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**Disclaimer**

APPR developed this summary—using online searches of academic databases and publicly available information—to provide an overview of current research on this topic. The online search may not have identified every relevant resource, and new research will shed additional light on this topic. APPR will continue to monitor the research and will update this summary as needed. Due to the broad nature of this summary, readers are encouraged to identify areas to explore in depth and to consider the local implications of the research for future advancements related to pretrial goals, values, policies, and practices.

# Court Date Notification Systems

**The two main pretrial outcomes that jurisdictions seek—and the only two outcomes that can legally be considered when deciding whether to detain or release a person pretrial—are to maximize court appearance and maximize community well-being and safety (i.e., minimize the likelihood of a person’s rearrest). This summary examines the current base of knowledge regarding the effectiveness of court date notification systems in achieving these positive outcomes.**

Many people who fail to appear for court-related appointments do so for innocuous reasons, such as misunderstanding court orders, forgetting appointments, or facing practical obstacles to getting to court. Indeed, a recent survey of nearly 500 people with open cases in Nebraska found that scheduling conflicts, lack of reliable transportation, the inability to find childcare, or simply losing track of dates are among the most common reasons people give for missing a court appearance.<sup>1</sup> These findings are also reflected in interviews between people involved in the justice system and leading experts in the field that were conducted by *The Appeal* magazine and Human Rights Watch.<sup>2</sup>

Court date notification systems (also known as court date reminder systems) are shown to be an effective tool in increasing court appearance rates. The use of notifications to remind people of appointments, address common misperceptions about attending court, and encourage problem solving around barriers to timely appearance (e.g., schedule conflicts, transportation, childcare)—including offering assistance where needed—can make a critical difference in court appearance rates. In addition to reminding people of an upcoming court date, notifications can be used to advise people of a missed court date so they can resolve the issue as quickly as possible.

*Court date notification systems are used to notify people released pretrial of their next court date, the consequences of not appearing, any changes to previously scheduled court dates, and missed court dates, allowing time for them to remedy the situation before a warrant is issued. Notifications can be sent in various ways: through automated, system-generated texts, phone calls, or emails; through individual calls, texts, or emails; or in letters or postcards.*

Court notification systems are among the most well-researched and effective pretrial innovations.<sup>3</sup> Many jurisdictions, including jurisdictions in Arizona, Colorado, Kentucky, Louisiana, Nebraska, New York, Oregon, and Washington, have evaluated the impact of their notification systems on court appearance rates. This summary reviews the key research findings associated with court notification systems.

## Key Finding #1: Court Notifications of Any Kind Can Increase Appearance Rates

Recent randomized controlled trials<sup>4</sup> of court notification systems in both Nebraska and New York City found that, compared to no notification, any type of court reminder is effective in increasing court appearance rates. In New York City, an evaluation of approximately 20,000 summons recipients found that the introduction of text notifications decreased the failure to appear (FTA) rate by a statistically meaningful 21%.<sup>5</sup> In another New York City evaluation, FTA rates were examined for over 2,000 people who were issued a “desk appearance ticket”<sup>6</sup> and either did or did not receive live reminder phone calls at varying intervals before their scheduled arraignment. The rate at which arrest warrants were issued dropped by 37% for people who received the reminder call, no matter when they received it (i.e., three days before and/or the day of the arraignment), compared to those who did not.<sup>7</sup> And in 14 Nebraska counties, more than 7,500 people charged with a misdemeanor were sent postcard notifications that reflected different reminder messages. The trial demonstrated that any reminder message meaningfully increased court appearance by 14%.<sup>8</sup>

In addition, findings from an evaluation of the impact of automated court reminders in Multnomah County, Oregon, demonstrated a sharp reduction in FTA among people who were successfully reached (i.e., the automated call was either answered by a person or an answering machine). Following more than 4,400 phone calls for 2,400 court dates, the evaluation found that those receiving the calls—regardless of age, gender, race, scheduled court

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date, and severity of crime—were twice as likely to appear when compared to people who either were not called or could not be reached.<sup>9</sup>

In Lafayette Parish, Louisiana, a study of approximately 1,000 people required to appear for misdemeanor pretrial or trial, felony pretrial, or traffic court hearings revealed that those who received a live phone reminder for any hearing type were significantly more likely to appear for court than those who did not receive a reminder.<sup>10</sup> The researchers noted that the effect was “extremely significant”; there was a “greater than 99% chance the increase in appearance rates was related to the reminder phone calls.”<sup>11</sup> However, this study did not control for potentially confounding factors (e.g., demographics, severity of charge, etc.).

Studies of court notification systems in Kentucky and Philadelphia were inconclusive in terms of their impact on appearance rates, possibly due to research design or program implementation challenges.<sup>12</sup> Importantly, none of the existing impact evaluations suggests that receiving court notifications has any harmful effects (i.e., increased FTA).

*Compared to no notification, the majority of studies suggest that any type of court reminder is effective in increasing court appearance rates.*

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## Key Finding #2: Notification Content Matters

Studies demonstrate that including information in addition to the date and location of the court appointment produces the best results. In both the aforementioned Nebraska and New York City randomized controlled trials, people who received notifications that included information regarding the consequences of failing to appear (e.g., issuance of an arrest warrant, being charged with an additional crime of failure to appear) were statistically significantly more likely to keep their appointments.<sup>13</sup> Further, the New York City evaluation revealed that text messages that also included prompts on how to plan ahead for court dates (e.g., “Mark the date on your calendar and set an alarm on your phone”; “What time should you leave to get there by 9:30 a.m.?”) were most effective in reducing FTA. Messages containing both types of information reduced failures to appear by 26%. For plan-making messages only, failures to appear were significantly reduced by 16%.<sup>14</sup>

*Including information in addition to the court appointment date and location has been demonstrated to produce the highest appearance rates.*

### Key Finding #3: Live Contact Can Improve Appearance Rates

Three studies from different regions in the U.S. draw the same conclusion: while phone reminders of any kind (e.g., in which a court representative speaks directly to the person, leaves a message with a third party, leaves a message on voicemail, etc.) are effective, those that involve court representatives speaking directly with the person produce the largest increases in appearance rates.

A Jefferson County, Colorado, study of 2,100 randomly selected people summonsed to appear on a misdemeanor or traffic offense showed that the appearance rate rose from a baseline of 79% to 87% when a message was left on voicemail or with a responsible adult, and to 92% when a court representative spoke directly to the person.<sup>15</sup> In a Coconino County, Arizona, study of 245 people with misdemeanor citations, only 6% of people who spoke with a court representative failed to appear compared to upward of 20% among those who were not reached directly.<sup>16</sup> In the aforementioned Lafayette Parish study, reaching the person's emergency contact (i.e., family or friend) resulted in an appearance rate of 38%, leaving a voicemail resulted in an appearance rate of 76%, and speaking directly with the person resulted in the highest appearance rate, 78%.<sup>17</sup>

*Among studies of live-call court date reminders, phone reminders that involve people speaking directly with a court representative are shown to produce the largest increase in appearance rates.*

### Key Finding #4: Post-FTA Notifications Can Increase Appearance Rates

Research suggests that notifications sent to people who missed their court date can positively impact a person's return to court. The aforementioned Jefferson County, Colorado, evaluation demonstrated that when people were called by a court representative to notify them of their failure to appear, explain the consequences of an arrest warrant, and advise them to appear within five business days to avoid the issuance of a warrant, approximately 50% of people (38 out of the randomly selected 75) returned to court compared to a baseline of 10% (i.e., those who return on their own initiative in the same time frame without notification by the court).<sup>18</sup>

In the New York City evaluation, post-FTA text message notifications resulted in a 15% overall reduction in failures to return to court, reflecting that people

appeared in court to clear their arrest warrants within 30 days. The research demonstrated that the most effective message type included a notification regarding the consequences of missing court (e.g., “Since you missed court on [date], a warrant was issued. You won’t be arrested for it if you clear it at [location].”) as compared to notifications that indicated the person’s behavior violated social norms (e.g., “Most people show up to clear their tickets but records show you missed court for yours. Go to court at [location].”). Both types, however, resulted in FTA reductions of 16% and 14%, respectively.<sup>19</sup>

*Court notifications that inform people of failures to appear, the consequences of missing court, and ways to resolve the situation are shown to be effective at increasing the likelihood that people will return to court.*

## Key Finding #5: Notifications Have Financial and Nonfinancial Benefits

Some jurisdictions have calculated the added benefit that notifications have on reducing burdens on local justice systems as well as on people accused of a crime. Considering the resources associated with issuing and clearing FTA warrants, police apprehensions, jail bookings and bed stays, and court hearings, Multnomah County, Oregon, calculated a cost avoidance of over \$232,000 within the first six months of implementing court date notifications.<sup>20</sup> Coconino County, Arizona, estimated \$90,000 in increased revenue over a period of one year, as well as a savings of \$60,000 per year as a result of using 1,000 fewer jail beds due to increased court appearance rates.<sup>21</sup> In New York City, after finding that a combination of court reminder and post-FTA text messages reduced the 30-day open warrant rate by a statistically meaningful 32%, researchers calculated that sending text messages would cost less than \$7,500 over a one-year period and reduce system-related processing costs (e.g., police and court processing time).<sup>22</sup>

Jurisdictions have also acknowledged that notifications have significant nonfinancial benefits, such as the prevention of the adverse impacts that being involved in the justice system would have on people’s lives (regardless of whether they were or were not arrested for having an FTA warrant),<sup>23</sup> as well as the procedural fairness<sup>24</sup> impacts of being able to speak with a court representative and receive helpful information.<sup>25</sup>

*Notifications reduce burdens on local justice systems as well as on people accused of a crime.*

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## Best Practice Recommendations

Professional practice standards are consistent with the findings of the research literature, emphasizing the importance of notifying people about upcoming court appearances.

### 1. **American Bar Association (ABA)**

Standard 10-1.10 in *ABA Standards for Criminal Justice: Pretrial Release* explains the role of the pretrial services agency and, within, specifies that agencies should “(k) remind persons released before trial of their court dates and assist them in attending court; and (l) have the means to assist persons who cannot communicate in written or spoken English.”<sup>26</sup>

### 2. **The National Association of Pretrial Services Agencies (NAPSA)**

Standard 4.6(a) in *Standards on Pretrial Release* states: “The goal of pretrial monitoring, supervision, and support is to promote court appearance, public safety, and compliance with court-ordered conditions. Monitoring, supervision, and support should include:...(ii) notification of upcoming court appearances” (p. 72). According to the commentary: “Notification to defendants of upcoming court appearances is a proven way to improve court appearance rates. Notification may include telephone calls, email, or text messaging. If an agency employs multiple methods for court notification, the defendant should determine the best method of contact. Regardless of the system used, court notifications should include the date and time of the next scheduled court appearance, the court address and, if available, the Judge’s name and courtroom” (p. 73).<sup>27</sup>

### 3. **National Institute of Corrections (NIC)**

*A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency* cites court notifications as an essential element of an effective pretrial system given that they are “highly effective at reducing the risk of failure to appear.”<sup>28</sup>

## Endnotes

1. Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2013). Reducing courts' failure-to-appear rate by written reminders. *Psychology, Public Policy, and Law*, 19(1), 70–80. <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1601&context=psychfacpub>.
2. Corey, E., & Lo, P. (2019). The 'failure to appear' fallacy. *The Appeal*. <https://theappeal.org/the-failure-to-appear-fallacy/>; Human Rights Watch. (2010). *The price of freedom: Bail and pretrial detention of low income nonfelony defendants in New York City*. [https://www.hrw.org/sites/default/files/reports/us1210webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/us1210webwcover_0.pdf).
3. Bechtel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42(2), 443–467. <https://doi.org/10.2139/ssrn.2741635>.
4. A randomized controlled trial (RCT) is a research design in which people are randomly assigned to one or more groups. This typically involves assigning someone to receive either an intervention (the "treatment" group) or an alternative (the "control" or "comparison" group). Commonly referred to as experiments, RCTs are considered the gold standard of research designs because the random creation of the groups can help eliminate alternative explanations.
5. Cooke, B., Diop, B. Z., Fishbane, A., Hayes, J., Ouss, A., & Shah, A. (2018). *Using behavioral science to improve criminal justice outcomes: Preventing failures to appear in court*. <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>; Fishbane, A., Ouss, A., & Shah, A. K. (2020). Behavioral nudges reduce failure to appear for court. *Science*, 370(6517). <https://doi.org/10.1126/science.abb6591>.
6. Police officers in New York City sometimes issue "desk appearance tickets" (DATs) instead of booking people into jail. People who are arrested are brought to a precinct for fingerprinting, and, if they meet certain criteria, are released with a physical ticket that includes the date and location of their arraignment.
7. Ferri, R. (2020). The benefits of live court date reminder phone calls during pretrial case processing. *Journal of Experimental Criminology*. <https://doi.org/10.1007/s11292-020-09423-0>.
8. Bornstein et al., 2013.
9. Nice, M. (2006). *Court appearance notification system: Process and outcome evaluation* (Report #002-06). <https://multco.us/file/26885/download>.
10. Howat, H., Forsyth, C. J., Biggar, R., & Howat, S. (2016). Improving court-appearance rates through court-date reminder phone calls. *Criminal Justice Studies*, 29(1), 77–87. <https://doi.org/10.1080/1478601X.2015.1121875>.
11. ( $p = 0.0022$ ), p. 83. It should be noted that when examining appearance rates by type of court hearing, the only statistical test of significance that could be conducted was for arraignment (which was statistically significant). Felony pretrial court appearance rates were already high without the reminder call (94%), and sample sizes for the other hearing types were too small.
12. Research design and implementation challenges included differences in the populations studied (e.g., only those accused of misdemeanors vs. only those accused of felonies vs. general pretrial population); selection bias (i.e., studies in which the participants were all volunteers); not accounting for "open rate" (i.e., whether a text message was opened and the message was received); not accounting for the person's notification preference (e.g., whether the person would have preferred to receive a letter instead of a text message or a phone call); and lack of quality assurance measures to ensure notifications were successfully sent out (either by humans or technology). See: Goldkamp, J. S., & White, M. D. (2006). Restoring accountability in pretrial release: The Philadelphia pretrial release supervision experiments. *Journal of Experimental Criminology*, 2(2), 143–181. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.536.1186&rep=rep1&type=pdf>; Lowenkamp, C. T., Holsinger, A. M., & Dierks, T. (2017). Assessing the effects of court date notifications within pretrial case processing. *American Journal of Criminal Justice*, 43(2), 167–180. [https://www.researchgate.net/publication/317753182\\_Assessing\\_the\\_Effects\\_of\\_Court\\_Date\\_Notifications\\_within\\_Pretial\\_Case\\_Processing](https://www.researchgate.net/publication/317753182_Assessing_the_Effects_of_Court_Date_Notifications_within_Pretial_Case_Processing).
13. Bornstein et al., 2013; Cooke et al., 2018; Fishbane et al., 2020.
14. Cooke et al., 2018; Fishbane et al., 2020.

15. Schnacke, T. R., Jones, M. 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*. <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1396&context=ajacourtreview>. It should be noted that this study did not conduct inferential statistical analyses or control for potentially confounding variables.

16. White, W. F. (2006). *Court hearing call notification project*. <https://community.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=34fdeae8-c04e-a57d-9cca-e5a8d4460252>. It should be noted that this study did not conduct inferential statistical analyses or control for potentially confounding variables.

17. Howat et al., 2016. It should be noted that these percentages are descriptive only. Due to small sample size, researchers were unable to perform more rigorous analyses to identify whether other variables could explain this observed relationship.

18. Schnacke et al., 2012.

19. Cooke et al., 2012.

20. Nice, 2006.

21. White, 2006.

22. Cooke et al., 2018; Fishbane et al., 2020.

23. Cooke et al., 2018; Fishbane et al., 2020.

24. The concept of procedural fairness (also known as procedural justice) refers to the fairness with which citizens are treated by criminal justice authorities, and how those interactions shape the public's view of the justice system and thus influence crime and public safety. In general, research demonstrates that the way citizens are treated rather than the outcome of their involvement in the justice system has a greater impact on whether they are likely to perceive authorities as legitimate and therefore to obey the law. See: Bennett, S., Hine, L., & Mazerolle, L. (2018). *Procedural justice*. Oxford Bibliographies Online. <https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0241.xml>; National Initiative for Building Community Trust & Justice. (n.d.). *Procedural justice*. <https://trustandjustice.org/resources/intervention/procedural-justice>.

25. Schnacke et al., 2012.

26. American Bar Association. (2007). *ABA standards for criminal justice: Pretrial release* (3rd ed.). [https://www.americanbar.org/groups/criminal\\_justice/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_pretrialrelease\\_blk/](https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_pretrialrelease_blk/).

27. National Association of Pretrial Services Agencies. (2020). *Standards on pretrial release: Revised 2020*. <https://drive.google.com/file/d/1edS2bltwfNROieGeu1A6qKluTfzqop92/view>.

28. Pilnik, L., Hankey, B., Simoni, E., Kennedy, S., Moore, L. J., & Sawyer, J. (2017). *A framework for pretrial justice: Essential elements of an effective pretrial system and agency* (NIC Accession No. 032831). National Institute of Corrections. <https://info.nicic.gov/nicrp/system/files/032831.pdf>.