



Supported Resolution 5—2022

In Support of Efforts to Improve Appearance Rates in Criminal and Traffic Courts

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

WHEREAS, the Conference of Chief Justices (“CCJ”) and the Conference of State Court Administrators (“COSCA”) recognize that individuals who fail to appear in court may do so for a variety of reasons, including those that do not amount to the intentional evasion of justice; and

WHEREAS, CCJ and COSCA recognize that mental health needs, limited English proficiency, and other limitations, may inhibit a person’s ability to appear for court as scheduled; and

WHEREAS, CCJ and COSCA have resolved to encourage courts to adopt innovative practices that make courts more efficient and accessible;¹ support improving justice system responses to mental illness;² and ensure meaningful access to justice for all;³ and

WHEREAS, CCJ and COSCA recognize that people and communities of color have faced and continue to face disparate treatment in legal systems in the United States, including in their access to the courts; and

WHEREAS, CCJ and COSCA have resolved to continue and to intensify efforts to combat racial prejudice, both explicit and implicit, within the justice system, and to recommit to systemic changes that are needed to make equality under the law an enduring reality for all;⁴ and

WHEREAS, the efficient administration of justice is undermined by consequences for failure to appear in court that are disproportionately severe and do not serve a public safety need; and

WHEREAS, the consequences of a missed court appearance may include penalties that can destabilize defendants and their families and create new barriers to future court appearances; and

WHEREAS, research in some jurisdictions has found failures to appear to be among the most common reasons for custodial arrest and jail admission, and pretrial incarceration has been the primary driver of an increase in mass incarceration, costing billions of taxpayer dollars each year; and

WHEREAS, failure to appear in a case can significantly impede the administration of justice and may unfairly burden others participating in court hearings such as victims, witnesses, and/or adverse parties; and

¹ CCJ - COSCA Resolution Encouraging State Courts to Adopt Innovative Practices in High-Volume Dockets (2022), available at https://ccj.ncsc.org/data/assets/pdf_file/0018/72810/0122022-Resolution-1-High-Volume-Courts.pdf.

² CCJ - COSCA Resolution In Support of Improving the Justice System Response to Mental Illness (2018), available at https://ccj.ncsc.org/data/assets/pdf_file/0018/23526/08222018-improving-justice-system-response-mental-illness.pdf

³ CCJ - COSCA Resolution Reaffirming the Commitment to Meaningful Access to Justice for All (2015), available at https://ccj.ncsc.org/data/assets/pdf_file/0013/23602/07252015-reaffirming-commitment-meaningful-access-to-justice-for-all.pdf

⁴ CCJ - COSCA Resolution In Support of Racial Equality and Justice for All (2020), available at https://ccj.ncsc.org/data/assets/pdf_file/0017/51191/Resolution-1-In-Support-of-Racial-Equality-and-Justice-for-All.pdf

WHEREAS, CCJ and COSCA recognize that the experiences of people participating in court as charged persons or as crime victims affect their trust and confidence in the justice system; and

WHEREAS, the onset of COVID-19 has spurred innovation and expanded the tools available for remote court appearances, electronic reminders, online case resolution, and other practices that make courts more accessible and reduce instances of nonappearance;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to:

- Collect and analyze data about court appearance rates, experiences, and barriers to appearance in criminal and traffic courts;
- Analyze and examine barriers to court appearance, develop evidence-based ways to hold people accountable for nonappearance that are proportionate, and test recommendations that address obstacles and increase appearance rates;
- Implement a system incorporating text messages, phone calls, emails, plain-language court forms, and/or postcards to deliver timely court date reminders and accessibility information to all persons with matters before the court;
- Explore opportunities to increase court access through technological innovations such as remote access kiosks, virtual hearings, online scheduling and dispute resolution programs, and other initiatives; and
- Partner with local service organizations when appropriate to help court users with disabilities, behavioral health needs, or those experiencing homelessness to remember their court appearances and get to court.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, convene a National Summit to spur innovation and knowledge transfer, and

Adopted as proposed by the CCJ/COSCA Access and Fairness, Behavioral Health and Criminal Justice Committees at the CCJ/COSCA 2022 Annual Meeting on July 27, 2022.

On December 6, 2022, the NACM Board voted to support this resolution.