

E-Notification

Court: This submission is on behalf of the Arizona Administrative Office of the Courts
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Courts are many things to many people—symbols of justice, venues for dispute resolution, and to many...an intimidating institution that should be avoided at all costs.

Courts should therefore be cognizant of this perception and should employ practices that promote a defendant's voluntary appearance in court¹ because defendants who fail to appear in court pose a significant challenge that results in unnecessary financial expenditures, delays in case management, and potentially compounding sanctions that affect employment, housing, education, and financial stability. When people fail to appear for important court dates, it can put into motion consequences that can be devastating to an individual. In FY2014, eleven percent of those charged or ticketed—103,000 people—failed to appear in court or attend a defensive driving school after receiving a civil traffic citation.

NACM Priority: Promote Fair and Accessible Justice

In 2016, a Task Force on Fair Justice for All: Court-ordered Fines, Penalties, Fees, and Pretrial Release Policies was established by Administrative Order No. [2016-16](#). This Task Force made several recommendations² to implement English and Spanish Interactive Voice Response, email, or a text messaging system to remind defendants of court dates, missed payments, and other actions to reduce failures to appear and encourage compliance with obligations, as well as modifying forms, such as the Arizona Traffic Ticket and Complaint (ATTC) so law enforcement agencies could collect cell phone numbers, secondary phone numbers, and email addresses that would enable a notification system to reach out to defendants prior to important events such as hearing dates and payment due reminders.

The Task Force was also aware that for any notification system to be successful, it required two more collaborative components: 1) court staff needed training to verify and update contact information for the defendant at every opportunity to reduce failed communications with defendants, and 2) provide information to law enforcement agencies regarding the importance of gathering current contact information on the citation (ATTC) form.³ (See Fig. 1)

¹ *Justice for All Report and Recommendations of the Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies*, August 12, 2016, Principle 4.

² Supra at [Recommendations 15-18](#).

³ Final Order, [R-17-0034](#), filed August 31, 2017.

Arizona Traffic Ticket and Complaint										
Complaint No.	SSN	Military	<input type="checkbox"/> Accident <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Haz. Material			Agency Use or Report Number				
Driver's License Number	State	Class	Endorsements					Agency Use		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language		M	H	N	P	T	X	D		
DEFENDANT		First	Middle				Last			
Residential / Commercial Address		City	State		ZIP	Telephone: (Cell Phone) <input type="checkbox"/>				
Mailing Address		<input type="checkbox"/> SAME AS ABOVE						Email Address:		
Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth	Restrictions			
VEHICLE		Color	Year	Make	Model	Style	License Plate	State	Expiration	
Registered Owner		Address				Vehicle Identification Number				

Fig. 1. Highlighted fields indicate new information required to collect defendant's interpreter preference and cell phone information on civil traffic citations.

Lastly, since nearly 27 percent of Arizona's population speak a language other than English at home—predominately Spanish, it was a necessary best practice, to require notifications to be made available in Spanish to remove serious language barriers and allow those defendants who have limited English proficiency full and equal access to the courts.

NACM Priority: Utilize Technology to Promote Best Practices

The *statewide* solution...**E-Notification.**

Arizona has over 180 courts, which are not centralized within one court management system, rather limited jurisdiction courts use case management systems that are different from the general jurisdiction courts systems, and not all general jurisdiction courts use the same case management systems, making statewide solutions difficult to develop and maintain. However, **E-Notification** makes use of a *centralized portal*, or interface, that all courts can access and utilize, regardless of the case management system being used in that court. This new interface is a statewide solution, rather than a clunky and inefficient court-by-court solution. As an out-bound program it is designed to send text notifications for hearing date reminders, payment due reminders, failure to appear notifications, and failure to pay notifications all at no cost to any court within Arizona.

More technically, this includes the capture, storage, and retrieval of cell phone number data fields in case management systems along with the appropriate permissions and opt-out language. The modifications that have been made to the ATTC⁴ (see Fig. 1) allow law enforcement officers to capture this information at the time the citation is being issued, or this information can be added by court staff at any time. The system draws

⁴ The corresponding language informs the defendant: *“By providing your cell phone number you are granting permission to receive texts and other communication regarding court dates, pending payments and other relevant information about your case. Normal text and SMS rates may apply. Please contact the court in which your case is filed should you desire to opt out of this service.”*

cell phone information from the case management system databases and then sends out appropriate text and voice messages for notifications or probation requirements.

In the lower jurisdiction courts text messages are sent out daily at 8:05 a.m. from court databases. Messages are sent three days prior to the actual hearing date, notifications are sent only once for each hearing scheduled. The recipient can opt to block the notifications by responding to the message with "STOP." If any cell phone numbers are blocked, future notifications will no longer be sent to that phone number. Any text messages sent to a phone not setup to receive text messages will be reported as a failed message on the E-Notification report. Furthermore, each court can customize these messages to include additional information, or provide court-specific material.

Impact of E-Notification: The program was released to 50 courts beginning September 29, 2017. In the last three months (January 2018 through March 2018) 133,048 notifications have been sent.

To highlight the impact this statewide notification system has made, the following information was gathered from a single court⁵ that expanded from their previous notification process to include individuals who failed to appear at their initial court date, were sent a notification that they needed to resolve an outstanding case with the court and were then given 30 days to do so. The data compares a three-month period prior to implementations of the extended time frame and notification compared to the first three months after program initiation and has shown the following results:

- Criminal: From a three-month average, the number of failure to appear warrants issued, were reduced from 208 to 100, resulting in a 51.9% reduction. Notification is sent out after the FTA, but prior to a warrant being issued.
- Civil Traffic: From a three-month average, the number of default judgments issued for failure to appear, were reduced from 576 to 351, resulting in 38.9% reduction. Notification is sent out after the appearance date, but prior to default.

Even non-AOC supported courts, such as the Maricopa Justice of the Peace Courts, are preparing to access the **E-Notification** portal for the benefit of their court-users.

Sample of hearing date reminder:

"Your hearing is scheduled with [court name] located at [court address] on [date] at [time] for [case number]. Please contact [court name] at [court phone number] for any questions. Reply STOP to unsubscribe. Message rates may apply."

Sample of failure to appear reminder:

⁵ Scottsdale Municipal Court.

“You failed to appear for the hearing scheduled on [date] at [time] for [case number]. Please contact [court name] at [court phone]. Reply STOP to unsubscribe. Message rates may apply.”

E-Notification Reporting: Court users can access and run reports for a specific time period by entering start and end dates. The report can also display all notifications sent or can be filtered to select the type of notification by using the notification type dropdown menu.

The coolness factor: Future planning considerations include using the **E-Notification** portal for notifications to litigants in other case types, in both limited jurisdiction and general jurisdiction courts and with probationers and others, which make this technology *a very scalable solution*.

NACM Priority: Enhance Public Perceptions of the Courts

Medical and dental offices, insurance companies, and even schools are employing the use of text notification technology as a smart and efficient way to communicate with patients, clients, and students. Courts, like businesses, can also take advantage of efficiencies that promote safe and secure delivery of court access for everyone, as demonstrated by two Arizona State courts projects.

Removing the barriers to court access by communicating to defendants in a respectful, timely, efficient, and modern manner may dissolve the perception that the courts are places to be avoided.