

Research on the Effectiveness of Pretrial Court Date Reminder Systems

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Court date reminder systems have been proposed to reduce jail occupancy and increase court appearance rates (Elek, Sapia, and Keilitz 2017, 1). Such systems include postcards, text messages, and live calls. Implementation also varies regarding when and how often individuals are notified and the content of reminders.

This paper discusses the available literature on the effectiveness of pretrial court date reminder systems. As detailed here, programs have been implemented and evaluated in several states. Analysis of these evaluations suggests that pretrial court date reminder systems can reduce failure to appear (FTA) rates; however, the lack of statistical rigor in most of these studies limits the generalizability of their findings. Two studies calculated net savings and found that reminder programs potentially can produce overall cost savings in excess of reminder program costs. This memo discusses the findings of these studies and their policy and research implications. A table on page 7 provides an “at a glance” summary of the studies’ findings.

Arizona

In January 2006, the Criminal Justice Coordinating Council in Coconino County approved a three-month pilot to assess the effectiveness of pretrial reminders. For three days each week, a volunteer called all misdemeanor defendants who had a court appearance within five to seven days. 244 individuals were included in the control group (no call), while 245 were called (White 2006, 3).

If a defendant could not be reached or had an invalid number, the FTA rate increased by 1.8% compared to the control group (25.4% vs. 27.2%). Defendants reached by the volunteer directly had a 19.5% decrease in FTA rate relative to the control group (25.4% vs. 5.9%). When messages were left with another person, the FTA rate dropped to 15% from the control. When a message was left on an answering machine, the rate dropped by 4.4% to 21% (White 2006, 4). Because a volunteer was used, no additional costs were associated with administering the pilot program.

In this study, the control and treatment groups were not controlled for race, criminal background, age, etc. The results were not tested for statistical significance. Thus, it cannot be conclusively stated that the reminder system was responsible for the decrease in FTAs.

Colorado

In 2005, Jefferson County, Colorado implemented a pilot project involving random selection of defendants with misdemeanor and traffic offenses in the Duty Division of Jefferson County Court for live call pretrial court date reminders. Following an increase of 9% in court-appearance rates (79% to 88%) among the sample of 2,100 defendants, the County implemented a permanent call-reminder program in 2006 (Schnacke, Jones, and Wilderman 2012, 89).

Full implementation of the program was limited to defendants facing no proof of insurance (NPOI) charges, as they comprised over half of the division's cases and typically involved additional charges (Schnacke, Jones, and Wilderman 2012, 90). During the program's first six months, 5,600 defendants were targeted for a phone call reminder. 3,500 were contacted¹ and 2,100 could not be contacted. For defendants successfully contacted one week prior to their court dates, the court appearance rate increased from 77% to 89%. In 2006, the program was expanded to include all Duty Division defendants, as well as defendants in Division T, a division for less serious misdemeanor and traffic offenses. A 2010 review found that successfully contacted defendants appeared 92% of the time, whereas defendants who could not be contacted only appeared 71% of the time (Schnacke, Jones, and Wilderman 2012, 91-92).

Statistical significance and sampling techniques were not used to directly test the effect of the live call reminders while controlling for any confounding factors. No findings are presented regarding the exact mix of demographics or offenses, and no control group was included for comparison. The apparent effects of the program hold promise for court date reminders, but it cannot be conclusively stated that this program decreases FTAs. No costs were reported for this program.

Kentucky

In October 2012, Louisville, Kentucky began testing the effect of various pretrial reminders on FTAs. 10,228 individuals were sorted into five groups:

- no reminder;
- phone call reminder;
- phone call reminder with a warning of the consequences of not appearing;
- text message reminder; and
- text message reminder with a warning of the consequences of not appearing.

The study found that the groups had FTA rates ranging from 11% to 13%, and there were no statistically significant differences between them. The authors suggest that low overall FTA rates for all groups made a finding of statistical significance difficult and that a larger sample size might have found a significant FTA rate reduction for the text message reminders in particular. Nonetheless, the study found no clear reduction in FTA rates for any of the four methods of court date reminders. No costs were reported in this study.

Louisiana

In September 2014, Lafayette Parish Sheriff's Office Information Officers began calling defendants five to nine days before their pretrial court appearances. Defendants included anyone who had a court appearance for an arraignment, traffic, misdemeanor, or felony pretrial court hearing (Howat et al. 2016, 80).

On average, court appearance rates increased from 48% to 62% (statistically significant), though this change was not consistent across charge type and proceedings. For arraignment, appearances increased 11% from 48% to 59% (statistically significant). For misdemeanors, appearances increased from 60% to 76%, though this was not a statistically significant finding. For traffic

¹ Defined as either speaking directly to the defendant or leaving a message on the machine or with a third party.

court, appearances increased from 38% to 48%, though this was not statistically significant. Finally, for felony hearings, the rate fell from 94% to 93%, though this also was not statistically significant (Howat et al. 2016, 82-84).

Appearance rates also varied depending on the level of contact with the defendant. When the officer spoke directly to the defendant, appearance rates were 78%. Leaving a voicemail corresponded with a 76% appearance rate. No answer corresponded to a 68% appearance rate. An inoperable number had a 50% appearance rate. Speaking with a family member resulted in a 38% appearance rate (Howat et al. 2016, 84).

Collectively, these results suggest that court date reminders can increase court appearances. However, the study did not control for potentially confounding factors. Thus, it cannot be conclusively said that the program is responsible for the changes in appearance rates. However, the spread in appearance rates for different contact types suggests that the way in which a defendant is contacted can influence FTA outcomes. No costs were discussed in the study.

Nebraska

Between March 2009 and May 2010, 7,865 misdemeanor defendants from 14 counties in Nebraska were sorted into four groups in order to test the effects of pretrial court date reminders:

- no reminder;
- a postcard reminder of upcoming court dates (reminder-only);
- a postcard reminder of upcoming court dates and the potential consequences of not appearing (reminder-consequences); and
- a postcard reminder of upcoming court dates, potential consequences of a FTA, and the benefits of appearing (reminder-combined).

If defendants were able to waive their court appearance², they were excluded from the study. The authors found that defendants in the control group were more likely to FTA (12.6%) compared to each intervention group (10.9% for reminder-only, 8.3% for reminder-consequences, 9.8% for reminder-combined, and 9.1% for reminder-consequences and reminder-combined together). Defendants in the control group were more likely to FTA compared to the other three groups as a whole (12.6% vs. 9.7%) (Bornstein et al. 2013, 74). The authors did not discuss whether their sample was representative, nor did they state whether the type and number of offenses in their sample were typical. It is therefore not possible to state whether these findings are generalizable, though the interventions had a statistically significant effect upon FTA rates in the sample. No costs were reported in this study.

A later study conducted a cost-benefit analysis of the Nebraska project. It estimated the costs associated with FTAs (bench warrants, bond processing, jail utilization, etc.) and used the costs of running the postcard program to conduct the analysis. It found that, when using an automated system to identify eligible cases, there was a net cost savings of \$22,628 when eliminating 651 FTAs (the 3.5% reduction associated with reminder-consequences and reminder-combined together). If the system was not automated, increased labor costs limited these benefits to \$5,999

² Nebraska defendants can waive their court appearance for most minor traffic violations and disturbing the peace, disorderly conduct, and open container offenses.

(Rosenbaum et al. 2012, 186). These estimates indicate that court date reminder systems can reduce overall judicial system costs; however, choices in implementation and automation may affect the extent of savings.

New York

Study of March 2016 to September. 2017 Data

From March 2016 to September 2017, New York City implemented a court date reminder system to reduce FTAs for individuals receiving court appearance tickets for low-level offenses. Defendants were placed in groups to receive one of three message types seven days before court, three days before court, and one day before court. Those groups are as follows (Cooke et al. 2018, 12-14):

- messages detailing the costs of not appearing (consequences);
- messages focused on helping defendants make plans to appear by asking if the defendant knew where to go, had marked the date on their calendar, or needed to make any arrangements to be at court (plan-making)
- messages combining the two previous approaches (combined)

This study included approximately 20,000 individuals with court appearance tickets, though the study offers no precise number. The study notes the use of a randomized controlled trial design, but no further details are available. Consequences messages were associated with an 8.9% decrease in FTAs (28.9% vs. 37.8%) compared to the control group which received no messages. Plan-making messages were associated with a 6% decrease (31.8% vs. 37.8%) relative to the control. The combined messages were most effective, decreasing FTAs by 9.7% (28.1% vs. 37.8%) relative to the control (Cooke et al. 2018, 16-17). There was no significant discussion of costs, but the authors estimated that sending texts to all summons recipients in 2014 (320,000) would have cost less than \$7,500 (Cooke et al. 2018, 18).

Study of November 2017 to January 2018 Data

In New York, Desk Appearance Tickets (DATs) can be issued for some arrests. Most DATs are issued for misdemeanors, which allow arrestees to be released subject to the requirement that they return for arraignment. In September 2017, following the bankruptcy of the vendor it used for court date phone call reminders, the New York Criminal Justice Agency (CJA) conducted a randomized controlled trial to determine the effectiveness of its reminder program in getting individuals with DATs to appear for their court dates (Ferri 2019, 2).

Between November 2017 and January 2018, CJA enrolled 2,219 individuals with DATs in the study and placed them into four groups:

- no reminder;
- a reminder three days before arraignment;
- a reminder the same day as arraignment; and
- both a three-day and same-day arraignment.

The study had statistically significant findings for all three interventions. Individuals with no reminder had an 18.9% FTA rate compared to 13.4% for the three-day reminder, 12.8% for the same-day arraignment, and 10.1% for the combined reminders. The author also tested for factors that he identified as potentially confounding (race, gender, age, time to arraignment) between the treatment groups and found no relationship with FTA rate, which is evidence that the treatment groups were successfully randomized according to those potential factors. These findings indicate that, for misdemeanor defendants, court date reminders can lead to a modest yet significant reduction in FTAs. No costs were reported for this program.

Oregon

In May 2005, Multnomah County, Oregon implemented a pilot Court Appearance Notification Systems (CANS) program with the goal of reducing FTA rates. Calls were placed in 2,391 cases. From these cases, a representative sample of successfully called defendants (n=243), unsuccessfully called defendants³ (n=191), and defendants receiving no call (n=272) was created in order to test the program's effects (Nice 2006, 3-4). After controlling for defendants who were in custody at the time of their court date, the study found that reminders had a statistically significant effect upon FTAs. Defendants who successfully received calls were 12% less likely to FTA (16% vs. 28%), and even those defendants who could not be reached after three calls were 5% less likely to FTA (23% vs. 28%). These statistically significant findings suggest that reminder calls, even when not answered, may suppress the likelihood of FTAs.

Based upon estimated costs of failures to appear (Nice 2006, 9-10), the study estimated that the study saved \$232,836 in FTA costs over a six-month period. The program was funded at \$20,000, for a net savings of \$212,836 in six months. These numbers suggest that court date reminders can be a cost-effective mechanism for reducing FTAs and may reduce overall costs.

Washington

In September 1998, the Shoreline Reminder Project was started in King County, Washington with the purpose of reducing FTAs and jail occupancy. The program was implemented in the Shoreline Division of the King County District Court.⁴ For misdemeanor defendants with a court date on a Monday, volunteers made reminder calls on the Friday evenings, Saturdays, or Sundays before their date. For those defendants appearing on a Thursday, calls were made on Monday and Tuesday (Crozier 2000). Following the program's implementation, the FTA rate decreased from 17.3% to 16%, though no test was conducted for statistical significance.

In 1999, an additional three courts implemented similar programs. In Kent Municipal Court, calls were placed every other week starting in February 1999. Defendants receiving calls appeared 72% of the time, while those with no calls appeared 50% of the time. In Tukwila Municipal Court, a program was implemented in March 1999, and calls were placed the Tuesday or Wednesday prior to Monday appearances. The program led to a 5.1% decrease in FTAs for those who received reminders. In the Northeast Division of King County District Court, defendants were called a week before their court date beginning in June 1999. FTA rates decreased from

³ Defendants were declared unsuccessful calls after three failed calls.

⁴ Responsible for traffic infractions, misdemeanors, gross misdemeanors, search warrants, impounds, civil lawsuits, small claims, domestic violence orders for protection, anti-harassment orders, name changes, and weddings and passport acceptance.

36.3% to 25.9% (Crozier 2000, 28-33). Although these decreases are more dramatic than the Shoreline results, none of these findings are the result of experimental design. The lack of controls and sampling means these results could be unrelated to the intervention. Thus, it cannot be conclusively stated whether the reminders were responsible for the decrease in FTA rates.

Conclusion

The court date reminder studies with statistically significant findings were those in Louisiana, Nebraska, New York, and Oregon. Between Nebraska, New York, and Oregon, court date reminder systems appear to have potential for reducing FTA rates, particularly if defendants are contacted more than once. However, the Kentucky study found that the control and intervention groups had nearly identical FTA rates, which suggests that reminder systems do not guarantee reductions in FTAs.

Future analysis is needed to better understand the contexts in which court date reminder systems are most effective and how different communication methods, frequencies of contact, and contact timelines impact program effectiveness. While most studies detailed here did not apply experimental design or statistically rigorous methods to their analysis, their consistent decrease in FTA rates holds promise for court date reminder systems as a means to efficiently reducing FTAs. Nonetheless, those seeking to implement these systems should remain aware of the fact that these systems have not been shown to consistently reduce FTAs.

Study Summary Table

Study Site	Date	Sample Size	Findings	Cost Estimates
Arizona	2006	244	1.8% FTA increase for defendants who could not be reached 19.5% reduction for defendants who were reached directly 15% decrease when a message was left with another person 4.4% decrease when message was left on answering machine	None
Colorado	2005	5,600	12% increase in appearance rate for contacted defendants	None
Kentucky	2012	10,228	No statistically significant differences between no notifications, notification calls, notification calls with warnings, text message notifications, and text message notifications with warnings	None
Louisiana	2014		14% increase in overall appearances** 11% increase in arraignment appearances* 16% increase in misdemeanor appearances 10% increase in traffic appearances 1% decrease in felony appearances	None
Nebraska	Mar. 2009 - May 2010	7,865	1.7% FTA reduction for a post card reminder*** 4.3% reduction for post card with sanctions*** 2.8% reduction for post card with sanctions and benefits***	Between \$5,999 and \$22,628 for 3.5% FTA reduction
New York	Mar. 2016 - Sept. 2017	~20,000	8.9% decrease in FTAs for consequence messages 6% decrease for plan-making messages 9.7% decrease for combined messages	None
New York	Nov. 2017 - Jan. 2018	2,219	5.5% FTA reduction for three-day reminders** 7.1% reduction for same-day reminders** 8.8% reduction for combined reminders***	None
Oregon	May 2005 - Nov. 2005	706	12% FTA reduction when successfully receiving reminders* 5% FTA reduction for those who could not be reached*	\$212,836 savings in 6 months
Washington	Sept. 1998 - Oct. 1999	5,271	1.3% FTA reduction in Shoreline Division of King County 22% higher appearance rate for those receiving calls in Kent Municipal Court 5.1% decrease in FTAs in Tukwila Municipal Court 10.4% decrease in FTAs in the Northeast Division of King County	None

*findings statistically significant at .05 level (95% chance findings are not due to random chance)

**findings statistically significant at the .01 level (99% chance findings are not due to random chance)

***findings statistically significant at the .001 level (99.9% chance findings are not due to random chance)

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