

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.¹ 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.²

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.

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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. 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.³ Many jurisdictions have evaluated the impact of their notification systems on court appearance rates, including jurisdictions in Arizona, Colorado, Kentucky, Nebraska, New York, Oregon, and Washington. This summary reviews the key research findings associated with court notification systems.

Key Finding #1: Court Notifications Can Increase Appearance Rates

Recent evaluations 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, a randomized controlled trial of approximately 20,000 summons recipients found that the introduction of text notifications decreased the failure to appear (FTA) rate by 21%.⁴ In Nebraska, a randomized controlled trial of more than 7,500 people charged with a misdemeanor was conducted in which postcard notifications with different levels of information were sent out. The trial demonstrated that any form of reminder increased court appearance by 14%.⁵ 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.⁶ 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 produced the best results. In both the aforementioned Nebraska and New York City studies, people who received notifications that included information regarding the consequences of failing to appear (e.g., issuance of a warrant) were more likely to keep their appointments.⁷ 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.⁸

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 Improves Outcomes

Findings from an evaluation of the impact of live-calling court reminders in Multnomah County, Oregon, demonstrated a dramatic reduction in FTA among people who answered the reminder phone call and spoke to a court representative regarding their court appearance. Following more than 4,400 phone calls for 2,400 court dates, the evaluation found that these people—regardless of age, gender, race, scheduled court 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.⁹

Two other studies—in Coconino County, Arizona, and Jefferson County, Colorado—drew similar conclusions: while phone reminders of any kind (i.e., in which a court representative spoke directly to the person, left a message with a responsible adult, or left a message on voicemail) are effective, those that involve court representatives speaking directly with the person produce the largest increases in appearance rates. In Jefferson County, after studying 2,100 randomly selected people summonsed to appear on a misdemeanor or traffic offense, 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.¹⁰ In Coconino County, using a sample of 245 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.¹¹

Phone reminders that involve people speaking directly with a court representative produce the largest increases in appearance rates.

Key Finding #4: 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.¹² 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.¹³ Other jurisdictions have acknowledged that notifications also 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 (i.e., if a person were arrested for having an FTA warrant¹⁴), as well as the procedural fairness¹⁵ impacts of being able to speak with a court representative and receive helpful information.¹⁶

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

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."¹⁷

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).¹⁸

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.”¹⁹

Endnotes

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4. 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>.
5. Bornstein et al., 2013.
6. 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_Pretrial_Case_Processing.
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8. Cooke et al., 2018.
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14. Cooke et al., 2018.
15. 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 community well-being and 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>.
16. Schnacke et al., 2012.
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