Appearance Project, including making changes to bail and pretrial practices, implementing coordinated diversion programs, and establishing access to legal and

financial assistance for charged individuals. Among other motivations, the project team was driven to improve court appearance policies to make court calendars and case processing more efficient, improve the experiences of individual court users, and increase perceptions of the court system as fair, effective, and innovative. Orange County will implement the following policy solutions.



Solution 1: Court Reminders

Maximize use of automated text messages to prompt defendants about their court dates.

Research consistently finds that court reminders lead to increases in appearance rates.³⁵ The North Carolina Administrative Office of the Courts (AOC) created a statewide automated reminder system in 2018, giving individuals the opportunity to sign up for text message reminders about their upcoming court dates. However, the system is underutilized - Orange County criminal courts process thousands of cases each year, but fewer than 600 people had signed up for reminders in Orange County cases as of 2021.³⁶ Stakeholders determined that a lack of public awareness about the service and unwieldy enrollment functionality both contribute to this low uptake.

To leverage the benefits of text message reminders, the Orange County team will better publicize the AOC court-date reminder service through palm cards (see page 25) and posters (see page 24) in the courthouse and on public transportation systems. They will also adopt

³³ “Census Reporter Profile page for Orange County, NC: American Community Survey 5-Year Estimates,” United States Census Bureau (2020). <http://censusreporter.org/profiles/05000US37135-orange-county-nc/>.

³⁴ “QuickFacts: Orange County, North Carolina,” United States Census Bureau (2021). <https://www.census.gov/quickfacts/orangecountynorthcarolina>.

³⁵ Hatton, R. (2020). *Research on the Effectiveness of Pretrial Court Date Reminder Systems*. UNC School of Government Criminal Justice Innovation Lab. <https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>.

³⁶ Enrollment figures are as of 8/6/2021, provided by the Administrative Office of the Courts.

Uptrust, a more versatile text reminder and communication service in the public defender's office, to support attorney-client communication.³⁷

Mock-up of Reminder Poster

Sign up for text reminders!

Step 1: Know your case number.
If you don't know your case file number, you can find it by looking up your case details online. Go to nccourts.gov/court-dates to find your case file number, county, and other details about your case.

Step 2: Enroll online.
Take a picture of the below QR code, then enter your county and case number. You can choose to receive text-message or email reminders about your upcoming court date. Standard message rates apply but the service is free. Anyone can enroll!



Don't forget! Missing has consequences.

If you don't show up to court or resolve your case, you may be **arrested**. For many traffic violations, if you fail to appear your **driver's license will be revoked**.

³⁷ North Carolina Indigent Defense Services is finalizing a contract with Uptrust to provide text-based communication software to public defender's offices across the state. The Orange-Chatham judicial district has been prioritized for the next phase of rolling out the software.



Solution 2: User-Friendly Court Communication

Establish a hotline and distribute wallet-sized “palm cards” with easy-to-understand information about getting to court.

Navigating the court system can be challenging. For example, although the criminal citation form contains necessary case and appearance information, the form is two pages long and is densely packed with other information. The North Carolina judicial branch website offers guidance on how to handle cases, but answers to many common questions depend on the specifics of each local court and are written at a grade level higher than experts recommend for a general audience.³⁸

Research has found that making information about appearing in court easier to understand can help improve court appearance,³⁹ and courts are advised to adopt plain language when communicating with the public.⁴⁰ To help make the courts more user-friendly and ensure that individuals charged with crimes and other court users have the information they need, Orange County will implement two strategies: wallet-sized “palm cards” with clear, simple, and concise information about appearing in court; and a Help Hotline to give the public a one-stop resource to get their questions answered.

Mock-up of Palm Card

CRIMINAL COURT APPEARANCE INFO

 Find your court date and location at the top of your citation.

106 E. Margaret Lane, Hillsborough
179 E Franklin St, Chapel Hill

If you miss your court date, you may be arrested and/or your driver's license may be revoked.

HAVE A QUESTION?

 123-456-7890
 WWW.ORANGECOUNTYNC.GOV/CJRD/COURTFAQ

Sign up for **text message reminders** for your court date!



HELP IS AVAILABLE. 

If you need a ride to court, can't afford your fine or ticket, or are worried your driver's license may have been suspended, contact the Criminal Justice Resource Department at 919-245-2303 or www.orangecountync.gov/CJRD

FIX IT ONLINE. 

Some cases can be handled online and you do not need to go to court. Go to nccourts.gov/services and click Citation Services. You may be able to pay the ticket online, ask for a reduction in the amount, or show you've fixed the issue.

³⁸ See “Traffic Violations,” North Carolina Judicial Branch (2022). www.nccourts.gov/help-topics/traffic-and-vehicles/traffic-violations. Reading levels determined by OpenAdvocate’s WriteClearly software, see www.openadvocate.org/writclearly.

³⁹ Cook, B., et al. (2018). *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court*. University of Chicago Crime Lab & Ideas42. <https://www.courthousenews.com/wp-content/uploads/2018/01/crim-just-report.pdf>.

⁴⁰ Roberts, A. & Zamora, A. (2019). *Plain Language Guide: How to Incorporate Plain Language into Court Forms, Websites, and Other Materials*. National Association for Court Management. <https://nacmnet.org/wp-content/uploads/NACM-Plain-Language-Guide-20190107.pdf>.

How It Works

Palm cards with the Help Hotline number and other resources will be distributed by law enforcement when issuing citations and given out as needed by other system practitioners, such as clerks, magistrates, and jail staff (see palm card on page 25).

The Help Hotline will be staffed during business hours by the Criminal Justice Resource Department (CJRD).⁴¹ In addition to answering questions, staff will further publicize existing resources mentioned on the palm card, including text reminders, license restoration services, transportation support through a CJRD-maintained ride-share account, and information about how to handle a case online. Accompanying the Help Hotline, CJRD will create a page on their website to answer frequently asked question about appearing in court and available resources.



Solution 3: Narrower Court Hearing Windows

Use block scheduling to reduce the amount of time people wait for their cases to be called.

Even though individual hearings are often quite short, people facing charges and those involved in hearings as witnesses and victims often spend hours waiting for a case to be called, causing significant disruption to work and family obligations. In order to reduce the burden of court appearance on both the public and practitioners, Orange County will schedule hearings in shorter blocks rather than having full morning or afternoon sessions with a long list of cases to be called one at a time. The implementation of block scheduling will provide more clarity for people on how much time they should plan to be in court for a hearing and reduce wait times.

How It Works

Orange County will schedule District Court hearings in 1.5-hour blocks and will group cases by type of representation. Blocks with private attorneys, public defenders, and unrepresented people will be staggered for hearings happening concurrently in different courtrooms to prevent attorneys from being double booked. Court users will receive information about what time to appear when they receive their hearing notice and will know the process should not take more than 1.5 hours. This policy will apply to all non-traffic court sessions in District Court, except for trials and domestic violence court.



Solution 4: Remote Participation in Court

Provide video appearance options for people who have difficulty traveling to the courthouse.

Following the onset of the COVID-19 pandemic, remote appearance in court has become more common in North Carolina.⁴² Allowing individuals to appear remotely via video removes potential barriers to attending court, such as travel, missed work, or family obligations. Like

⁴¹ CJRD is a branch of the Orange County government that administers a number of programs with the aim of safely reducing pretrial incarceration, providing jail alternatives and diversion, and improving equity in the county's criminal justice system.

⁴² Clarke, S.E.D. & Smith, J. (2021). *Virtual Court Proceedings In North Carolina: Adapting to a Global Pandemic*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/Virtual-Courts-Findings-Report-FINAL-3.15.2021docx.pdf>.

many practitioners throughout the country, Orange County courts have made use of remote appearance as a public health measure during the pandemic. Now, stakeholders intend to formalize the use of remote appearance as a tool to expand access to court for people facing criminal charges who might otherwise have challenges attending in-person appearances.⁴³

How It Works

District and Superior Court will adopt different remote court policies, tailored to each court's cases and procedures. Both policies will ensure that Sixth Amendment rights are protected. In District Court, an individual charged with a crime may choose to appear remotely for first appearances and pleas scheduled on the designated Webex session, currently held once a month. Once District Court courtrooms are equipped to conduct hybrid hearings, this policy will be revised to provide more opportunities for remote appearance. In Superior Court, which is better equipped with videoconferencing technology, charged individuals may choose to appear remotely in any proceeding allowed by statute.

In all cases, the courts will accept a verbal waiver of an individual's right to appear in person, as long as the court is satisfied that the waiver is knowing, intelligent, and voluntary. Orange County also will explore providing "satellite locations" for people facing charges who do not have reliable internet access or technology to appear remotely without travelling to court through the use of remote kiosks in government buildings.



Solution 5: Community Trust Building

Conduct outreach and hold listening sessions with community members to gather feedback on their experiences with the court system.

Black residents make up a small percentage of the population in Orange County but account for more than half of nonappearances.⁴⁴ Contributing to this racial difference may be differing levels of community trust and confidence in the justice system. In one Nebraska study, for example, among individuals who received no court reminders, those surveyed as having low trust in public institutions had nonappearance rates three times higher than those with high trust.⁴⁵ A survey in North Carolina revealed that Black residents had less confidence in the fairness of the court system than White residents.⁴⁶

To better understand and address racial differences in court system outcomes, the Orange County team focused on solutions that would invite feedback and build greater trust with community members. They will coordinate with Black community leaders to host "Justice Listening Sessions" across the county to listen to community members' experiences with the

⁴³ A charged individual must be able to communicate fully and confidentially with counsel (if represented), per N.C. Gen. Stat. § 7A-49.6(b), and, except as otherwise permitted by law, when the right to confront witnesses or to be present is implicated, the court may not proceed with the virtual proceeding unless it has obtained a knowing, voluntary, and intelligent waiver of those rights, per N.C. Gen. Stat. § 7A-49.6(e).

⁴⁴ Black people make up 12% of the resident population in Orange County, but account for 40% of criminal case filings and 54% of nonappearances.

⁴⁵ Bornstein, BH., Tomkins, A.J., & Neeley, E.M. (2011). *Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach*, Report submitted to the U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/234370.pdf>.

⁴⁶ 1 in 3 Black respondents were "not very confident" or "not at all confident" in the North Carolina state courts, compared to 1 in 5 White respondents. See North Carolina Commission on the Administration of Law & Justice. (2015). *Public Trust & Confidence in the North Carolina State Courts: October - November 2015 Survey Results*. <https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15-PTC-Survey-Results.pdf>.

court system, gather input on measures that would improve court practices, and create a space for dialogue and understanding.

How It Works

The Justice Listening Sessions will be hosted by a cross-section of court practitioners (judges, prosecutors, public defenders, and representatives from the Criminal Justice Resource Department) and will primarily focus on listening to people’s experiences with the court system, answering their questions, and gathering input on how practices could improve. Some part of each session also may be informational, with the goal of creating more transparency about how the courts work and demonstrating the court’s commitment to serving the community. The project team also may pair this outreach with more formal research on community experiences with the court system.

The sessions will be developed in partnership with community groups, churches, nonprofits, and other organizations. They will include focused efforts to engage Black communities. Additionally, the Orange County team is committed to building trust with all county residents and may explore holding sessions tailored for students, immigrant populations, and others who may have unique interactions with and feedback for the courts.



Solution 6: Diversifying Courtroom Staff

Recruit and retain justice system professionals who reflect the racial diversity of court users.

Stakeholders recognized that coming to court can be intimidating for people who have been charged with crimes as well as those who have been victimized. Additionally, they reported that often all or nearly all staff in Orange County courtrooms – judges, attorneys, bailiffs, and clerks – are White, while more than half of the community members navigating their cases in court are people of color.

The Orange County project team members acknowledge that the lack of racial diversity among courtroom staff can affect the public’s confidence and overall perceptions of fairness in the court system and could make people of color less confident coming to court. To best serve the community’s needs and meet the judiciary’s goal of administering impartial and timely justice, Orange County team members committed to enhancing efforts to reflect the racial and ethnic diversity of the county’s population in courtroom personnel.

How It Works

Each local agency will identify internal strategies for recruitment and retention of a diverse workforce and will monitor staff demographic data to measure changes over time. Strategies for recruiting a diverse workforce include:

- Posting open job positions on a wide variety of recruitment websites or job boards,
- Building relationships with local community and affiliation groups, especially those associated with groups underrepresented in court personnel, and
- Making workforce demographic data available internally and publicly to foster greater transparency.



Solution 7: Faster Case Resolution

Reduce opportunities for nonappearance with reasonable limits on continuances.

Resolving cases efficiently creates more manageable caseloads for defense attorneys and prosecutors and may also reduce the number of required appearances. The longer a case remains open in North Carolina, the more likely that someone facing charges will fail to appear. For non-traffic misdemeanors, for example, nonappearance rates for cases that took six months to resolve were twice as high as for cases resolved in three months.⁴⁷

The Orange County team recognized the importance of maintaining reasonable disposition times and reducing continuances, while allowing people facing charges the time they need to comply with court programs and conditions. Orange County court leaders will examine their disposition times and revise local standards for case resolution and continuances by the summer of 2022.



Solution 8: New Steps Before Ordering an Arrest

Allow a short window of time for a person to correct a missed appearance, and do not order arrests in cases unlikely to be prosecuted.

Failure to appear in court is the most common reason people go to jail in Orange County. About 1 in 7 jail bookings are the result of a nonappearance.⁴⁸ Stakeholders agreed that not every missed appearance requires an order for arrest (OFA), and currently use a nonappearance bench card to determine when an OFA is appropriate. Orange County courts also currently maintain a weekly “strike court” session, when individuals with outstanding OFAs may appear without prior scheduling to request that an OFA be removed, either administratively (if certain conditions are met) or by appearing before a judge. To provide further opportunities for individuals to quickly resolve a missed appearance even when an OFA is recommended, Orange County courts will institute a grace period before the OFA is issued. Additionally, to avoid the issuance of OFAs in cases unlikely to be prosecuted, the district attorney’s office will institute a rapid review of cases eligible for an OFA and flag those where it is clear the case will not likely proceed.

How It Works

When a person fails to appear in court and the judicial official determines that an OFA is necessary using the existing nonappearance bench card, the assistant district attorney will review the case, determine whether it is likely that their office intends to pursue the matter, and if not, recommend against issuing an OFA.

If the prosecutor’s office plans to proceed with the case, the judge will indicate to the clerk whether to issue the OFA immediately or hold processing of the OFA for two business days, to allow the person a short window of opportunity to appear and rectify the nonappearance. Judicial officials retain discretion to issue the OFA immediately if warranted by public safety or other considerations.

⁴⁷ See analysis on pages 11 and 12.

⁴⁸ See analysis on pages 15 and 16.



Solution 9: Resources for High-Needs Court Users

Offer extra supports for people who face additional barriers to court appearance.

The Orange County team plans to pursue internal policies and partnerships with local service providers to increase appearance rates for court users with unique needs, such as people experiencing homelessness, people with substance use or mental health challenges, people with intellectual disabilities, and young people. The county will develop and enhance programs tailored to these higher-needs populations, including diversion, reminders, transportation, and other supports. They may also consider creating a courthouse navigator position, someone who can spend time in high-volume courtrooms to answer questions and connect court users, particularly those with high needs, to resources and services.

Robeson County

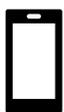
Robeson County borders South Carolina and is the state’s largest county by land area.⁴⁹ It is home to 117,000 people, with 27% living below the poverty line. Robeson County is one of the nearly 10% of U.S. counties with a population that is a majority people of color – Black, Hispanic, and Native American residents make up approximately 70% of the population,⁵⁰ including many from the Lumbee Tribe of North Carolina.⁵¹



Robeson County courts process between 21,000 and 26,000 criminal court cases annually, with a nonappearance rate of 35%, well above the state average (16%). The most significant difference in appearance rates in Robeson County compared with trends across the state is in traffic misdemeanor cases. Statewide,

about 1 in 5 traffic misdemeanors involves a failure to appear, but in Robeson County, the figure is closer to 1 in 2. Robeson County also has one of the highest rates in the state of residents with a revoked driver’s license because of failure to appear in court or failure to pay court fines and fees.

Court stakeholders have formed an executive committee that meets regularly to discuss issues related to criminal justice. The Court Appearance Project team, which has overlapping membership with the executive committee, identified their county’s large rural area, lack of public transportation, and high poverty rate as factors that can make it difficult for residents to get to court. Among other motivations, the project team was driven to improve court appearance policies to make case processing and court calendars more efficient and courts more accessible and easier to navigate. They committed to implementing the following policy solutions.



Solution 1: Court Reminders

Maximize use of automated text messages to prompt people about their court dates.

Many businesses use text or phone call messages to remind clients of upcoming appointments, and in the past decade, some courts have followed suit. The North Carolina Administrative Office of the Courts (AOC) launched a statewide text and email reminder service in 2018. But despite significant evidence that reminders increase court appearance rates,⁵² there is low

⁴⁹ “About Us,” Robeson County, North Carolina - Official Site. <https://www.co.robeson.nc.us/>.

⁵⁰ “QuickFacts: Robeson County, North Carolina,” United States Census Bureau (2020). <https://www.census.gov/quickfacts/robesoncountynorthcarolina>.

⁵¹ Tippet, R. (2014). “North Carolina’s American Indian and Alaska Native Population.” *Carolina Demography - University of North Carolina at Chapel Hill*. <https://www.ncdemography.org/2014/11/17/north-carolinas-american-indian-and-alaska-native-population/>.

⁵² Hatton, R. (2020). *Research on the Effectiveness of Pretrial Court Date Reminder Systems*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>.

enrollment in Robeson County and across the state. By 2021, approximately 200 people had enrolled in the service for Robeson County cases, despite the courts processing thousands of criminal cases a year.⁵³

To increase enrollment and take advantage of the benefits of text message reminders, the Robeson County team will work to enroll more individuals in the AOC's notification system, while also adopting Uptrust, a more versatile text reminder and communication service in the public defender's office, that has been recently piloted in other offices in the state.⁵⁴

How It Works

Justice system practitioners will post signs throughout the courthouse advertising the available service. Information about the text reminder service will also be included on the palm card handed out by law enforcement and court personnel. The card and poster both feature a QR code to easily allow people to enroll in reminders using their mobile device (see poster on page 24 and palm card on page 33).



Solution 2: Share Resources for Getting to Court

Provide simple and clear information about court reminders and transportation support.

Confusion, forgetting, and lack of transportation are all common reasons for nonappearance.⁵⁵ In Robeson County, stakeholders noted that the county's large and rural area, lack of regular public transit, and high rates of driver's license revocation make transportation to court a particular challenge. In addition, the county's higher proportion of people living in poverty makes communication from the court more difficult – some people do not have a consistent permanent address to receive court notices, and many parts of the county do not have reliable internet. To help make the courts more user-friendly and ensure that people have the information they need, Robeson County will distribute wallet-sized "palm cards" with clear, concise information about getting to court and brochures describing how to use the county's pick-up and drop-off van service.

How It Works

The palm cards will include information about court appearance and consequences for nonappearances, a link to sign up for text message reminders, and information on transportation assistance through the South East Area Transit System (SEATS) program, which offers rides across the county, including to courthouses or Robeson Community College where traffic court is held, for \$2 each way. Because nonappearances are a particularly acute problem for traffic misdemeanors, the palm cards will be distributed by law enforcement whenever a citation is issued. Palm cards and more detailed brochures about the SEATS program will be

⁵³ Enrollment figures are as of 8/6/2021, provided by the Administrative Office of the Courts.

⁵⁴ North Carolina Indigent Defense Services is finalizing a contract with Uptrust to provide text-based communication software to public defender's offices across the state. Robeson County has been prioritized for the next phase of rolling out the software.

⁵⁵ See Mahoney, B. et al. (2001). *Pretrial Services Programs: Responsibilities and Potential*. National Institute of Justice, U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/181939.pdf>; Bornstein, B.H., Tomkins, A.J., & Neeley, E.M. (2011). *Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach*, Report submitted to the U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/234370.pdf>.

provided at a person's first point of contact with the jail or court. Robeson County also will use social media to publicize the SEATS program as a means to get to court.

Mock-up of Palm Card

CRIMINAL COURT APPEARANCE INFO

Check your citation for your court location and date. Traffic court is usually held at Robeson Community College.

 If you fail to show up, you may be arrested and/or your driver's license may be revoked.

NEED A RIDE?
CALL 910-618-5679
www.co.robeson.nc.us/seats

For just \$2 you can get a ride from your house to court on the S.E.A.T.S bus. **Reservations are required!** Call ahead to schedule your ride. 

DON'T FORGET.

GET **TEXT MESSAGE REMINDERS** FOR YOUR UPCOMING COURT DATE.

Use the QR code to enroll



You need your case number to enroll. Find it by looking up your court date and other case details at nccourts.gov/court-dates. It may take a couple days to show up on the website, but once it does you can use the QR code to sign up for reminders.



Solution 3: Virtual Court **Allow remote participation for some people with transportation issues or other barriers to in-person appearance.**

Following the onset of the COVID-19 pandemic, virtual court (where the person charged with a crime appears remotely by video), has become more common in North Carolina.⁵⁶ Allowing individuals charged with crimes to appear remotely removes potential barriers to appearance

⁵⁶ Clarke, S.E.D. & Smith, J. (2021). *Virtual Court Proceedings In North Carolina: Adapting to a Global Pandemic*. UNC School of Government Criminal Justice Innovation Lab. <https://cjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/Virtual-Courts-Findings-Report-FINAL-3.15.2021.docx.pdf>.

such as travel, missed work, or family obligations. Robeson County courts have made use of remote appearance as a public health measure during the pandemic but have not been able to use it as widely as some other counties because of technological limitations. Robeson County intends to formalize the option for people facing charges to use remote appearance in Superior Court, where there are fewer cases, while working to increase access to virtual court technology in District Court and improving internet access across the county.

How It Works

Robeson County will allow individuals charged with crimes to appear virtually in Superior Court proceedings related to first appearances, bond motions, and probation matters and pleas that will not result in a custodial sentence, unless the court determines that an in-person appearance is necessary. Robeson County courts also will continue to work with the AOC to secure more reliable technology and technical support for remote proceedings in District Court, which deals with many more cases than Superior Court.⁵⁷



Solution 4: Grace Period Before an Arrest is Ordered

Allow a brief window of time for a person to correct a missed appearance.

Robeson County stakeholders acknowledged that many different reasons can lead someone to miss court and agreed that not every missed court appearance requires an order for arrest (OFA). People might be unable to take time off work, be taking care of relatives, or – as the project team indicated was a major issue in Robeson – they do not have a ride to court. These individuals still may want to resolve their case, and research has found that a portion of people will show up at court within a few days of missing court to do so.⁵⁸ When the person returns to court of their own accord, the clerk and law enforcement have spent unnecessary time issuing, monitoring, and recalling the OFA. To reduce that additional labor and allow people an opportunity to remedy a missed court appearance, Robeson County will implement a grace period after someone misses court before an OFA is issued.

How It Works

If the court determines that an OFA is necessary after a nonappearance, the judge will indicate to the clerk whether to issue the OFA immediately or hold processing of the OFA for two business days, to allow the person a short window of opportunity to appear and rectify the nonappearance. Judicial officials retain discretion to issue the OFA immediately if warranted by public safety or other considerations.

⁵⁷ A charged individual must be able to communicate fully and confidentially with counsel (if represented), per N.C. Gen. Stat. § 7A-49.6(b), and, except as otherwise permitted by law, when the right to confront witnesses or to be present is implicated, the court may not proceed with the virtual proceeding unless it has obtained a knowing, voluntary, and intelligent waiver of those rights, per N.C. Gen. Stat. § 7A-49.6(e).

⁵⁸ Jones, M.R., Schnacke, T.R., & Wilderman, D.M. (2012). "Increasing Court-Appearance Rates and Other Benefits of Live-Caller Telephone Court-Date Reminders: The Jefferson County, Colorado, FTA Pilot Project and Resulting Court Date Notification Program." *Court Review: The Journal of the American Judges Association*. 393. <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1396&context=ajacourtreview>.



Solution 5: Driver’s License Restoration

Cancel old unpaid fines and fees to provide relief for thousands of people with revoked licenses, and proactively assess ability to pay moving forward.

1 in 4 driving-age residents of Robeson County is unable to drive because of a license suspension related to failure to appear in court.⁵⁹ Project team members acknowledge that rather than serving as an incentive to appear for scheduled hearings, the policy of suspending licenses has instead become a large-scale barrier not just to future court appearances, but also to employment, family responsibilities, and long-term stability. To address this problem, Robeson County project team members have committed to periodic large-scale fee waivers, to help remove the primary barrier to license restoration for people with old, unresolved nonappearances and outstanding fines and costs. They also will implement new practices to assess ability to pay before fines and fees are ordered in traffic cases.

How It Works

The district attorney and court will periodically conduct a review of cases with outstanding fines and fees, including those resulting from failure to appear in court, that are preventing people from getting their driver’s licenses restored. The court will waive fines and fees that are past a certain age, where it is clear that the person does not have an ability to pay and there are no other public safety concerns. Court leaders also will examine the process for assessing ability to pay before the imposition of fines and fees in traffic court, partnering with the state’s Equal Access to Justice Commission for support. The Commission also will assist the county in retaining funding for temporary court clerk staff resources needed to implement the license restoration initiative.

⁵⁹ See analysis on pages 13 and 14.

State-Level Changes

While project teams primarily focused on changes to local policy and practices, they also identified state-level changes that would increase appearance rates and reduce unnecessary collateral consequences for court users.



Recommendation 1: Stop Revoking Driving Privileges for Missed Court Dates

End automatic license revocation in state law for court nonappearance and unpaid debts.

Under existing law, the North Carolina Division of Motor Vehicles must revoke a person's driver's license upon receiving notice that the person was charged with a motor vehicle offense and failed to appear when the case was called for trial or hearing.⁶⁰ As of 2018, there were 1.2 million driver's license revocations in North Carolina, mostly for court nonappearance.⁶¹

While the project teams believe that license revocation is appropriate for reasons related to road safety, they recommend ending the practice of revoking driver's licenses because of failure to appear and failure to pay fines and fees. They further recommend that this statutory change be retroactive, with notice to drivers and without requiring the payment of restoration fees. At the same time, the project teams acknowledge the need for appropriate remedies for willful non-appearance and non-compliance. The Orange County team further recommends that the Chief Justice form a workgroup and charge it with developing proposed legislation and model court practices to accomplish these ends.



Recommendation 2: Restore Discretion to Set Individualized Bail Following a Failure to Appear

Amend the state law mandating that a financial bond be doubled following a missed appearance.

Currently, when a judicial official is imposing conditions of pretrial release for someone who has been arrested for failure to appear, and conditions have not been preset by a judge, the judicial official must set a secured bond at least double that of the most recent previous secured or unsecured bond for the charges. If no bond has yet been set in the case, the judicial official must impose a secured bond of at least \$1,000.⁶²

The project teams support giving judicial officials the discretion to set conditions based on an individualized determination of the case and circumstances of the nonappearance. Project teams also believe that magistrates should be required to adhere to conditions set by judges in orders for arrest (OFAs). They thus recommend that state law be amended to (1) make bond doubling permissive rather than mandatory, and (2) require that magistrates impose conditions set by judges in OFAs rather than allowing magistrates to impose more stringent conditions.

⁶⁰ N.C. Gen. Stat. § 20-24.1(a).

⁶¹ See analysis on pages 13 and 14.

⁶² N.C. Gen. Stat. § 15A-534(d1).



Recommendation 3: Expand Access to the State's Criminal Justice Database

Give more court practitioners the authority to see a person's failure to appear history and their location in other county jails.

The Criminal Justice Law Enforcement Automated Data Services (CJLEADS) is a centralized database that integrates criminal justice data, such as warrants, jail status, court records, prison records, probation and parole status, sex offender registration, and Division of Motor Vehicle records. The information contained in CJLEADS is sensitive and understandably restricted. However, project teams believe that responsibly expanding access to CJLEADS to other specific stakeholders will allow for more informed and effective decision-making and reduce instances of unwarranted orders for arrest.

Formulating the most appropriate responses to missed court dates requires that all relevant actors have access to all relevant information. The project teams thus recommend that CJLEADS access be expanded to public defenders and county pretrial services agencies and that all court users have access to all failure to appear information. This change may require legislation.



Recommendation 4: Simplify Forms

Make court paperwork more accessible, practical, and easy to read.

Citations, summonses, and conditions of release and release order forms currently provided to individuals charged with crimes are densely written, with small font and confusing legal jargon. Research shows that simplifying forms to use clear, concise language, prominently displaying the relevant date, time, and location for the court proceeding, and identifying consequences can reduce instances of nonappearance.⁶³

The project teams recommend that the Administrative Office of the Courts further consider the simplicity and design of state-level documents, including citations, summonses, and conditions of release and release order forms, to make them easier to read and understand. In addition to simplifying forms, project teams recommend, if deemed allowable under current law, including a space for the cell phone number of the person charged on each form. Being mindful of appropriate privacy protections, this would significantly improve the court's ability to communicate efficiently with charged individuals.

⁶³ Cook, B., et al. (2018). *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court*. University of Chicago Crime Lab & Ideas42. <https://www.courthousenews.com/wp-content/uploads/2018/01/crim-just-report.pdf>.

Appendix A

Methodology and References

This report primarily references data from North Carolina courts, but also includes analysis of data pertaining to jail admissions, county resident populations, and driver's license suspensions.

Court data

The court data is from the UNC School of Government Criminal Justice Innovation Lab's North Carolina Criminal Information System. That database includes data from the Automated Criminal/Infraction System (ACIS), a computer system maintained by the North Carolina Administrative Office of the Courts (AOC).

The analyzed dataset includes all criminal cases from courts statewide with process service dates from January 1, 2015 through December 31, 2020, for individuals 18 and older. Case information was current through June 30, 2021. Analyses were conducted at the case level, meaning that there may be more than one charge or offense associated with each case.

Nonappearance

If any offense associated with a case involved a missed court date (as indicated by the ACIS fields "motor vehicle FTA date," "called and failed date," and "event description") the case was identified as having a nonappearance. Nonappearance rates were calculated as the number of cases involving a missed court date divided by total number of cases (those with and without a missed court date).

Demographics

The age of a defendant was calculated based on the case's process service date. Cases in which the defendant was younger than 18 were dropped from the dataset. The available race categories in the data included: Asian, Black, Hispanic, American Indian, White, Other, Unknown, and Non-person. Cases that were identified as Other, Unknown, or Non-person were excluded from analyses using race (approximately 2% of all cases).

Case length

The data did not include information on each required court appearance for each case. Instead, the data captures a single date when the case was disposed and a single date of trial or adjudication. For many cases, these dates were within one week of each other. For case length analysis in the report, the difference between the trial date and the case process date was utilized to measure the length of time between when a case was served and resolved.

Most serious offense per case

A single case could include one or more offenses, but the most serious offense was used for analysis. The most serious offense was identified using the designations in the AOC's "Court

Offense Codes and Classes” and the data available for each offense. Each offense was ranked accordingly from most to least serious:

- Felonies Class A, Felonies Class B1, Felonies Class B2, Felonies Class C, Felonies Class D, Felonies Class E, Felonies Class F, Felonies Class G, Felonies Class H, Felonies Class I, Felonies with missing class information, Misdemeanors Class A1, Traffic Misdemeanors Class A1, Misdemeanors Class 1, Traffic Misdemeanors Class 1, Misdemeanors Class 2, Traffic Misdemeanors Class 2, Misdemeanors Class 3, Traffic Misdemeanors Class 3, Misdemeanors with missing class information.

Based on this ranking, the most serious offense for each case was identified. If offenses were tied, the most serious offense was randomly assigned (approximately 13% of cases). The following offenses were excluded from analysis utilizing offenses since they do not represent substantive crimes under state law: civil revocation of driver’s license; contempt by probationer; criminal contempt; extradition/fugitive; felony or misdemeanor probation violation; probation revocation appeal; governor’s warrant; habitual felon; motions; show cause; and any infraction.

Offense category

Offenses resulting in nonappearance were categorized as a subgroup of traffic misdemeanor or as “Other offense.” Overall, 95% of nonappearances were categorized. Traffic misdemeanors were categorized as follows:

- *DWI-related*: Offenses related to driving while impaired, including: Driving while impaired; driving after consuming when person is younger than 21; driving while license is revoked, revocation for impaired driving.
- *Moving*: Offenses related to unsafe driving behavior like speeding and reckless driving, including: Speeding, reckless driving; window tinting violation; allowing unlicensed person to drive; hit and run, leaving scene; hit and run, failure to stop; open container after consuming alcohol; fail to report accident; fail to heed light or siren.
- *Administrative*: Offenses that involve operating a vehicle with improper licensing, registration, or other paperwork, including: Driving while license is revoked, revocation not for impaired driving; expired registration card or tag; no operator’s license; operating vehicle with no insurance; fictitious or altered title, registration, or tag; driving with no registration; cancelled, revoked, or suspended tag; no liability insurance; possessing altered driver’s license; lending license plate to another; registration plate not displayed; giving fictitious information to officer; fail or refuse to surrender title, card, or tag; permitting operation of vehicle with no insurance; failure to apply for new title; failure to comply with license restrictions; using foreign license while driving while license is revoked; no motorcycle endorsement; failure to surrender license.

Zip code

Analysis of zip codes only included cases in which the individual's zip code was in the same county where the case was filed. Zip codes were mapped using Tableau software. Courts often have jurisdiction over cases in which the person charged lives in another county or state, so this analysis does not reflect every criminal case moving through the courts. In New Hanover, approximately one-third of cases were for individuals with zip codes outside of the county. In Orange, about half were from out-of-county zip codes, and in Robeson about one-fifth.

Jail data

Sheriff's offices in New Hanover and Orange Counties each provided data on people booked into their jail over the past two years. Robeson County was unable to timely provide jail data for administrative reasons.

The jail data includes bookings from January 1, 2019 through June 30, 2021. It does not include noncustodial charges (e.g., people given a citation but never taken to jail) or people released directly from the magistrate's office (e.g., because they were given a written promise to appear, unsecured bond, or custody release or where no probable cause was found). It also does not include people who satisfied their secured bond before being booked into the jail. Finally, federal detainees were excluded since they are not under the jurisdiction of North Carolina state courts.

Jail admissions resulting from orders for arrest for a missed court appearance were identified using the charge description field in the data. That field labeled bookings resulting from failures to appear on misdemeanors or felonies. Because there may be multiple offenses associated with each booking, those in which failure to appear was the only reason attributed were labeled as being solely for failing to appear.

When ranking the most common reasons for booking into jail, failing to appear on a misdemeanor was only counted if it was the sole reason associated with booking. Other offenses were counted once for each booking in which they were associated. For example, if a booking included failing to appear and shoplifting, shoplifting would be counted once and failing to appear would not be counted. If a booking included shoplifting and impaired driving, each offense (i.e., reason for booking) would be counted once when identifying the most common reasons for jail booking.

In the Orange County data, 11% of bookings did not have reliable length of stay information and were excluded from the length of stay analysis.

Driver's license suspension data

License suspension data was collected and analyzed by the Duke University School of Law. The license suspensions reflect active suspensions as of 2018. County-level data is reported in Appendix B of "Driver's License Suspensions in North Carolina," Wilson Center for Science and Justice, Duke University School of Law (2019).

Resident population data

The Center for Disease Control and Prevention, in collaboration with the National Center for Health Statistics, maintains an online database of U.S. Census Bureau population estimates. This database was utilized for county-level population estimates and is accessible at <https://wonder.cdc.gov/>. The county population estimates are for July 1, 2020 and include all residents within the county.

Appendix B

Supplemental Data Tables

Table 1: Nonappearance rates by county and offense type, criminal cases served 2015-2020.

County	Felonies	Non-traffic Misdemeanors	Traffic Misdemeanors	Total
ALAMANCE	3%	6%	15%	12%
ALEXANDER	3%	4%	11%	8%
ALLEGHANY	3%	8%	13%	10%
ANSON	6%	8%	27%	22%
ASHE	1%	2%	16%	9%
AVERY	6%	7%	13%	11%
BEAUFORT	4%	7%	13%	11%
BERTIE	2%	6%	22%	17%
BLADEN	2%	8%	21%	17%
BRUNSWICK	2%	7%	16%	11%
BUNCOMBE	4%	10%	16%	12%
BURKE	4%	10%	16%	12%
CABARRUS	8%	11%	17%	15%
CALDWELL	4%	8%	22%	16%
CAMDEN	4%	9%	18%	16%
CARTERET	5%	7%	16%	11%
CASWELL	2%	6%	19%	14%
CATAWBA	3%	8%	19%	14%
CHATHAM	4%	7%	13%	11%
CHEROKEE	13%	13%	20%	17%
CHOWAN	3%	4%	16%	10%
CLAY	8%	12%	15%	13%
CLEVELAND	2%	8%	18%	13%
COLUMBUS	2%	8%	22%	17%
CRAVEN	2%	6%	14%	11%
CUMBERLAND	6%	19%	40%	31%
CURRITUCK	3%	5%	14%	11%
DARE	2%	5%	11%	9%
DAVIDSON	6%	8%	17%	13%
DAVIE	3%	4%	12%	10%
DUPLIN	1%	12%	18%	15%
DURHAM	6%	14%	24%	17%
EDGECOMBE	4%	12%	24%	19%
FORSYTH	5%	12%	32%	25%
FRANKLIN	2%	8%	24%	18%
GASTON	5%	12%	20%	15%
GATES	4%	4%	17%	13%
GRAHAM	2%	2%	20%	10%
GRANVILLE	3%	7%	26%	19%
GREENE	3%	7%	16%	13%

GUILFORD	7%	15%	20%	17%
HALIFAX	3%	8%	25%	17%
HARNETT	4%	9%	28%	21%
HAYWOOD	9%	10%	23%	17%
HENDERSON	6%	14%	19%	16%
HERTFORD	1%	4%	21%	15%
HOKE	7%	12%	33%	24%
HYDE	2%	4%	9%	7%
IREDELL	3%	5%	13%	10%
JACKSON	12%	12%	23%	19%
JOHNSTON	2%	8%	22%	17%
JONES	3%	9%	14%	12%
LEE	4%	9%	20%	15%
LENOIR	2%	11%	15%	12%
LINCOLN	2%	6%	15%	11%
MACON	6%	9%	18%	15%
MADISON	6%	9%	15%	13%
MARTIN	3%	9%	16%	13%
MCDOWELL	6%	25%	19%	19%
MECKLENBURG	3%	9%	22%	16%
MITCHELL	4%	5%	14%	11%
MONTGOMERY	4%	8%	16%	14%
MOORE	3%	7%	17%	14%
NASH	5%	14%	22%	18%
NEW HANOVER	3%	14%	18%	15%
NORTHHAMPTON	1%	6%	22%	14%
ONslow	6%	12%	21%	17%
ORANGE	5%	11%	17%	15%
PAMILCO	4%	6%	14%	10%
PASQUOTANK	2%	8%	18%	13%
PENDER	3%	8%	16%	13%
PERQUIMANS	3%	6%	16%	13%
PERSON	2%	4%	20%	13%
PITT	5%	9%	20%	15%
POLK	8%	16%	16%	15%
RANDOLPH	6%	13%	16%	14%
RICHMOND	5%	10%	24%	18%
ROBESON	4%	17%	45%	35%
ROCKINGHAM	4%	10%	18%	15%
ROWAN	3%	8%	17%	13%
RUTHERFORD	4%	16%	5%	9%
SAMPSON	1%	8%	20%	16%
SCOTLAND	6%	14%	30%	22%
STANLY	3%	8%	19%	15%
STOKES	4%	8%	18%	13%
SURRY	7%	13%	23%	18%
SWAIN	11%	14%	31%	25%
TRANSYLVANIA	4%	7%	16%	11%
TYRELL	2%	7%	10%	10%
UNION	5%	8%	19%	16%
VANCE	2%	14%	32%	25%
WAKE	4%	15%	20%	17%

WARREN	3%	10%	25%	20%
WASHINGTON	2%	4%	14%	10%
WATAUGA	4%	6%	11%	9%
WAYNE	5%	10%	14%	12%
WILKES	4%	9%	19%	15%
WILSON	6%	11%	20%	15%
YADKIN	3%	8%	17%	13%
YANCEY	2%	3%	8%	7%
Grand Total	4%	11%	21%	16%

Table 2: Project counties, resident population by race, 2020; criminal cases and nonappearances by race, 2015-2020.

County	Race	Share of resident population	Share of criminal cases	Share of nonappearances
New Hanover	White	79%	64%	58%
	Black	13%	29%	35%
	Hispanic	6%	6%	6%
	Asian	2%	0%	0%
	Native American	0%	1%	1%
Orange	White	71%	46%	34%
	Black	12%	40%	54%
	Hispanic	9%	10%	10%
	Asian	8%	3%	1%
	Native American	0%	0%	0%
Robeson	White	25%	17%	15%
	Black	24%	29%	27%
	Hispanic	9%	9%	9%
	Asian	1%	0%	0%
	Native American	41%	44%	48%

Note: Percentages are rounded and may not add to 100.

Table 3: Project counties, top 3 most common offenses of nonappearances, 2015-2020.

Offense	Share of all nonappearances in county
Robeson	
Driving While License Revoked - Not Impaired Revocation	23%
No Operator's License	18%
Expired Registration Card or Tag	10%
Orange	
Speeding	21%
Expired Registration Card or Tag	17%
Driving While License Revoked - Not Impaired Revocation	16%
New Hanover	
Driving While License Revoked - Not Impaired Revocation	16%
Expired Registration Card or Tag	14%
Speeding	10%