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SAFETY & JUSTICE

National Guide to Improving Court Appearances

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About ideas42

We are a non-profit looking for deep insights into human behavior—why people do what they do—and using that knowledge in ways that help improve lives, build better systems, and drive social change. Working globally, we reinvent the practices of institutions, and create better products and policies that can be scaled for maximum impact.

Our Safety & Justice team partners with local and state governments to improve outcomes and increase equity in the legal system. We work directly with courts, district attorneys and public defenders, police, probation and parole, and sheriff departments, alongside impacted individuals and community organizations, to bring about positive change. This is done in partnership with advocates, justice organizations, funders, policymakers, and researchers. Through our ***(Un)warranted initiative,*** we bring our proven expertise in reforming court date communications to help courts and system partners across the country effectively reduce nonappearance.

Visit https://www.ideas42.org/unwarranted/ and follow @ideas42 on Twitter to learn more about our work. Contact us at unwarranted@ideas42.org, including questions about this guide or for support in redesigning and evaluating court date forms and reminders.

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Contents

Introduction

The importance of court appearance

Missed court appearances cost court systems and court users (for the purposes of this report, those charged with a criminal offense) dearly. Forty-nine states consider court nonappearance a crime,[1] and arrest warrants for nonappearance contribute significantly to swollen daily jail populations.[2]

Despite these consequences, nonappearance varies greatly based on the jurisdiction and case type, with the higher rates affecting more common, lower level charges (such as misdemeanors and traffic offenses).[3] For example, even North Carolina's relatively low nonappearance rate (one in six cases) still amounted to 250,000 missed hearings a year, and in two counties, not appearing for a hearing accounted for the number one and typically sole reason people were booked into jail from 2019 to 2020.[4]

As court users and their families suffer the consequences of fines, arrests, and possible jail time for missing court, costs for the system mount as well. A 2007 estimate places the cost of each missed appearance at $1,185, based on costs to reschedule the original hearing and to locate the court user.[5] This likely underestimates the true costs to courts, attorneys, police departments, and jails, and does not include any additional costs that court users bear. In total, ***missed court dates likely cost state and local governments up to tens of millions of dollars per year.***

There is a growing acknowledgment that we need to rethink the approach that has led us to this situation. Addressing the nonappearance problem is key to a well-functioning pretrial release system and critical to processing cases efficiently and reducing case backlogs. The conventional approach uses sanctions (like the threat of warrants, jail time, and fines) and restricts people's activities (through pretrial conditions and monitoring) to deter people from intentionally missing court.[6] The fact that nonappearance rates can remain high even with these systems in place tells us that this approach does not address the real reasons that many people miss court. To move the needle on court appearance, ***we need to take a closer look at why court nonappearance happens, and then create targeted solutions for those reasons.***

A new approach to court appearance

Certainly, anyone can miss a court appearance, just like with any sort of appointment. ***People miss doctor appointments at rates that are comparable or ever higher than the rates at which people miss court dates.***[7] But those missed appointments are generally viewed as unintentional and chalked up to people dealing with work, children, traffic, or people forgetting.

While these factors exist and can affect anyone's ability to be in the right place at the right time, millions of people in the U.S. experience additional ***hardships—for example, difficulties related to poverty and mental and behavioral health—that can create high barriers to appearing in court.*** For those with fewer resources and more challenges, the path to appearance can be filled with additional roadblocks that can lead people to miss court despite their best intentions, even after putting in significant effort to meet their obligation.

Given the additional barriers people with less wealth will face in appearing in court, courts can make it their mission to ensure that all court users have the opportunity to participate in their cases without undue hardship.[8] ***Rather than relying on sanctions like warrants, jail, or fines to deter nonappearance, courts should be working to actively support appearance.*** To do this, courts should focus specifically on ways to lower barriers to appearance, especially for court users who are at a disadvantage. Supporting appearances not only assists court users in resolving their cases but also greatly benefits courtroom efficiency by increasing appearance rates and reducing case delays and warrant issuance, all of which improve overall effective court case management.[9]

This new approach requires different tools than the system has used in the past. To actively help court users appear, courts can adopt existing evidence-based practices and pilot innovative ideas that can ***address expected human error, mitigate resource gaps, and make court processes easier to navigate.*** Courts can look to a growing body of knowledge to guide their efforts to improve appearance rates and ultimately help cases move through the courts more quickly and efficiently.

Although more extensive research into what works is needed, studies have pointed to a handful of practices that can make a measurable difference on court appearance rates. In jurisdictions that have been experimenting with ways to help court users meet their pretrial obligations while on release, court practitioners and their system partners are continually gaining valuable new insight as they observe how court users and appearance rates respond to new processes and types of support.

Additionally, insights from the field of behavioral science (which studies how people make decisions and take action in the real world) and related domains can help courts redesign processes and communications so that they are easier for court users to navigate and reduce the burden on court staff. Ultimately, these practices can help reduce nonappearance, making the process more efficient and just for both the systems and the people who use them.

About this report

This report aims to help courts ***achieve greater equity and efficiency*** in pretrial systems by adopting practices that help court users participate in necessary hearings, with a focus on reducing wealth-based and other barriers to appearance. It seeks to capture learnings from court systems that have tried different ways to support appearance, and to highlight promising new ideas. ***Courts and their system stakeholders can use this report to discover, adapt, and implement both tested and promising practices in their jurisdictions.***

This report also serves as a ***call for new research*** into ways to improve appearance rates. This research should look at the impact of a broad range of approaches to supporting appearance and prioritize ways that courts can achieve more equitable access to justice for court users facing significant barriers to showing up to court.

To produce this report, we conducted an extensive review of the existing literatures and interviewed dozens of practitioners across the country about their own efforts to support court appearance. This report documents those practices and classifies them so that court leaders can more easily assess

what might be suited for their communities. We created simple categories to rate the likely cost of a practice, the ease of implementation, and the strength of evidence indicating that the practice impacts appearance rates. Please see Appendix C: Methodology for more details on creating those categories.

Considerations of equity in improving court appearance

The research done for this report clearly demonstrates the need for ***more work to understand ways that courts can support appearance for BIPOC (Black, Indigenous, and people of color) individuals.*** It is well established that, on average, BIPOC individuals, and Black individuals in particular, experience disproportionate harm in the criminal legal system. Nationally, BIPOC individuals are disproportionately likely to experience financial hardship and other forms of exclusion that can make it harder to appear in court.[10] While racial and ethnic disparities in nonappearance likely vary place to place, recent city-level data suggests that BIPOC individuals may be more likely to face arrest following a nonappearance, with Black residents arrested for bench warrants (often related to failure to appear) at three or four times the rate of white residents.[11]

Because nonappearance often leads to additional consequences for court users, ***reducing non-appearance for BIPOC court users may help reduce inequities in the system overall.*** To date, however, not enough research has focused on understanding how efforts to reduce court nonappearance may have disparate impacts based on court users' identities or circumstances. In exploring practices to include for this report, we saw few clear mentions of equity in the ways that practices were designed. Studies rarely discussed variations in uptake or impact by race or ethnicity.

In this report, to the extent possible, we have prioritized practices that may play a role in closing equity gaps. We highlight where there is evidence that certain practices may specifically benefit BIPOC court users and those who are experiencing poverty, or where the design of practices specifically prioritizes closing equity gaps. We have also tried to note when it seems that practices may result in disparate burdens or disproportionate consequences for BIPOC court users or court users who are marginalized in other ways.

As legal systems continue to prioritize improving court appearance rates, more attention needs to be paid to disparities in outcomes to ensure that gains in appearance rates are translating into more equitable access to justice.

Who this report is for

This report is written for state and local criminal courts and pretrial offices seeking to improve equity and efficiency in their pretrial systems. The practices discussed in this report are all practices that state and local courts can likely adapt and implement.

This report also aims to be a resource for ***courts' system stakeholders***—prosecutor offices, defense organizations, law enforcement partners, service providers, and others—who are essential partners in executing pretrial processes and delivering fair pretrial outcomes.

This report can also inform the work of researchers and court system advisers who are supporting advances in pretrial justice by ***lifting up promising but under-researched practices that should be thoughtfully piloted and evaluated.***

How to navigate this report

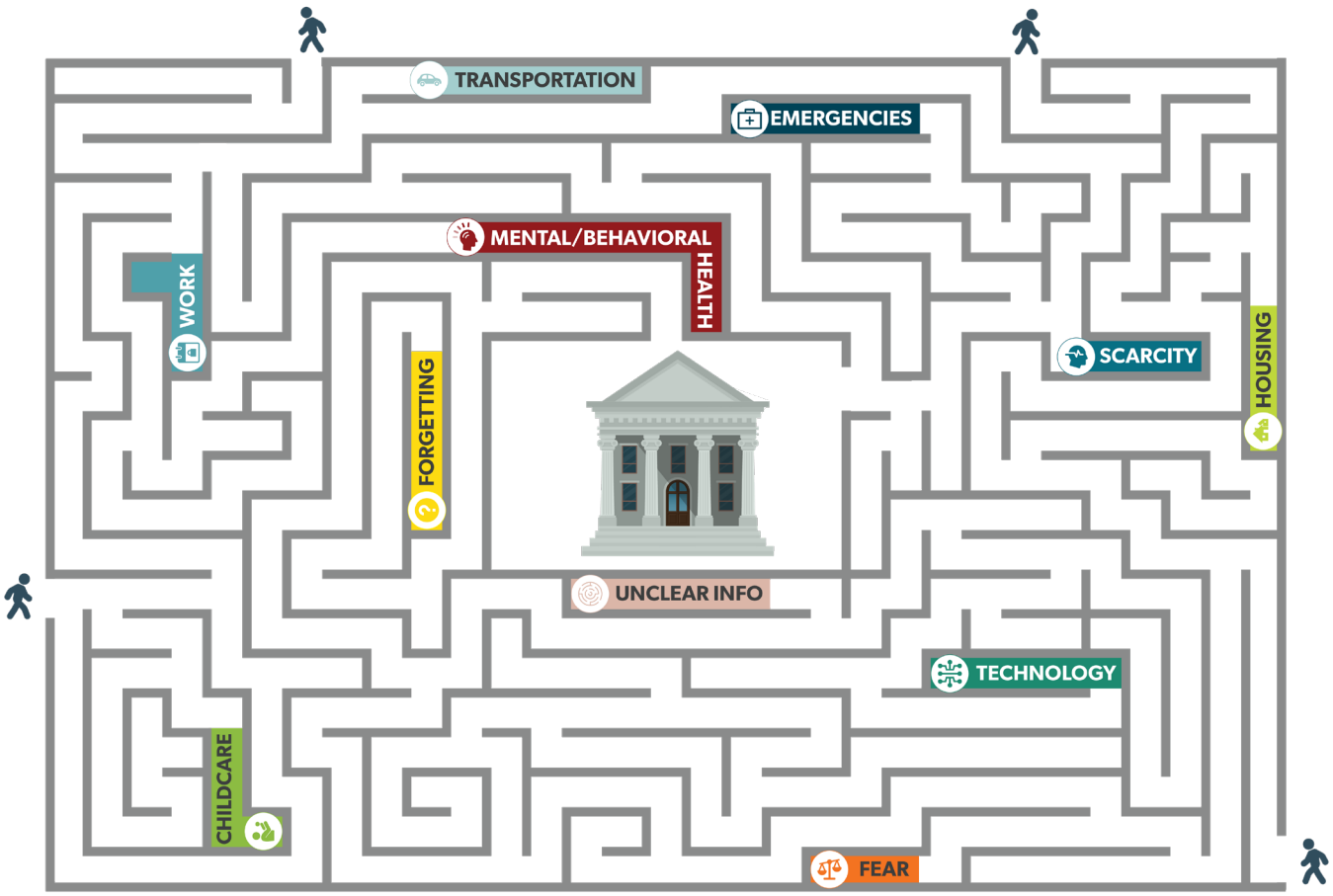
This report presents four principles, drawn from research into court appearance challenges, that courts can adopt to provide court users with the scaffolding and support needed to meet their obligation to appear in court.

- ***Featured practices:*** For each principle, we present one or more practices used by courts around the country to improve appearance. Readers can quickly glean what each practice entails; the evidence in favor of the practice; implementation logistics, including ease of implementation and cost; and examples of courts using the practice. We note practices that may be especially well suited to court systems in different contexts—for instance, jurisdictions serving urban versus rural areas. A guide to each piece of the featured practice framework, including the ratings used to assess each practice, is in Appendix C: Methodology.
- A ***"Practices worth more attention"*** section may follow the featured practices where emerging interventions have a compelling design, but too little information was available for us to assess the practice.
- ***"Beyond the court"*** (the final practice section) offers practices that other stakeholders (for instance, district attorney offices, state and local legislatures, and others) can lead on, with the courts' partnership, to reduce barriers to appearance.

The science of what makes court appearance challenging

On the surface, appearing in court seems simple. But a closer look ***reveals many specific steps that the court system and its users must get right to successfully appear on the right date and time.*** Courts must inform the court user about their hearing date in a way that makes where, when, and why they need to appear clear and actionable. The court user must remember the date as days, weeks, and even months pass before their appearance. If the court user has any questions along the way, the court must be able to provide them with clear, timely, and accurate answers. On the day of the appearance, the court user must travel to court and arrive with enough time to pass through security and get to the right courtroom. Throughout, the court user must often comply with judge-ordered conditions (such as curfews, drug testing, or GPS monitoring), which can lead to nonappearance if the person violates a condition and then fears punishment as a consequence. Court users must handle all this while continuing to manage existing obligations and challenges in their lives, many of which may be exacerbated by their recent arrest and active case.

Common barriers to court appearance



Research highlights several specific barriers that make it hard for court users to appear at their appointed times. These barriers disproportionately affect those who have less wealth and other resources to deal with them.[12] A court user can experience one or more of these barriers at the same time.

Limited mental bandwidth linked to the experience of scarcity

- All people have finite mental bandwidth to process information and problem solve. Research has shown that when we don't have enough of vital resources (like money, food, or time), we tend to focus on dealing with that scarcity, to the exclusion of all else.[13] For example, when up against a tight deadline at work or in school during finals, we focus solely on meeting that deadline or cramming for the final while the mail, laundry, and voicemails pile up.
- While all court users can experience short term scarcity, chronic scarcity occurs when people living in poverty must perpetually expend their mental bandwidth on navigating life's necessities (food, shelter, safety) to the exclusion of less immediately vital matters (such as court appearances).[14] Research has found that "***the very context of poverty imposes load and impedes cognitive capacity***,"[15] like being up against that tight work deadline but all day, every day. In one study, merely evoking financial concerns by asking people experiencing poverty about a possible expensive car repair had "a ***cognitive impact comparable with losing a full night of sleep.***"[16] Courts should therefore expect that those experiencing poverty will be more likely to forget court dates, misread instructions, and feel overwhelmed and paralyzed by the weight of their court obligations. Scarcity is a kind of higher-level barrier that compounds other barriers; having less available mental bandwidth makes navigating all the steps in the court appearance process (including dealing with other barriers to appearance, like securing transportation or childcare) even harder.

Fear and expectations of unfairness

No matter their familiarity with the system, people often experience overwhelming fear about court appearances. They may fear they will be arrested at court for being unable to pay a fine, having a warrant of which they are unaware, or even for some unknown reason. Such fear can be demotivating, especially when people don't believe they have power to change the outcome, and particularly for those whose past experiences lead them to believe they will not be treated fairly by the system. This distrust may additionally lead people to avoid engaging with the court even to ask questions or use resources that the court may offer.

Lack of clarity about court processes and appearance obligations

Critical information about when and why court users need to appear is often delivered in ways that they cannot easily understand. The vast majority of court users are unfamiliar with the steps in the pretrial process and the legal terminology that court documents and personnel (and their own lawyers) often use. Court users may receive information about appearances at stressful times (such as when being released from jail or receiving pretrial conditions) when they have little mental energy to focus on details. They may also have little practical opportunity to clarify questions prior to their court date if they cannot easily get answers from court staff, the court website, or their lawyer.

Forgetting

Several days, weeks, or even months may pass between notification of a hearing date and when that hearing occurs. This creates a risk—even for those who are highly motivated to appear and move their case forward—of forgetting about the appearance. Court users experiencing chronic scarcity, and especially those who may not have basic resources (for instance, a stable residence in which to keep court documents, or consistent phone access to receive reminders and keep a digital calendar), are at even higher risk for forgetting.

Housing instability

Housing instability is an intense form of scarcity, leading people to focus on meeting the basic needs of shelter, personal safety, food, health, and more, leaving little mental bandwidth and time for many other important tasks, including court appearances. Unhoused people also face disproportionate barriers to receiving information from the court, as they have no consistent address to receive mailed notifications, and may frequently be unable to receive reminder texts, calls, or emails. Losing their phone or having it stolen can make it hard to contact the court for information.

Lack of childcare

Court users who care for children (or other family members) must find temporary, affordable childcare to cover their time in court—a considerable challenge given the relative lack of affordable childcare across the U.S. Those who cannot find childcare are often faced with the prospect of taking their children to court with them, which courts may either discourage or not allow, and which court users may feel puts children at risk for psychological harm.

Lack of access to technology

Courts increasingly rely on digital technology (for instance, text message reminders and virtual appearances) to communicate with court users and offer ways to complete tasks without visiting the physical court building. Those without reliable access to smartphones, computers, and internet service, as well as those unable to use the required applications, are not able to benefit from these services that may ease the appearance burden for others.

Transportation challenges

Many people must expend much effort and expense to get themselves to court—a challenge that becomes increasingly draining as the number of required appearances rises. Taking public transportation may require spending hours getting to and from court, and public transportation may be unavailable if routes do not cover the entire jurisdiction or if it is unaffordable or inaccessible. Court users without their own transportation must find someone to give them a ride or pay for expensive rideshare services. Even for those better-resourced, the time and expense of getting to court adds up. Those with charges that result in a drivers' license suspension who live outside public transportation zones cannot drive themselves anywhere, and rideshares are expensive when traveling from home to court, to work, and then back home, all of which may be far apart.

Inflexible work schedules

Court appearances generally take place during normal business hours and, though the appearance itself may last only a few minutes, the entire process of travel, checking in, and waiting for the case to be called may take many hours. Working people whose jobs do not provide paid time off, who are paid hourly, or who do not have flexible schedules may face the loss of an entire day's pay or other penalties for showing up to court rather than to work. This loss of income may be unaffordable for many court users and is an even weightier burden for those experiencing poverty, particularly as cases continue and require multiple appearances.

Mental and behavioral health challenges

Mental health challenges and substance use have profound impacts on one's abilities—such as making it harder to plan ahead, remember upcoming events, keep track of obligations (like pretrial reporting), coordinate resources (like transportation), and reach out for help when needed. Unique barriers also exist, such as anxiety-related fears—for example, if the courthouse requires the use of elevators, or if the person is suffering from depression that makes it difficult to leave the house. People with post-traumatic stress disorder may worry that the courthouse experience could be triggering, and those with a traumatic brain injury may have acute memory issues. People with substance use disorders may fear being drug tested and jailed. Court users with known mental and behavioral health challenges may be subject to additional reporting requirements and treatment conditions while on pretrial release, which can in turn create more obstacles for appearance.

Medical emergencies

Medical emergencies and illness generally occur without warning and can cause people to miss court because they are seeking treatment. Court users may also be unable to get to court because they must care for a sick loved one. In these situations, they may forget or be unable to contact the court because they are actively dealing with the emergency. Courts may not have clear policies about how to notify the court in the event of an emergency, and what types of medical events are excusable. Once the acute event is over, medical emergencies may also have lingering impacts that can impede court users from showing up to court for some time.

Other barriers

This is not an exhaustive list. For example, low English proficiency will make it hard, if not impossible, to understand legal notices, requirements, and reminders written in English. Those who are blind or visually impaired often have no access to court communications. Those with other disabilities may struggle with navigating and transporting themselves to the courthouse. In a poll by National Center for State Courts, 23% of respondents indicated that they would struggle to get to the courthouse because of a disability.[17]

Practices to support court appearance

PRINCIPLE 1:

MAKE INFORMATION CLEAR, TIMELY, AND ACCESSIBLE

Information about court appearances can be confusing, unclear, or poorly communicated, and court documents are often drafted for court personnel, rather than for the court user. Court reminder systems and behaviorally designed court documents that clarify information and guide people through the process are proven to reduce nonappearances. They are also often low-cost to implement, offering a strong return on investment for the court.[18] Additional support through post-arraignment meetings, court apps, user-friendly websites, and informational videos demystifying the court process may also help.

A Reminders

What it is

Court date reminders provide court users with timely information about the date, time, and location of their court appearance and can be delivered via text message, phone call (live or automated), email, or mail. Reminders should be sent close in time to the date; common cadences are seven, three, and one day prior.

How it can improve appearance

Reminders make court date information and consequences for nonappearance clear and top of mind. Reminders have become ubiquitous in other areas of daily life (appointments with doctors, dentists, hair salons, etc.), and reminders for court dates should be no different. They are also demonstrated to be effective; "court notification programs may have realized a 4–25% increase in appearance rate (over base) in both adult and juvenile justice environments."[19]

See examples of this practice in our Practices in action section.

General features

1 Strategic timing

Reminders are sent to court users before the court dates, often multiple messages sent one week to one day before. For live call reminders, the timing of the calls (three days before, one day before, or both) have not been found to affect appearance rates; all live call reminders reduced nonappearances by 37%.[20]

2 Reminder content

Reminders can include court date logistics, flag the warrant consequence for non-appearance, prompt court users to make specific plans (how to get there, what time to leave, etc.), and offer links to assistance.

3 Direction

Reminders can be one-way (meaning court users cannot reply) or two-way (allowing court users to reply and ask questions).

4 Consistency

It's important to remind court users of all court dates, starting with their arraignment.

5 Missed court date reminders

While pre-court messages are most effective for appearance rates, sending a reminder right after a missed court date, with instructions on how to clear the warrant without arrest, can more quickly reduce open warrants and get people back on track with their case.[21]

Key assets

- **For text reminders:** Courts can send text message reminders directly to court users using available texting platforms or through public defender offices via Uptrust, though the latter can only be used for cases both eligible for text reminders and after court users have been appointed counsel (often after the arraignment).
- **For phone call reminders:** Automated recorded messages require interactive voice response (IVR) technology. Live calls require trained staff to make the calls and field questions.
- **Access to phone numbers** is both critical for success and challenging to obtain. Options to obtain phone numbers include by police when court users are cited (requiring the citation form to include a field for cellphone numbers, officers being willing to ask for them, and people being willing to give them); by jails during the booking process; or by appointed counsel (though if counsel is appointed at arraignment, court users will not receive an arraignment reminder).
- **Current phone numbers** are also required to ensure reminders are received. Clerks can ask court users for current contact information at each hearing to ensure any changes are updated. Some courts have people check in to a computer module outside their courtroom where they can update their on-file address, phone numbers, and email address, and opt in or opt out of receiving reminders. Those without a reliable phone number for text messages can give alternate contact information (for example, their mother's, spouse's, or

Practice Ratings

EASE OF IMPLEMENTATION · · · · · **EASY**

While sending messages generally requires few resources, for courts that do not already obtain court users' cellphone numbers, this step can require coordination with agencies that can obtain cellphone numbers early on (police and jails) for arraignment reminders.

COST

Texts, Automated Calls, Emails, Postcards · · · · · · · · · · · · · · · · · **LOW**

Start-up costs for texts, automated calls, or emails include securing and integrating a voicemail, texting, or email platform with the case management system and, if applicable, evaluating the platform's effectiveness. Thereafter, messaging costs are low; for example, in New York City, messages cost less than one cent per message.[22]

Via Uptrust · · · · · · · · · · · · · · · **LOW TO HIGH**

For reminder texts sent through public defender offices, Uptrust uses a subscription model versus charging by usage to simplify budget forecasting. The cost ranges from $500 up to $15,000 per month.[23] The cost is often paid by the public defender office but can also be absorbed by the court, the county, or even the state.[24]

Live Calls · **MEDIUM**

The cost includes hiring and training staff to make the calls, which will vary based on the number of people a court is serving. In a 2020 New York City project, labor cost $4,227 for a three-month period when 1,738 people were called for a total of 2,417 calls.[25] Over the course of a year, that would be approximately $17,000, which may not be feasible for some jurisdictions. Other jurisdictions have used volunteers to make reminder calls.[26]

STRENGTH OF EVIDENCE · · · · **STRONG**

Reminders are the most studied intervention aiming to increase court appearance rates, with solid evidence that reminders "significantly reduce the odds of failure to appear in court."[27] While reminders take the form of texts, letters, postcards, emails, and calls, no one reminder format outperforms others consistently.[28]

friend's number), or for courts with other modes of reminders, request phone calls, emails, or mailed notices.

- **Automatic enrollment** into reminders will drive engagement by eliminating any sign-up steps and save courts substantial costs related to notifying and enrolling court users in the program. Courts should take advantage of the research showing the power of automatic enrollment (tripling participation in savings plans, for example[29]) by sending reminders to all of those who provide cellphone numbers or emails. Court users can easily opt out of future reminders with a STOP text or link included in the reminder.
  - Without automatic enrollment, courts will spend much time, effort, and expense to engage court users. For example, given sign-up challenges and extremely low uptake of a statewide notification system, magistrates and clerks spend time aggressively marketing the system by asking court users at every interaction if they want to enroll.[30] Durham County, North Carolina, has gone to great lengths to encourage people to use the system, including placing signs with QR codes (linking to the sign-up portal) in a variety of sites (convenience stores, bus stations, public housing, social service agencies, detention centers), and having an intern in the courthouse sign people up.[31] Even with this impressive effort, about half of sign-ups occurred during the first appearance, and 14% occurred at pretrial services, underscoring that if court users are not automatically enrolled, staff will have to expend considerable effort to drive participation.
  - Some courts hand out palm cards advertising the reminder system.[32] These can serve as a helpful supplement to engage court users who chose not to provide their contact information when they are first asked (for example, when cited or booked).[33]

Implementation considerations and challenges

- ***Courts with inaccurate contact information:*** Text messages may be less effective in jurisdictions that have less accurate contact information, and may be especially difficult in smaller, rural jurisdictions (for example, 47% of phone numbers in Shasta County Court's database were inaccurate or incomplete).[34] Improving the quality of contact information in court records could increase appearances.[35]
- ***Unhoused court users:*** One study found that reminder text messages had no effect on appearance rates for unhoused court users.[36] Possible explanations include increased faulty phone numbers, that provided numbers could not receive texts, that impersonal messages may be less persuasive to vulnerable populations, or that unhoused people may be less likely to act on reminders if they have fewer resources or support to get to court.[37]
- ***Low baseline nonappearance rate:*** One study suggested that reminders may be less effective for courts that already have low nonappearance rates (such as in federal court, where the seriousness of the cases coupled with active pretrial officers likely support higher appearance rates).[38]
- ***Felonies:*** A meta-analysis suggested that reminders are slightly less effective for felony cases, perhaps due to higher levels of pretrial supervision and easier access to legal representation, which may decrease forgetting about a court date.[39]

- ***Evaluation:*** Though solid support exists regarding the effectiveness of reminders, evaluation can help courts see the return on investment in their jurisdiction and also allow courts to understand which messages are most effective for their court users specifically. This requires a case management system that can effectively measure nonappearances instead of only the issuance of warrants, which may or may not occur after a missed court date.
- ***BIPOC court users and those with less wealth:*** Research that analyzed recipient ZIP codes has shown that reminder text messages were doubly effective for people living in neighborhoods with the least wealth (see Text Reminders, New York City example). In a study that accessed individual race data, live phone call reminders were more effective for Black and Hispanic court users (see Live Calling, New York City example). The latter could be explained by race acting as a proxy for trust in the system (a live call could increase trust and therefore compliance with a court requirement) or socioeconomic status (a live call helps more for those with less stability and no smart phone).[40]

B Behaviorally designed court forms

What it is

Court forms, such as citations, summonses, agreements to appear, bond paperwork, and notices of next court dates, can be redesigned using behavioral science principles to help the court user effectively navigate the system and understand the details of their next court date and the consequences of nonappearance.

How it can improve appearance

Language, format, and design can influence the court user's response.[41] *Behaviorally designed court forms that emphasize the next court date, make it easy to understand required next steps, clarify what to expect at court, and describe how to access help can reduce nonappearances.*

See examples of this practice in our Practices in action section.

General features

1 Goal of accessibility

Court forms should be designed to make the information easy for the court user to see and understand.

2 Content and language

Forms should:

- Use plain language.
- Eliminate legal jargon.
- Make consequences of nonappearance clear.
- Clarify rights and what to expect at court (e.g., can plead not guilty or guilty).
- Direct the reader on how to access help or more information.
- Include a clear title that describes the form's purpose and required action.
- Use procedurally just language.[42]

Additionally, though not studied, a court appearance notice may reduce fear by clearly defining arraignment as a first step in a longer process, specifying that a plea or payment will not be required on that date, and characterizing it as a helpful event (for instance, when their attorney will be appointed), rather than a harmful one.

3 Format

To direct court users' attention, essential information (such as the court date) should be placed near the top of the form. Modest use of color, shading, bold, text boxes, and simple graphics can make the document easier to understand. Allowing space between sections of information can encourage continued reading.

Key assets

- For guidance in creating forms, courts can work with an organization that specializes in behavioral science or human-centered design, or ask personnel responsible for drafting forms to take a Forms Camp or review other online guides.[43]
- User testing redesigned forms is critical to developing effective ones. Courts can show the draft documents to a small number of court users to check that key information (for example, the court date, the consequence for not appearing, and where to seek help) is clear and to identify ways to further improve the design.

Practice Ratings

EASE OF IMPLEMENTATION ..... **EASY**

Redesigning forms is feasible for any court.

COST ..... **LOW**

The cost may include a one-time fee for an outside designer or staff time to redesign, test, and revise the forms, and the cost of printing the new forms (eventually incurred regardless of redesign).

STRENGTH OF EVIDENCE .... **STRONG**

A rigorous evaluation in New York City showed that a behavioral redesign of a summons form reduced nonappearance by 13%. The summons form redesign resulted in three times as many warrants prevented compared with text message reminders, as all people received the summons form, while only a subset shared a phone number to receive reminders.[45]

Implementation considerations and challenges

- ***Permission and approval:*** Courts should first determine which department "owns" the form, who needs to be consulted (internally and with system partners), and who needs to approve the final draft. They should also agree on a timeline for redesign, review, and approval.
- ***Limitations:*** Identify any limitations the court or printer may have with regard to design. For example, determine whether they can include elements like color, shading, text boxes, graphics, and bolding, and which specific font styles can be used.
- ***Technology:*** Courts should speak to the IT department to identify what software will produce the final product and ensure that any elements included in the redesign (for instance, specific graphics and fonts) can be produced by that software.
- ***Translation:*** Courts should ensure that those with limited English proficiency understand their appearance obligations. Courts can do this by translating all vital documents and ensuring those documents are easily available when users are released from jail, in court, and browsing the court's the website. If translation into all languages is not feasible, each form should provide a link to a website with the universal icon for translations:  .
- ***Disability accommodations:*** Forms should be accessible to users with disabilities that hinder their ability to read court documents. This may include providing large print versions of documents or screen readers for individuals with vision impairments.[44]

C Post-arraignment meetings with court users

What it is

This voluntary program invites court users who are at an elevated risk of not appearing to participate in a brief meeting following their arraignment, where staff answer the person's questions regarding appearances and help them make a plan to return to court. The court user also receives a personalized reminder phone call prior to their next court date.

How it can improve appearance

This relatively simple design leverages multiple evidence-based strategies drawn from behavioral science research and the literature on appearance, including personalization, interactivity, and planning.[46] *Meetings clarify court appearance obligations and focus court users on what they need to do to appear. Follow-up phone calls prompt the court users to take any additional preparation needed and ward against forgetting. The program also offers limited resources to help reduce additional barriers to appearance, like transportation or childcare.*

See examples of this practice in our Practices in action section.

General features

1 Voluntary

Court users can choose whether to participate, so the program does not add to the burden of court involvement.[47]

2 One-on-one meetings with program staff immediately following arraignment

A trained staff member engages court users in a brief meeting to discuss what they must do to return to court. Meetings are interactive (conversation-based) and personalized, focusing on the court user's particular appearance requirements and needs.[48]

3 Assistance overcoming barriers to appearance

When court users name barriers to appearance, staff guide them in thinking about ways to navigate those barriers and are able to provide both referrals (to services like free childcare) and some limited resources (like free metro cards).[49]

4 Planning exercises and reminders

During the meeting, staff encourage court users to write down their court date. They then call court users 1-2 weeks before the date to remind them and ensure they have a plan to get to court. These elements reflect behavioral science research showing that prompting people to make a plan—and giving those prompts at the right time, when people are focused on what they need to do—can increase the likelihood that they will act.[50]

5 Screening and engagement

The program targets court users who are released on their own recognizance (and therefore are not likely to have further contact with pretrial officers or other court staff prior to their next appearance) but who have an elevated risk score. Staff approach eligible court users in the hallway after arraignment to explain the program and proceed to meet with court users who consent.[51]

Key assets needed

- Trained staff skilled in engaging court users.
- Space to hold post-arraignment meetings that is both comfortable and convenient, so that meetings can happen without delay.
- Capabilities to conduct follow-up phone calls: Key assets for live calling are required (see page 11).
- Defense attorney awareness and support: Unless defenders are aware and supportive of the goals of the program, they may, as a protective measure, counsel clients not to participate in the program.[52]

Practice Ratings

EASE OF IMPLEMENTATION — SOMEWHAT CHALLENGING

The practice is relatively simple to implement but requires staff and infrastructure to make calls. This practice may be relatively easier for courts that already provide services at court and send reminders.

COST — MEDIUM

The major cost is staff to administer the program and engage court users. Program costs thus depend largely on the number of people who participate and therefore staff time needed. Courts that do not already have the infrastructure in place to make reminder phone calls would also need to shoulder that upfront cost.

STRENGTH OF EVIDENCE — STRONG

A randomized controlled trial found that the program reduced nonappearance in court during the remainder of a person's case by 32%.[53] The results were strongest for those who received both parts of the intervention (the post-arraignment meeting and the follow-up planning call).[54] The evaluation did not explore differing impacts by race and ethnicity, gender, or other court user characteristics.

Implementation considerations and challenges

- ***Feasible for many settings:*** This practice is likely a good fit for jurisdictions in many different settings (small and large, urban and rural) because the intervention components work within a standard case flow and do not rely heavily on the availability of outside services.
- ***Eligibility and screening:*** Jurisdictions seeking to adapt this practice would need to consider eligibility criteria and screening processes based on their court practices. For instance, the existing pilot accepted court users who had been released on their own recognizance (ROR), but who had not been recommended for ROR by a risk assessment tool.
- ***Supportive environment:*** Courts should make the post-arraignment meeting feel calm and supportive for court users, to reduce stress following that day's appearance and help them focus on what they can do to make their next appearance. This might look like holding the meeting in a comfortable private room, offering refreshments, and using staff who are skilled at building rapport with court users.
- ***Identification of greater needs:*** This practice can be a relatively simple way to support court users who may struggle to appear over time but would not otherwise need or qualify for a higher level of engagement. The post-arraignment meeting could also be a moment to identify court users with greater needs who have made it to arraignment but who would benefit from more intensive forms of support.

Practices worth more attention

User-friendly court websites

While user-friendly court websites have not been studied for their effect on appearance, court users can struggle with finding their court date information on the website and accessing help from the court should they have questions or be unable to appear. The Salt Lake City Justice Court offers a simple yet innovative home page with common options front and center, such as, "Make a Payment," "Schedule Your Arraignment," "Join Online Court," "Traffic Citations," and "Request to Judge" where court users can fill out a form and email it directly to designated court email address.[55]

Court user app

It seems there is an app for just about everything (banking, buying, scheduling, planning, etc.). While bail bond companies often offer an app that advises their court users of upcoming court dates and offers links to assistance (for example, My Day N Court app[56]), courts are beginning to use similar platforms. The Superior Court in Monterey, California, uses the CACOURT app, where court users can request and then receive text and email reminders. San Francisco's Pretrial Diversion Project is adopting a new court user–facing app, through which Uptrust software will support automated text reminders, and court users will be able to see their forthcoming commitments (e.g., court appearances, treatment appointments), communicate with case managers, and complete check-in forms related to changes in treatment needs and housing status.[57] Apps are most successful when notifications are turned on, when they are installed, and when instructions are shared as part of a routine process (ideally prior to arraignment to provide support for all hearings).

Video

A short video could address court users' fear surrounding arraignment by explaining what an arraignment entails, clearly defining it as a first step in a longer process, and framing it as a helpful (attorney appointed), not harmful, event. The District of Columbia Courts has created a video about arraignment explaining that the court user will be informed of their rights, guilt will not be decided, and that arraignment is not a trial.[58] Future videos could expand on this template by specifically addressing several aspects of the pretrial experience, including:

- mitigating fear of arrest by clarifying that jail is not a typical outcome at arraignments, what it means to be out on bond, the process of public counsel assignment, and what to expect from their lawyer in terms of communication and reviewing discovery;
- naming the steps court users must take to appear, helping them plan out what they will need to do even before release;
- explaining what to do if users are late to their court date; and
- detailing when and how to appear via Zoom.

The video could also introduce helpful resources that court users can access.

Just-in time reminders from the court

In the spirit of doing what works to move a case forward, some judges and clerks simply call or text court users when they do not appear and tell them to get to court. In Cabarrus County Superior Court, out of 147 people called who did not appear, 90 appeared before the end of the session.[59] Judge Landau of the Salt Lake City Justice Court himself sends texts from the bench, stating, "This is Judge Landau of the Salt Lake City Justice Court. This is a message for (name). We had court set for you today. If you contact me within the next 20-30 minutes, we can hear your case today. If not, it is likely that a bench warrant will be issued, and you will have to contact the court about getting it recalled. Thank you, Judge Landau." Though no hard data exists, the court estimates 30%-50% of court users respond immediately, take care of their case by telephone, and avoid a warrant. When responses occur after the calendar ends, Judge Landau tells them to show up first thing the next day to recall the warrant and get their case back on track, and has seen that they usually appear.[60]

Practices to support court appearance

PRINCIPLE 2:

REDUCE LOGISTICAL CHALLENGES

Simplifying the court appearance process can make it easier for court users to make their court dates and can streamline court operations. For hearings requiring court users' presence, allowing virtual appearances can reduce substantial travel time and related hassles. For hearings focused purely on process-related matters (discovery obligations, pleading filings, etc.), courts can dispense completely with requiring court users' presence and, with the court users' permission, hold such hearings with counsel only. For those who must clear warrants, better processes can address the logistical challenges (no court date, no time) and behavioral barriers (fear of arrest, procrastination) specific to warrants. Other helpful practices include implementing shorter time windows for hearings and shortening time to arraignment.

A Virtual appearances

What it is

Virtual court hearings allow court users to participate in their hearing via phone, tablet, or computer. At the start of the COVID-19 pandemic, courts across the country rapidly transitioned to virtual hearings, and many have continued to use remote proceedings.[61]

How it can improve appearance

Virtual court hearings reduce many common barriers to court appearance, including eliminating the need for transportation and offering greater flexibility around work schedules and childcare. Since virtual appearances eliminate one's physical presence in the court building, they reduce the fear of arrest that in-person appearances often carry and increase court users' comfort.[62]

See examples of this practice in our Practices in action section.

General features

1 Types of hearings

Jurisdictions have different guidelines for which types of hearings can be held remotely. Generally, simpler and less consequential proceedings, including arraignments (especially where incarceration is not anticipated), are held remotely, while more complicated trials and evidentiary hearings are still presumed to be held in-person.[63]

2 Technology platforms

While Zoom is the most popular platform for holding virtual hearings,[64] a variety of other technology platforms can be used, including Webex, Skype, and Teams. Video conferencing platforms developed specifically for courts, such as CourtCall, have also been developed. These specialized platforms provide customized tech support to courts and court users, thereby reducing the burden on court staff of having to manage technology themselves. They are also designed to be user-friendly for court users and have document-signing software embedded in the platform to simplify processes.[65]

3 Private virtual breakout rooms

One approach is to use tech platforms that allow the court user to communicate privately with their lawyer, separate from the main hearing room, to ensure privileged communications.[66]

Key assets

- **Step-by-step instructions:** Instructions should let court users know when and how they can appear virtually well in advance of the court date. This includes providing easy-to-follow instructions on how to join the hearing, whom to contact with connectivity issues, and what to expect once connected (including wait times and what will happen in the interim). Courts can offer instructions in multiple languages depending on the populations they serve. Courts should post these guidelines on the website and send them to court users digitally, and can also include them on physical appearance forms.
- **Easy access:** Courts can place the link to the virtual hearings in a prominent place on its website and embed the link in court reminders (see page 10).
- **Up-to-date court user contact information:** Current contact information is critical for court users to receive all the relevant information about their virtual appearance (including reminders of the time and date of the hearing, joining instructions, etc.).
- **Remote hearing stations:** Courts can arrange for private remote hearing stations with computers and Wi-Fi for those with limited internet access. This is especially important due to the "digital divide," which disproportionately affects individuals with less wealth, people with limited digital literacy, people living in rural areas, and Black and Hispanic communities.[67] Courts can set up stations within the court building or in coordination with community centers, public libraries, or other public spaces. For example, courts serving Washington, D.C., where about a quarter of households have no broadband internet service, offer remote hearing sites within D.C.'s Balanced and Restorative Justice Centers in five locations throughout the city.[68] (See examples in the Practices in action section.)
- **Tech checks:** Staff should conduct "tech checks" before the hearing to troubleshoot any issues with the court user's audio or video and ensure the court user is comfortable with the technology.[69] Some courts have assigned a "video bailiff" to perform these tech checks.
- **Virtual evidence:** Some states have created portals to help parties submit digital exhibits to the court.[70] These portals may be embedded within the court's website or may be built out separately.

Practice Ratings

EASE OF IMPLEMENTATION — SOMEWHAT CHALLENGING

Although many courts are already holding some form of virtual hearings, executing this practice in an accessible and equitable way requires thoughtful systems.

COST — MEDIUM

The most significant costs include the audiovisual equipment for the courtrooms, remote hearing stations in community locations, and staff time.

STRENGTH OF EVIDENCE — PROMISING

Though no rigorous analysis of appearance rates exists for virtual hearings, anecdotal evidence from several states indicate that appearance rates are much higher for remote hearings than for in-person, pre-pandemic hearings (see examples in the Practices in action section.)

Implementation considerations and challenges

- ***Flexibility:*** Courts should offer flexibility to court users participating in virtual hearings, including allowing for telephonic appearances for those who are not able to use video; not issuing sanctions for nonappearance until ensuring that the failed appearance was not due to a technology failure; and granting continuances when a technology problem contributed to a missed appearance.[71]
- ***Language access:*** Translation and interpretation accommodations should be available and on par with in-person services for court users with limited English proficiency. This includes allowing for remote live interpretation during the virtual hearing.
- ***Transparency and procedural fairness:*** Special attention should be placed on ensuring transparency and procedural fairness throughout the remote hearing process (e.g., using tech-friendly options and plain language on court websites) and on the user experience (e.g., ensuring online services can be accessed on mobile devices, and integrating translation services for non-English speakers). The National Center for State Courts, the Brennan Center, and others have published guidance for courts, including NCSC's Remote Proceedings Toolkit and the Guiding Principles for Post-Pandemic Court Technology.[72]
- ***Attorney participation:*** Remote hearings require extra steps to ensure that attorneys can fully participate in the court user's case (including the ability to access case files and legal information, holding sufficient time for private breakout groups with clients, etc.).[73] It is also important to add mechanisms for court users without lawyers to access legal aid, as research has shown that the adoption of technology disproportionately benefits those with legal representation.[74]
- ***Public proceedings:*** To fulfill the requirement that proceedings be public (allowing for supporters of the harmed party to view and participate), courts either screen the virtual hearings in courtrooms open to the public or live stream the hearings online. However, live streaming carries the risk that members of the public may be recording the proceeding, which poses significant privacy concerns. Courts have tried to mitigate this by adding watermarks to the video and instructing judges not to save recordings, but these sorts of controls are difficult to implement and enforce.[75]
- ***Accessibility for persons with disabilities:*** Online platforms should be compatible with screen-reading software and closed captioning. Courts should also ask court users if they require any Americans with Disabilities Act accommodations in advance of the hearing.[76]
- Further best practices will come out of the National Center for State Courts' Hybrid Hearings improvement project, which will release its pilot findings in spring of 2023.
- ***Additional virtual services - virtual counters:*** East Lansing, Michigan, took virtual appearances a step further and offers "virtual counters," where the court's "customers" can access the clerk's office by clicking on a Zoom link offered on the website weekdays from 9 a.m. to 4 p.m. (with an hour off for lunch).[77] The clerk then triages the court user's issue and can even drop a link in the chat box to take them to the assigned judge's courtroom.

B Reduce appearances

What it is

While the status quo in U.S. courts has always been to require court users in criminal courts to appear for all hearings, the COVID-19 pandemic gave rise to temporary efficiencies (like fewer required appearances) that appear well suited for permanent adoption. Courts should limit the number of hearings at which court users are required to appear, in-person or virtually, to substantive hearings such as 1) arraignments; 2) evidentiary hearings; 3) final date of trial or plea; and 4) bail or violation hearings. Court users can choose to attend non-required hearings if they wish.

How it can improve appearance

Fewer mandated appearances translate into 1) fewer appearances that can be missed; 2) court users feeling incentivized to attend the hearings focused on determinative issues as opposed to attending events focused on process; and 3) court users feeling that the system respects their time and other obligations, increasing perceptions of procedural justice generally.

See examples of this practice in our Practices in action section.

General features

1. **Court users only required at substantive hearings**
   Presence should be limited to events central to the court users' rights, such as arraignments, evidentiary hearings where vital suppression or other evidentiary matters will be decided, trials or when pleading guilty, and hearings related to conditions of release (if presence needed).

2. **Clear communication**
   Courts should confirm whether the court user' presence is required or not required in all communications to court users about their hearings.

3. **Reminders**
   Waived appearances are best coupled with a robust reminder system that can notify court users of next dates electronically as opposed to when they are in court.

Key assets

- A **court user notification system** clearly specifying which court dates require attendance.
- **Case management systems** that can accurately measure nonappearance rates for required court dates.
- **Clear directives** identifying which hearings require court user presence and which do not to ensure uniformity and consistency across all courts within a specific jurisdiction.

Implementation considerations and challenges

- ***Dismissals:*** If a case is set for dismissal, we recommend not requiring the court user to appear.
- ***Contact information:*** Courts will need to ensure the court users' contact information is current. For example, in cases where discovery can take six months, the original contact information may no longer be correct. To address this, judges at arraignment can explain that the case will continue and the lawyers will do their jobs, but the court users need not come back until hearings requiring their presence are scheduled. In return for waiving appearances, the court could require a "contact check-in," where people update or confirm all modes of contact information before the court date; court users could also specify the mode of communication they prefer (text, email, or mail). The "contact check-in" could take the form of a required phone call or update via a website. Those who neither confirm nor update their contact information could be required to appear, at which time the court and lawyer can remind them of their "contact check-in" obligation to allow for nonappearance. Those who prefer to appear are free to do so.
- ***Updates to case management systems:*** To accurately track and measure required versus nonrequired court dates, courts may need to update their case management systems and data entry practices. This may entail adding new fields for nonrequired and required appearances.

Practice Ratings

EASE OF IMPLEMENTATION — SOMEWHAT CHALLENGING

Reducing the number of events at which court users must appear will require new processes, for instance regarding court user communication and data management. While these changes may take time and effort to put in place, once implemented they could increase day-to-day efficiency and timeliness, as the court need not wait for court users to appear in all instances.

COST — MEDIUM

Costs will relate to the administrative costs of changing policy and adapting current case management systems to record how appearances are memorialized and analyzed.

STRENGTH OF EVIDENCE — LITTLE TO NO EVIDENCE

In response to COVID-19 restrictions, courts across the country have not required court users to be present, but we are unaware of any studies relating this practice to reductions in nonappearance rates.

C Warrant clearing

What it is

Courts can offer streamlined processes and special events that specifically address court users' fear of arrest when clearing a warrant for nonappearance, helping cases to get back on track more quickly.

How it can improve appearance

Navigating an appearance to clear a warrant is harder than going to a typical court appearance because there is no court date and therefore no notice of the date, no set time, no assigned courtroom, and no instructions. This ambiguity is often compounded by court users' fear of being arrested and their lack of a lawyer (assigned or hired) to guide and advocate for them at the time of surrender—altogether posing significant psychological barriers to the court user taking action. By creating and offering a process to resolve warrants, with directions on how to appear and the possible consequences of appearance, courts can provide the information court users need to navigate the appearance. To encourage appearance, courts should explicitly state that court users will not be arrested if they voluntarily appear for the warrant.

See examples of this practice in our Practices in action section.

General features

1 Types of warrant

This process is best suited to post-charge warrants for nonappearance and other technical violations related to appearance for existing charges. Warrants for new charges, especially felonies and more serious charges, require a more involved and complex arraignment and bail process.

2 Rapid warrant resolution

Courts offer a process where when someone appears with a warrant, the court can quickly identify the open warrant and then clear it that day by either resolving the matter entirely or setting another court date.

3 Frequency

Warrant clearing can take the form of a normal court process offered every day or week, or a special warrant-clearing event offered intermittently with the goal of processing as many people as possible in a short period of time.

4 Location

Some courts hold warrant-clearing events in the community to improve access to justice by lessening the distance that individuals have to travel and the time they may need to take off work. Courts hold events in churches, community centers, bus stations, open lots, and places where people without stable housing may live. Courts may also allow warrant clearing via virtual appearance. Both informal community-based locations and virtual appearances will reduce the stress and fear that may impede attendance.

Key assets

- **Buy-in and effective partner collaboration:** To run smoothly, expedited processes to clear warrants require the support of all court actors (the judiciary, clerk staff, defense, and prosecutors). These parties must agree on the parameters of eligibility for the expedited process and on resolution routes. For events that occur outside courts or offer additional support, relevant service providers must also be engaged.
- **Process:** Courts must identify the process by which the staff can quickly identify a person's warrant, obtain the corresponding court file, notify the prosecutor office (if needed), and then transfer that information in a timely manner to the judge. The key is to reduce hassles and extended wait periods to make this process as easy as possible for the court user.
- **Instructions:** Clearly communicate the dates, location, hours, and process court users can expect once appearing, or offer a hotline people can call to access all this information.
- **Counsel:** For courts that issue warrants on cases that require defense counsel, the court will need to ensure the defense counsel is available and has time to conference with their client.

Practice Ratings

EASE OF IMPLEMENTATION • • SOMEWHAT CHALLENGING

While courts have all the components to either create a standard practice or schedule special events for warrant clearing, the key is in partner coordination, as all vital actors must collaborate to offer a process that is user-friendly for the court user. This coordination may require several months of design and development.

COST . . . . . LOW TO MEDIUM

The cost depends on the form warrant clearing takes. For example, if courts take advantage of existing staff and infrastructure by adding warrant clearing to a current daily docket, costs will be low. Alternatively, for special warrant clearing events requiring dedicated staff (clerks, counsel, judges, social workers) for a certain number of hours and possible travel to another location, costs will be higher. Advertising the new process and soliciting engagement from those with warrants will add to the cost.

STRENGTH OF EVIDENCE •• PROMISING

No studies exist where a traditional warrant-clearing process has been compared to a process designed for the court user. However, courts that implement such processes have seen impressive numbers of warrants cleared in short periods of time.

Implementation considerations and challenges

- ***Partnerships:*** All warrant-clearing processes and events will require cooperation and partnership between the clerk of the court, judiciary, and counsel (for cases involving the prosecutor office) and require public counsel. Courts must set parameters about who and what charges are eligible, and establish policies related to arrest and payments.
- ***No arrest or pay policy:*** As those with warrants logically fear arrest, courts should explicitly assure court users they will not be arrested on the warrant after they appear. Courts should also assure court users that if any fines or fees are due, payment will not be required on the date of appearance, to assuage the fear of payment or punishment.
- ***Recruitment:*** To encourage turnout, courts like Pima County, Arizona's, reach out to those with active warrants using an interactive voice recording (IVR) system one week before the warrant-clearing event.[78]
- ***Privacy:*** In Michigan, several courts partnered with the Michigan Department of State for its driver license restoration event. East Lansing's 54B Court repurposed a voting booth to allow people with warrants to connect privately with a judge via an iPad to address their warrant.[79]

Practices worth more attention

Shortening the time to arraignment

Shortening the time to arraignment may help improve appearance because people are more likely to forget court dates as more time passes. In New York State, police gave people "desk appearance tickets" with varying amounts of time between arrest and arraignment for misdemeanors and nonfelonies.[80] There, nonappearance increased the farther out the arraignments occurred. In one study, nonappearances were lower when arraignments occurred about 43 days after the offense, and higher with arraignments 96 days after the offense.[81] A 2020 reform requiring that arraignments occur within 20 days after the offense is geared toward improving appearances by decreasing the possibility that people forget the court date as more time passes.[82]

Practices to support court appearance

PRINCIPLE 3:
ADD FLEXIBILITY

> Often, court nonappearance is a near-miss: a court user is delayed on the bus and makes it to court 20 minutes after the end of the docket; something comes up just before an appearance, like a dead car battery or a sick child, and the court user does not have the time or resources to make alternate plans; a court date is scheduled during a work shift on a Monday, rather than during their day off on Wednesday. When these things happen in other spheres of life, like with an appointment with one's doctor, for instance, the appointment would be rescheduled. But at court, rigid schedules and swiftly issued bench warrants following a nonappearance can lead to much larger consequences, such as incarceration or driver's license suspension. Offering more flexible appearance options, like ***flexible scheduling and grace periods for missed court dates,*** can allow court users to fulfill their court obligations alongside all the other obligations they are managing. Equally, courts benefit from higher appearance rates and save on costs stemming from nonappearance.

A Flexible (re)scheduling

What it is

Courts allow court users to choose appearance days and times that are more feasible for them to hold to, or allow court users to reschedule one or more appearances prior to the court date.

How it can improve appearance

Flexible (re)scheduling gives court users some ability to schedule appearances around their other obligations, and a way to avoid a nonappearance when things arise in their lives prior to a court date.

See examples of this practice in our Practices in action section.

General features

1 Court users can choose date and time

Existing flexible scheduling practices allow court users with eligible charges (generally, traffic and low-level misdemeanors) to choose an available day and time during normal docket hours for their appearance. If court users do not opt to schedule their own date, the court sets the date according to the regular practice.

2 Online and offline scheduling options

Court users can schedule online (using one of many scheduling apps) or by calling the court.

3 Court user data collection

The scheduling process can collect information—for instance, the court user's phone number, email address, if they have an attorney, if they need an interpreter—that can help the court confirm with the court user and ensure a successful appearance.

4 Rescheduling options

Courts may allow court users to reschedule appearances by submitting an online form or calling the court.

Key assets

- **User-friendly** ways for court users to request a court date and time, including digital and nondigital options.
- **Court staff** to process and confirm scheduling requests and manage the court docket.
- **A clear policy** about when, how, and why court dates may be rescheduled, which is effectively communicated to court users and their lawyers.

Practice Ratings

EASE OF IMPLEMENTATION — SOMEWHAT CHALLENGING

Flexible scheduling requires active management by court staff.

COST — LOW

Courts can use low-cost, off-the-shelf scheduling platforms. Managing scheduling requests may require additional administrative staff time.

STRENGTH OF EVIDENCE — PROMISING

There are no known studies measuring the effect of flexible scheduling. One court reported seeing a high appearance rate among court users who had set their own arraignment date.[83]

Implementation considerations and challenges

- ***Flexible scheduling*** may be easier for courts with smaller caseloads because of the need to confirm dates with court users and make quick updates.
- Overly complicated or restrictive ***(re)scheduling policies*** (for instance, if the policy applies to too few charges or types of appearances) may be open to too few court users or be too difficult to take advantage of to have a meaningful impact.
- If the ***available appearance days and times*** all fall during regular business hours or a narrow window of time, the flexibility to choose a different date may not help many court users with work conflicts.

B Grace periods

What it is

Offering a designated period of time, or a "grace period," for a person to remedy a missed court appearance by showing up to court before a warrant is issued.

How it can improve appearance

Grace periods allow both the person who missed the appearance and the courts an opportunity to avoid the consequences of issuing a bench warrant. By avoiding a warrant, clearly communicated grace periods can reduce court users' fear following a missed a court appearance, lowering a barrier to them showing up to a rescheduled appearance.

See examples of this practice in our Practices in action section.

General features

1 Length of grace period

Courts offer grace periods of varying lengths, which may be set by statute. Some grace periods last just a few hours, while others range from 2 to 30 days.[84]

2 Grace periods by statute

Some state legislatures have codified grace periods that courts must follow before issuing a warrant for a missed appearance. Most grace period statutes still allow for immediate warrants in certain circumstances, such as when the court user is charged with specific offenses, if there are public safety concerns, whether the court user was charged with a new crime, or if the missed appearance is on a trial date.

3 Grace periods by court

Courts may set their own policies. Informally, individual judges may be more lenient toward people who contact the court or pretrial services and provide what the court considers a valid reason for not appearing.

Key assets

- **Clear guidelines** for determining when a grace period can be applied. These should be shared with all relevant stakeholders.
- **Communication channels** with the court user and their attorney to ensure that the person is aware of their missed appearance and understands the opportunity to remedy it before a warrant is issued.
- **Clear steps** that the court user must take to resolve their nonappearance, including instructions about where they need to appear and the duration of the grace period.

Practice Ratings

EASE OF IMPLEMENTATION ····· **EASY**

Courts and judges have the ability to delay issuing a warrant with minimal steps, and do not require a statute to implement a grace period.

COST ····· **LOW**

Grace periods can lead to cost savings for courts, shielding them from having to process warrants and set additional court dates. However, there may be administrative costs related to delaying the warrant issuance and rescheduling hearings for those who contact the court within the grace period.

STRENGTH OF EVIDENCE ····· **LITTLE TO NO EVIDENCE**

There are no known studies on the impact of grace periods on appearance or related factors (e.g., fear of arrest or perceptions of procedural justice).

Implementation considerations and challenges

- ***Post-nonappearance reminders:*** Timely text messages sent right after a missed court appearance can help people act during the grace period. Following the research on mitigating court users' fear, messages should use neutral language, provide clear and actionable next steps, and emphasize that the person will not be arrested if they show up during the grace period.
- ***Court discretion:*** In states without laws requiring immediate warrants after nonappearance, courts can set grace period terms that are relevant for their jurisdictions. In jurisdictions with statutes in place that set a minimum grace period, courts may have discretion to extend it.
- ***Judicial discretion:*** While judges often use their discretion on the length and conditions of grace periods, a clear court-wide or countywide policy is best practice to 1) ensure accidental bias does not result in disparities; and 2) accurately measure the impact of a grace period.

Practices worth more attention

Block scheduling

Block scheduling, when courts implement shorter windows of time for hearings, can reduce wait times and increase efficiency.[85] Court users, victims, and witnesses (including police) often spend hours waiting for their cases, causing substantial disruption to their day. Instead of scheduling one docket that begins at 9 a.m. and runs throughout the day, courts can schedule court users for shorter windows of time to reduce waiting and allow people to better forecast the time needed for court.[86] Orange County District Court in North Carolina plans to implement block scheduling. Instead of scheduling only one morning and one afternoon session, this court will schedule hearings in shorter 1.5-hour blocks.[87] Schedulers will stagger blocks with private and public counsel to ensure lawyers will not be double-booked in two courtrooms during the same block.[88]

Flexible court hours

Some courts are experimenting with holding dockets in the afternoon and evening to make appearing easier for those who have obligations during normal court hours. While warrant resolution events held on evenings and weekends have been successful,[89] it is unclear if holding regular court sessions outside of typical docket hours would make appearance easier for enough court users to justify the cost. For instance, a civil and family court pilot in the U.K. had good uptake and found (via self-report) that the expanded schedule reduced the time court users had to take off work to appear, though the study did not examine impact on appearance rates.[90]

Practices to support court appearance

PRINCIPLE 4:

PROVIDE USEFUL RESOURCES FOR THOSE WHO NEED THEM

Some court users need ***basic resources*** like transportation, early representation, childcare, and more. Courts and system partners can work to lower these barriers to appearance, which in turn will help prevent case delays and improve court efficiency. Providing such meaningful resources entails not only making resources *available* but also making them *accessible and easy to use*, without costing court users more in time and effort to take advantage of them.

With regard to more complex challenges like homelessness, chronic poverty, mental illness, drug and alcohol addiction, and other physical and behavioral health challenges, courts can focus on twin goals: 1) ***minimizing the potential for the pretrial process to be further destabilizing*** and 2) creating ways that the pretrial experience can ***connect the court user to resources that can address critical needs.*** To provide support, courts can use proactive, personalized strategies to assist people in navigating both their court obligations and their larger life challenges. Providing case management with wraparound services is an example of a broad practice that courts can leverage.

A Transportation assistance

What it is

Helping court users get to court by directly providing transportation assistance to the courthouse or making public transportation and rideshare services more accessible.

How it can improve appearance

For some court users, a lack of affordable or accessible transportation makes it difficult or impossible to get to court. Public transportation is a more affordable option, yet it is often unreliable, inaccessible, or inconvenient, and may require complicated logistics. The alternative of rideshare services can be more convenient yet cost prohibitive. They are also inaccessible for people without smartphones. Programs that help court users secure ***rideshare services*** *to court could make showing up significantly easier, but administrators have struggled to implement them efficiently. The simplest way to assist court users,* ***providing public transportation subsidies,*** *may do little to reduce nonappearances on its own, yet coupling these subsidies with reminders could help improve its effectiveness.*[91]

See examples of this practice in our Practices in action section.

General features

1 Coordinating free on-demand rides with rideshare services

This can be done by arranging transportation directly for the court user via Lyft or Uber. Generally, these rides are coordinated and paid for by the public defender's office, pretrial services, or bail funds. On-demand rides may be offered for other court-related appointments besides scheduled appearances, including trips to pick up monitoring equipment or in-person probation appointments.

2 Connecting court users with local transportation assistance programs

Some jurisdictions have free or low-cost shuttles that can transport court users. These services are often created to help under-served populations, such as homeless individuals or people living in rural areas. Courts can help connect court users with these services and ensure that they know how to access them.

3 Providing funds to cover transportation costs (vouchers)

In some cases, court staff, including pretrial services, jail staff, or the public defender office, give out vouchers or gift cards to help court users cover the costs of transportation (rideshares, gas, parking).

4 Providing public transportation subsidies

Some courts provide free transit cards for buses, subways, or other public transportation assistance. These programs will be most useful where convenient public transportation systems exist and are easily accessible for court users.

Key assets

- **Administrative staff time:** Booking rides for court users through rideshare services requires significant staff time. For instance, in implementing the Client Ride program (see example in the Practices in action section), Hennepin County has learned that substantial time is needed to communicate with the defense attorney who requests the ride for their client, coordinate with the court user, and confirm whether the ride was successful.[92] Other methods of transportation assistance that are not arranged on a case-by-case basis typically require less staff time (for example, giving people vouchers for rideshares).
- **Clear access points and distribution partners:** Regardless of the type of transportation assistance offered, courts should offer multiple entry points for court users to access those services. All court actors (court staff, pretrial services staff, jail staff, public defenders, etc.) should be aware of the available services and able to provide information about those services (or even distribute transportation vouchers directly). Courts can also leverage partnerships with community organizations that frequently interact with court users (including shelters, mental health providers, religious institutions, etc.) to distribute information about transportation services and help court users access them.

Practice Ratings

EASE OF IMPLEMENTATION • • SOMEWHAT CHALLENGING

Implementing robust transportation assistance programs requires significant coordination between multiple parties. While providing vouchers or subsidies requires less logistical and administrative effort, ensuring that court users are successful in accessing and redeeming the vouchers may require follow-ups and individualized assistance.

COST • • • • • • • • • • • • • • MEDIUM TO HIGH

Fully covering transportation for court users who live further from the court or need on-demand rideshares can be costly. Additionally, significant staff time is needed to coordinate many transportation programs, as described above. Subsidizing transport with public transit passes, gift cards, or vouchers is a less costly option, as is directing court users to existing transportation assistance programs.

STRENGTH OF EVIDENCE • • PROMISING

A Seattle study providing free public transit cards to court users found little evidence that these subsidies alone affect court appearance. Yet subsidies may be more effective if bundled with other resources or support, such as reminders.[93] A forthcoming study in Massachusetts found that using court staff to arrange rideshare transport was not an effective process.[94] However, there is anecdotal evidence from practitioners that providing transport assistance helps court users get to court. See examples in the Practices in action section.

Implementation considerations and challenges

- ***Access to smartphones for rideshare services:*** Court users need a working smartphone to access the rideshare app and claim their free rides, making this sort of program inaccessible for some court users (especially low-wealth and unhoused individuals). For those without phones, giving out transportation vouchers may be a better option.
- ***Efficiency and convenience:*** Specialized ride services for court users should have convenient pickup locations (if not at the person's home) and offer pick-ups over a large area (e.g., a radius of 30 miles or more). Schedules for the rides should align with court hearing times or be flexible. Courts and partners can also make the ride programs easier to access by having streamlined reservation processes and allowing for last-minute reservations when users need flexibility.
- ***Minimizing steps for court users:*** It is important that courts offering vouchers or other forms of transportation assistance make these resources easy to access. This includes handing out vouchers at multiple locations, requiring minimal steps to redeem the voucher, and avoiding extra verifications or administrative steps.
- ***Iterating on logistics:*** When coordinating rideshare programs, courts should be prepared to experiment with the best way to run operations. It will take substantial time and effort to find the best system for booking rides, communicating with court users, managing the tech platforms, etc.
- ***Bundling with reminders:*** The effectiveness of any transportation program depends on court users knowing their court date. Outreach, whether sending reminders or actively coordinating transport, helps to keep the court date top of mind and prompts court users to access these services. For those with more complex needs, support services and outreach may need to be bundled with transportation.

B Early access to counsel

What it is

Early representation or counsel-at-first-appearance programs provide court users who cannot afford a private attorney access to quality legal representation at, and ideally prior to, their first appearance before a judicial officer. These programs are led by defense providers but require support and buy-in from the court system.

How it can improve appearance

Having representation may improve a court users' sense that proceedings are fair and can increase their motivation to follow the court's orders.[95] *Being able to speak with their advocate may additionally reduce fear and confusion that may prevent court users from showing up to court.*[96] *Bringing in defense counsel earlier may additionally reduce nonappearance through efficiencies—cases may be resolved more quickly, resulting in fewer hearings, and excessive continuances may be avoided.*[97] *Depending on the program, robust early representation programs can also connect court users with supportive services (like transportation, case management, mental health support, and more) that may help them successfully participate in future appearances.*

See examples of this practice in our Practices in action section.

General features

1 Critical stage

Attorneys provide counsel to court users not able to afford representation at an early hearing that represents a "critical stage"—which is likely to be a bail hearing or arraignment but may be another early hearing.[98]

2 Attorney role

The assigned attorney advocates for the court user's rights and serves as a critical early source of information and advice for the court user. Depending on when the counsel is engaged and whether they continue with the case, the attorney may also work to secure pretrial release and investigate the facts of the case.[99]

3 Court user support

More robust early representation programs may include additional services to directly help court users show up (such as reminders and help with transportation) and case management. They can also connect court users to supportive services to help them meet basic needs (like housing and mental and behavioral health support).

Key assets

- An **existing system** providing defense attorneys to those who cannot afford private counsel, preferably before arraignment.
- **Processes** to ensure quality, timely, and private communication between court users and the attorney representing them prior to the first appearance.[100]

Implementation considerations and challenges

- ***Client identification and initial connection:*** Court users who are cited and not detained in jail may be more challenging to connect with. Contra Costa County, California, (see example in the Practices in action section) has had success in partnering with the police department to distribute cards describing their early representation program to individuals being cited and released.[101]
- ***Monitoring case outcomes and processes:*** After adopting a counsel at first appearance system, more cases are resolved prior to arraignment, avoiding the case process and journey case all together.[102] Courts should monitor key outcomes, like appearance rates and case resolutions (via guilty plea, charge reductions, or dismissals) at first appearance, and gather feedback from court users and court system partners to ensure that the system is not prioritizing efficiency over fairness.

Practice Ratings

EASE OF IMPLEMENTATION • • SOMEWHAT CHALLENGING

Depending on the design of the program, early access to counsel may require significant changes to case processing flows, scheduling, and defender assignment. It may also require additional supportive services. Case studies show that jurisdictions are generally able to design programs that work within their systems.

COST • • • • • • • • • • • • • • MEDIUM TO HIGH

Costs are generally related to additional defender and administrative staff time. Some of these costs may be recouped through efficiencies created by the program, such as reducing hearings and overall time to disposition.

STRENGTH OF EVIDENCE • • PROMISING

At least two efforts to study early representation and counsel at first appearance programs have found anecdotal evidence that the programs reduced nonappearance. Possible reasons cited included court users' increased confidence in the proceedings[103] and, in the case of a more robust program, the additional supportive services and communication that participating court users received.[104]

C Wraparound support with case management[105]

What it is

A provider coordinates resources and services addressing court users' vital needs (for example, mental and behavioral health treatment and housing) while also helping them appear in court and meet other pretrial obligations. It may be provided through the public defender office, a non-profit contracted by the courts, an embedded pretrial services agency, or a community bail fund. It may be optional or court-ordered and may be separate from or part of a diversion program.

How it can improve appearance

Having support addressing immediate needs can help court users prioritize their appearances while reducing the mental, financial, and logistical burdens of showing up to court. Having consistent guidance and support throughout the process may also increase court users' trust and confidence in the court system and reduce their fear of going to court.

See examples of this practice in our Practices in action section.

General features

1 Needs addressed

Programs typically serve court users with a range of intersecting challenges—substance use disorder and mental illness, other medical needs, housing instability, employment, benefits eligibility, and more.

2 Individualized support

Typically, a formal assessment process identifies a court user's particular needs and circumstances, allowing the provider to design a fitting combination of services and resources. Many programs specifically follow a risk-needs-responsivity (RNR) model and adapt the level and type of support as a client's risks and needs change throughout their engagement.[106]

3 Coordinated service provision

Rather than simply providing referrals, case managers are generally more hands-on in coordinating services and resources, both working with partner organizations and tapping in-house resources (such as programming, vouchers, peer mentorship, and more) to remove delays and other barriers to access. Programs typically take a team approach, combining a case manager, social worker or other clinicians, peer mentors, legal advocates, and even family members.

4 Support and accountability for attending court appointments

Programs often provide court date reminders, help clarify legal requirements, and help the court user get to their appearance, either transporting them directly or helping them connect to a virtual appearance. Depending on the client's court-ordered conditions and the type of agency providing case management, the provider may update the court on the court user's status, reporting noncompliance to the court and issuing sanctions for any violations.

5 Proactive and continued outreach to clients

A key part of case management is making and maintaining contact with clients, since court users involved in these programs may often drop out of touch due to a variety of factors (lost or stolen phones, relapses, medical and other emergencies, etc.). Programs report spending much time and effort and needing to use multiple channels (calls, texts, in-person outreach, contact through family members, and more) to maintain engagement.

Key assets

- **Buy-in and effective collaboration among many partners:** To run smoothly, programs require the support of all court system partners (the judiciary, defense bar, prosecutor office, law enforcement, and local jail staff) in addition to other service providers and community partners. Programs must also have methods of efficiently sharing key information about what clients need and the services they use, which may require new and bespoke information management systems.
- **Specialized staff:** Per the team approach, programs require multiple staff with significant technical expertise and the ability to develop strong rapport with clients. Because individualized support is necessary, programs need a relatively low client to case manager ratio.
- **Available services and resources:** Program effectiveness depends on being able to quickly connect court users to an array of local treatment and other services, which are often oversubscribed or may not exist in underserved areas. If local services do not exist or do not have sufficient capacity, programs with available funding must develop and run them in-house.
- **Rapid client identification and connection:** To have the highest chance of reducing court nonappearance, programs must engage court users early, prior to their first appearance.[107] Programs may partner with law enforcement to identify potential clients at first contact and gather relevant information to share with the program provider or use strategies to identify clients prior to their release from detention. Pima County, Arizona, for example, uses its jail population review committee to identify those with high needs prior to their release and make a plan for how to leverage local services to support them.[108]
- **Flexibility:** The most responsive programs create ways to address individual needs, even if they are not covered by formal services. Programs must have both the flexible funding to cover unanticipated needs and creative, proactive staff to identify needs and quickly devise

solutions. For instance, to get around a lack of rapid temporary housing options, San Francisco's Pretrial Diversion Project (see example in the Practices in action section) has a dedicated block of rooms at a nearby hotel that allows the program to quickly provide shelter to clients and maintain engagement with them.[109]

Implementation considerations and challenges

- ***Choice of provider:*** Research into probation and parole practices for individuals with mental health challenges has found that more intensive monitoring by court-based pretrial agencies, even when there is an explicit focus on supporting stabilization, recovery, and safety for high-needs clients, may increase pretrial failures.[110] This is likely due to the challenge officers experience in shifting away from a compliance-focused approach while delivering court-ordered supervision, as well as increased opportunity for officers to observe violations due to increased engagement with clients.[111] While no similar research into pretrial monitoring has been found, these findings suggest that case management provided by the defense bar or community programs may be more effective at producing results that could lead to higher appearance rates. Court users are more likely to trust these providers and engage with them without fear of being punished for lapses. Regardless of the main provider, leading practices appear to put social workers, clinicians, and peer specialists in the lead roles for case management and service provision and ask pretrial service officers to take a secondary role in monitoring and reinforcing the plan of care.

Practice Ratings

EASE OF IMPLEMENTATION · **CHALLENGING**

These programs require extensive resources to develop and depend significantly on partners and local resources that are out of the court's direct control.

COST · · · · · · · · · · · · · · **MEDIUM TO HIGH**

Unless court systems already have many of the building blocks in place (for instance, an existing mental health–focused defense program that can be expanded), the direct cost to start and run such a program is likely to be high.

STRENGTH OF EVIDENCE · · **PROMISING**

No known studies have rigorously measured how programs providing case management and wraparound services for court users affect court appearance rates. However, when case management focuses on criminogenic risks and other needs, it can support justice-involved individuals who have mental and behavioral health challenges.[112] Providers, researchers, and clients of programs included as examples in the Practices in action section have named several possible factors as ingredients for program success: a supportive, nonpunitive approach focused on stabilization and recovery rather than compliance; buy-in and engagement of the judiciary and defense attorney; rapid client identification and provision of services; proactive client engagement and rapport building; and effective data management.[113]

- ***Streamlining information sharing:*** Jurisdictions are exploring ways that technology can support efficient information sharing and cooperation among stakeholders, while protecting court users' right to privacy.[114] For instance, in King County, Washington, a client-level integrated health and human services data system compiles relevant data from health, criminal legal, and housing sources, with the goal of improving care coordination for individuals with mental illness who continuously cycle through jail. The system also enables greater analysis of outcomes and costs.[115] In Johnson County, Kansas, an app called My Resource Connection (MyRC) compiles all county human services data (with restrictions to maintain confidentiality). Case managers can view services their clients have used and access resources like maps and transportation information to provide to clients.[116]

Practices worth more attention

Meet court users in convenient and comfortable locations

Increasingly, courts are meeting people where they are or where they will feel safer and more comfortable, making it easier to appear and resolve their cases.

- Salt Lake City's municipal court has pioneered a ***kayak court*** program, where each month a group comprising a judge, social workers, and defense attorneys travel by kayak to riverside homeless encampments. Individuals with municipal court cases who consent to the process can have their hearing held on the spot, and the judge is often able to resolve the case at the same time.[117] On average, each kayak court session serves 12 court users and 23 total cases.[118] Because social workers are part of the volunteer team, in addition to resolving cases and outstanding warrants for those who might otherwise not appear in court, kayak court also offers connections to other services (like housing and employment) that can address vital needs and help build stability.
- Courts hold warrant-clearing events in ***churches, community centers, libraries, bus stations, and even open lots*** to improve access to justice and encourage people to attend in the community. See page 27.
- Courts are experimenting with ***in-person outreach to those who are challenging to reach*** by phone, text, email, and mail. New tactics include using face-to-face interaction to remind them of court dates, respond to questions, and even resolve their hearing. This is already part of some diversion and case management programs, and one study found that a street outreach program designed to locate and maintain contact with youth court users had some success in reducing failures to appear.[119] However, it is difficult to draw more general conclusions from the existing research about which outreach strategies may work best in which situations.
- Courts can also work with ***shelters and other service providers*** to get reminders and other important information to court users. This leverages both the frequent contact that these providers have with court users who otherwise may not have reliable access to phones or a physical mailing address, and the support that case workers can provide in helping people take necessary steps to prepare for their court dates. Recent work in Shasta County cautions that the success of this approach depends on context-specific factors, like service providers having relatively consistent communication with clients.[120] Where this is possible, partnering with service providers could be a helpful outreach strategy.

Diversion for court users with specific challenges

While studies of diversion models generally focus on metrics like recidivism, programs that streamline the process for specific populations also reduce the number of hearings at which court users must appear, eliminating future nonappearance issues. For example:

- ***San Diego, California:*** The country's first homeless court, San Diego's homeless court is a voluntary pure dismissal model, resolving eligible misdemeanors in a single hearing

held at participating homeless shelters, provided that court users meet with a public defender and work with case managers or shelter staff to complete any court-ordered rehabilitative activities (like signing up for social services or applying for permanent housing) prior to the hearing.[121] An evaluation found that the court had an average appearance rate of 50%, but that 96% of cases heard were resolved in one hearing,[122] and participants were more likely to show up if they had met with a public defender the week prior.[123] Nearly all participants interviewed for the evaluation said that they would not have appeared at a regular court hearing, and the majority said that after their homeless court experience they had less fear of the police and were more likely to handle any future criminal matters through the traditional court.[124]

- ***Dane County, Wisconsin:*** The Community Restorative Court diverts young adults (17–25) charged with low-level offenses away from the traditional criminal legal system and seeks to improve racial equity through a restorative justice process that holds the court user accountable for repairing harm done.[125] Trained community peacemakers facilitate this voluntary program outside of the courtroom, where the parties enter into a "Repair Harm Agreement." In 2020, the Community Restorative Court reported that 92% of participants successfully completed diversion, thereby avoiding the typical court process.[126]
- ***Toledo, Ohio:*** An example of limited engagement diversion, the Municipal Court Diversion Program is an alternative resolution program targeting court users with mental health or substance use challenges who cycle through the system on multiple low-level charges.[127] Referred participants have charges dismissed and need not appear in court after completing a 3.5-hour class focused on strategies to access community resources, and can go through the program multiple times.[128] The program has an overall 52% completion rate.[129]

Childcare

Several court systems contract with non-profits to provide free childcare at or near the court for those needing to appear (court users, complainants, witnesses, etc.) and others who have business at the court. Though not rigorously studied, these programs' growth and staying power (San Francisco's Children's Waiting Rooms first opened in 1991,[130] New York's Court Children's Centers have been in operation since 1994)[131] suggest such services provide a valuable service to court users. Programs provide a safe environment and enriching activities for children while their caregiver is at court, and accessible programs service a wide age range (New York's Court Children's Centers accept children aged six weeks through 12 years); allow drop-offs with no pre-enrollment or registration requirements; and have operating hours that fully cover the time caregivers may need to spend at court. These programs may be especially valuable to caregivers of color who need an affordable childcare option; in the fiscal year prior to the COVID-19 pandemic, Mecklenburg County's childcare program, Larry King's Clubhouse, served nearly 6,000 children, of which 90% were children of color.[132] Court-based childcare can be another point of access for other resources as well; for instance, Larry King's Clubhouse helps to link children and families to needed social services.[133]

Practices to support court appearance

"BEYOND THE COURT" PRACTICES

While this report focuses on practices that courts can implement under their own authority, there are also promising practices for appearance that require additional stakeholder involvement. Should courts wish to collaborate with their system partners to reduce the criminal legal system footprint, options include the following:

- **Decriminalizing** behaviors linked to substance use disorder and homelessness that do not significantly impinge on public safety has the potential to alleviate multiple challenges facing criminal court systems.[134] Many states have decriminalized forms of drug possession, some jurisdictions assist unhoused people instead of prosecuting them for crimes related to their homelessness, and states may also consider decriminalizing bail jumping statutes that can further exacerbate the deleterious effects of nonappearance.
- **Pre-booking or pre-arraignment diversion programs** avoid a criminal charge altogether and are typically available to those detained or arrested for drug use or low-level "quality of life" charges (for example, vagrancy, loitering, public intoxication). Such programs can be primarily led by the police, prosecutors, and even the jail, often in partnership with other court actors.
- **Housing First initiatives** that provide permanent housing can prioritize court users, and courts can consider ways to provide temporary housing or directly link court users to existing options.

See examples of these practices in our Practices in action section.

Priorities for further innovation

The examples in this report showcase courts actively working to improve pretrial success by making court appearances efficient as well as accessible and meaningful for court users. However, the relatively scant evidence pointing to which practices make a substantial difference in appearance rates, and for which court users, makes it difficult for courts to build a coherent, evidence-based strategy to improve appearance in their jurisdiction. That said, courts should not be wary of trying practices with little or only anecdotal evidence to date; rather, they should implement what is feasible for their court and have an evaluation plan in place.

To continue advancing, experimentation with rigorous research and evaluation need to go hand in hand—both to increase knowledge across the field and to support courts in adopting practices to achieve their specific goals for improving appearance. Evaluation should elevate appearance as an important outcome and look more deeply at practice design and implementation to better understand how practices produce certain outcomes. The practices reviewed for this report point to a few key considerations for both courts and research partners:

- ***Useful evaluation will take greater partnership between courts and researchers*** and will require courts to improve their ability to measure and track appearance information (for example, updating case management systems to effectively measure nonappearances instead of only the issuance of warrants, which may or may not occur after a missed court date).
- Particular focus should go toward ***understanding and addressing inequities in appearances.*** A first step is measurement—documenting and tracking appearance rates across race and ethnicity, gender, those qualifying for representation by public defenders, those with an indication of mental or behavioral health needs, and other important dimensions. (Notably, for instance, research for this report found no known studies looking at appearance rates or practices related to court users with low English proficiency, or those with physical disabilities.) Courts should then look more closely at which barriers to appearance are especially prevalent for their court users and identify those disproportionately burdened by appearance as well as disproportionately penalized for nonappearance. This understanding should be the basis for selecting and designing practices to implement. Evaluation should then aim to determine not just what works to support appearance, but how and for whom.
- Some courts have taken important steps to build trust through deeper ***engagement with court users and the broader community,*** often focusing specifically on engaging Black, Indigenous, and People of Color (BIPOC) communities. Examples include developing an equity team to create strategies to reduce disparities, build trust, and strengthen community voice in court practices (Lake County, Illinois); hosting community dialogues through meals and other events (Dane County, Wisconsin; Minnehaha County, South Dakota); and sub granting to community organizations (Milwaukee County, Wisconsin). Additionally, ***culturally responsive practices*** aim to reduce bias and harm while recognizing assets and opportunities stemming from court users' identities and the surrounding community. This

may include increasing both representation and cultural sensitivity among staff, incorporating cultural values and practices into the design of court practices, and coordinating with local culturally centered organizations that may provide supportive services to individuals during their court involvement. As one example of the latter, Pennington County, South Dakota, is exploring ways to partner with I. Am. Legacy., a local non-profit that provides prevention, intervention, outreach, and healing services rooted in Lakota values, to support court users with Indigenous heritage in navigating the criminal legal system.[135] Overall, such initiatives recognize the identities, lived experience and expertise that court users and affected community members hold. We hope that next steps explore how these efforts may influence court users' participation in court processes, including appearances.

- Efforts to support appearance must also ***prioritize court users' perspectives.*** Courts' goals and approaches for improving appearance are, naturally, framed in terms of their overall priorities, existing structures, and constraints. Research into the effectiveness of specific practices and guidance about which practices are worthwhile investments—including this report—generally reflect the courts' perspectives only. In designing and evaluating practices to support appearance, courts and researchers can also focus on ***outcomes that are meaningful for court users and the community.*** For instance, Salt Lake City's Justice Court has asked court users appearing virtually how much they saved in terms of meaningful metrics like gas costs, available working time, and childcare costs by not having to appear; the court is also considering ways to estimate additional community benefits, like reduced carbon emissions.[136] Courts can build on efforts like these to engage court users and their communities more meaningfully.

Where we go from here

Improving court appearance is vital: it moves cases forward to serve justice, saves time and money for all, and prevents people from getting snarled in the system. Yet we're increasingly learning that relying solely on the traditional approach to fixing nonappearance—punishing people who miss court—simply cannot fix the problem. Court users lead complex and demanding lives; what they need to meet their obligations are the resources and supports to match those realities.

The good news is this can be—and is being—done. Many courts have already started to make changes and see progress. In fact, all courts have the power to actively improve appearance rates. To do so requires courts to envision a new path forward—one where things are done differently, and new approaches achieve better results.

As new solutions are explored, we urge courts to ***start with the premise that court users want to meet their legal obligation to attend court.*** And, with additional help to address known barriers, many more people will be able to consistently show up. We also urge ***courts to be bold.*** The legal system, by nature, is rooted in precedent—yet to solve a problem like court appearance, we need to adopt new methods and imagine processes to better serve the system and court users.

This report uplifts the change that courts are already creating, to the benefit of both the system and people who use it. Whether courts are just beginning or are already building on existing efforts, the practices included here provide a ***menu of options for courts to pilot, evaluate, and implement.*** We hope this report inspires action and makes it easier for courts to understand each practice and connect with other courts, system partners, and researchers. Improving appearance is a priority across the country, and doing so leads to greater savings, improved efficiency, and safer, healthier communities.

Appendix A: Practices in action

PRACTICES IN ACTION MAKE INFORMATION CLEAR, TIMELY AND ACCESSIBLE

A Reminders

Text-message reminders have been implemented across the country:

- ***New York City (one-way):*** A randomized controlled trial evaluated one-way text messages for low-level ticketable offenses, finding that they reduced nonappearance by 21% for those who received a reminder.[137] Messages using language about consequences and plan-making were the most effective, reducing nonappearance by 26% (from 38% to 28%).[138] When combined with a missed court date reminder, the number of open warrants 30 days out fell 32% (from 24% to 17%).[139] The researchers found evidence that the interventions were almost doubly effective for court users living in the bottom quintile of neighborhood wealth.[140]
- ***City not reported (one-way/two-way):*** A randomized controlled trial in a large county's traffic, criminal misdemeanor and municipal court compared one-way reminder texts with two-way texts offering personalized assistance.[141] The interventions were equally effective, each reducing nonappearances by about 39%. The one-way (reminder-only) text intervention improved criminal justice outcomes by slightly increasing not guilty findings and case dismissals, while the two-way (assistant) intervention increased court date rescheduling. Both interventions reduced warrants issued, arrests, and fines and fees paid for those cases where nonappearance triggers automatic conviction.
- ***Tulsa, Oklahoma (two-way):*** The Tulsa County Public Defender's Office partnered with a community mental health center to use Uptrust software to send two-way messages to remind clients of upcoming court dates, facilitate transportation, and connect clients with a case manager.[142] Although Tulsa County could not provide a baseline nonappearance rate before implementing messages, in the first year of implementation, only 9% of the 16,000 cases in which reminders were sent resulted in a nonappearance.[143]

Live-calling reminders were found to be effective in King County, Washington, in 1998-1999,[144] and have since been used for over two decades in jurisdictions across the country, including Coconino County, Arizona,[145] Jefferson County, Colorado,[146] and:

- ***New York, New York:*** A rigorous evaluation found that live call reminders had a statistically significant effect on nonappearance rates.[147] Following the intervention, the overall nonappearance rate was 12%, a 37% reduction compared to those who did not receive any reminder phone calls.[148] The longer the time between arrest and arraignment, the more these reminders helped court users.[149] The study found greater effectiveness for people of color, with average nonappearance rates decreasing from: 22% to about 12% (44.9% reduction) for Hispanic participants and 22% to 15% (30% reduction) for Black participants.[150]

- ***Lafayette Parish, Louisiana:*** A pilot project found that law enforcement officers making reminder calls five to nine days before a court date increased appearance rates from an average of 48% to an average of 62%.[151]

Automated calls, notably implemented in ***Multnomah County, Oregon:***[152] A quasi-experimental evaluation found that automated reminder calls before the court date resulted in the nonappearance rate falling from 29% to 17%.[153] Compared to the pre-program comparison group, participants experienced a 41% decrease in nonappearance.[154]

Postcards: A study published in 2013 on postcard reminders in ***Nebraska*** found that court nonappearance rates fell from 13% to 10% across postcard reminders of any type, with reminders that included content about consequences for nonappearance proving the most successful with about an 8% nonappearance rate.[155]

Emails: A 2016 study in ***Hennepin County, Minnesota*** found that email reminders alone reduced nonappearances from 11% to 9%, and that a greater reduction happened when the courts used email, text, and call reminders together: the combination yielded a nonappearance rate of 7%.[156] While emails reminders enjoyed a high success rate of delivery (79%), fewer people received emails due to low email address obtainment.[157]

B Behaviorally designed court forms

- ***New York, New York:*** Researchers redesigned the summons form for low-level criminal offenses and rigorously measured impact using a regression discontinuity design.[158] The redesign made critical information salient: for example, by changing the title from "Complaint/Information" to "Criminal Court Appearance Ticket"; moving the date, time, and location of the appearance from the bottom to the top of the form; and making the consequences of nonappearance clear.[159] This form redesign reduced nonappearance by 13%.
- ***Harris County, Texas:*** Harris County's Criminal Courts at Law redesigned all court user–facing communications with a behavioral lens to help people better understand, remember, and go to court.[160] Although statutes required that certain legal language remain in some of the forms, the redesigned forms placed the critical court date information at the top of the documents and also included boxes with helpful information about the court date.

C Post-arraignment meetings with court users

- ***New York, New York:*** New York City's Criminal Justice Agency (CJA) piloted the Court Appearance Pilot Project (CAPP), which consisted of a post-arraignment meeting and a planning phone call attempt, over six months across 2018–2019. A rigorous evaluation found that court users who participated in this program were 32% less likely to not appear

in court during the remainder of their case, compared to a control group not offered the program.[161] The results were strongest for those who received both parts of the intervention (both the post-arraignment meeting and the follow-up planning call.)[162] The program and the evaluation were able to leverage three key existing resources: 1) trained CJA staff to facilitate the meetings and phone calls, 2) infrastructure for calling and sending text-message reminders to court users, and 3) a strong data management system.[163]

PRACTICES IN ACTION REDUCE LOGISTICAL CHALLENGES

A Virtual appearances

Note: The first four examples below reference appearance data from early in the COVID-19 pandemic, when many factors may have affected court appearance rates (including fewer hearings held and more dismissals) aside from the offering of virtual hearings.

- ***El Paso, Texas:*** Virtual appearances from April 2020 through 2022 show about a 68% decrease in nonappearances, with approximately 1110 warrants averted.[164]
- ***Michigan:*** When the state began using virtual hearings, the nonappearance rate fell from about 11% in April 2019 to less than 1% in April 2020.[165]
- ***New Jersey:*** Data from early in the pandemic showed that the nonappearance rate fell quickly from 20% at the start of March 2020 to less than 1% the week of March 16, 2020, when the state began using virtual hearings.[166]
- ***Maricopa County, Arizona:*** The nonappearance rate for eviction cases in Maricopa County (civil court) decreased from a high of almost 40% in 2019 to a low of approximately 13% in February 2021 after implementing remote appearances.[167]
- ***Washington, D.C.:*** The district offers remote hearing sites where people with limited access to internet or technology can participate in their remote hearings.[168]
- ***Minnesota:*** The Minnesota Legal Kiosk Project is a network of over 250 kiosks stationed in a variety of court, agency, non-profit, and other community locations statewide that help people with limited internet and transportation challenges. The kiosks help users access legal aid services and attend their virtual court hearings in private.[169]
- ***Maryland:*** The state partnered with public libraries to loan laptops and hotspots to court users.[170]

B Reduce appearances

- ***Harris County, Texas:*** In the Harris County Criminal Courts at Law, judges can set two types of hearings: those that require court users' appearance, and hearings where appearance is not required.[171] While requiring fewer appearances can be helpful, leaving appearance to the judge's discretion causes wide variability, with some judges requiring court users' presence at a majority of hearings.[172] Promulgating a local rule or even a state statute identifying which events require appearances is the better choice to ensure consistent implementation across the courts.

C Warrant clearing

- ***Cleveland, Ohio:*** The In the Neighborhood Program holds warrant-clearing events—mostly in churches, but also in community centers and even open corner lots—where those with warrants for minor misdemeanors and traffic issues can meet with court staff and make a plan to address the warrants.[173] Having a public defender at these events increased the rate of compliance with court appearances significantly (50% in 2012 up to 86% in 2013).[174]

- ***St. Louis County, Missouri:*** The court offers a Tap-In-Center where people can go to resolve warrants, learn the status of their case, meet with a lawyer, apply for a public defender, and even access a cellphone.[175] The Tap In Center is hosted at two branches of the St. Louis County Library—friendly and calm places in traditionally underserved ZIP codes where most Black people involved with the county jail system live.[176] Reporting found that "in 17 months, nearly 300 residents were served and more than 300 warrants were recalled."[177]

- ***Atlantic and Cape May Counties, New Jersey:*** The Atlantic and Cape May Superior Courts have offered a Bus Station Outreach Program, held monthly in a bus station, where people can address and resolve bench warrants and connect with social services.[178] Court staff can request a recall of participants' warrants and, if needed, new court dates. Importantly, if the warrant is not eligible for recall, the person is given the opportunity to surrender. If they choose not to do so, they will not be arrested but permitted to leave with information on how to handle the matter on their own.[179] This program has helped well over 2000 court users, built trust between the court and the community, and received overwhelmingly positive feedback from those served and those staffing the events.[180]

- ***Salt Lake City, Utah:*** Kayak Court (also described on page 47) brings social workers, attorneys, and judges directly to riverside encampments, via kayaks, to assist those experiencing homelessness with resolving warrants and open cases. The judge takes up the case right on the river and usually resolves the case that day.[181]

- ***Pima County, Arizona:*** Pima County piloted special warrant resolution court sessions on evenings and Saturdays, with no arrests made at these sessions.[182] Over the first five sessions, the court served over 1,300 people. In total, 470 warrants were cleared and over 460 driver's licenses were reinstated.[183]
- ***Jefferson County, Alabama:*** Jefferson County's "Back on Track" Amnesty Week aimed to offer individuals who had lost contact with the court—particularly during the COVID pandemic—an opportunity to start fresh.[184] The amnesty opportunity only applied to nonviolent felonies, misdemeanors, and traffic violations. During the 5-day period, 571 people met with court staff to discuss their court matter. 276 of those individuals saw a judge, and a total of 465 traffic citations and 152 misdemeanor and felony warrants were recalled or dismissed. Court stakeholders saw increased attendance as the week went on and word of the amnesty events spread throughout the community. Critically, no one was arrested at the events, and the county and city held amnesty events at the same time so that people who mistakenly went to the wrong court could be referred to the other and have their matter resolved.[185]
- ***Douglas County, Kansas:*** In the Douglas County Sheriff's Office, a behavioral health provider conducts a mental health–based warrant review, scanning warrants issued for people who have received mental health services and reaching out to the individual or their case manager to encourage them to contact the court about possible diversion options.[186] If the charges remain, the behavioral health provider helps coordinate treatment and supervision as the individual's case proceeds.[187]

PRACTICES IN ACTION ADD FLEXIBILITY

A Flexible (re)scheduling

- ***Salt Lake City, Utah:*** The Salt Lake City Justice Court offers flexible scheduling via Doodle or phone for arraignments on eligible charges, and the court estimates a roughly 98% appearance rate for those who scheduled their own date.[188]
- ***Harris County, Texas:*** The Harris County Criminal Courts at Law offer those with misdemeanor charges the ability to reschedule up to two regular (nonrequired) court appearances using an online form or by calling the court.[189]
- ***Brooklyn, New York:*** At the Red Hook Community Justice Center, the judge will consider a court user's scheduling needs when setting an upcoming appearance.[190]

B Grace periods

- ***Robeson County, North Carolina:*** Orders for arrest (bench warrants) in the Superior Court are held until the end of the session, usually meaning that the court user has through the end of the week to appear before the warrant is issued. In District Court, a recall system is being used instead of a formal grace period. Court users who receive an Order for Arrest for their first time on a case can file a motion to recall it at the clerk's office at any time prior to an arrest, and they can do so without the involvement of an attorney.[191]
- ***Orange County, North Carolina:*** Orders for arrest may be held for two business days to allow court user to rectify the nonappearance.[192]
- ***Nevada:*** Gives court users at least a 30-day grace period to surrender themselves following the missed appearance, with exceptions in certain instances.[193]
- ***New York:*** Courts are required to wait 48 hours and notify court user or their attorney before issuing a warrant.[194]

PRACTICES IN ACTION PROVIDE USEFUL RESOURCES FOR THOSE WHO NEED THEM

A Transportation assistance

- ***Hennepin County, Minnesota:*** Client Ride offers free Lyft rides to court for people with no reliable access to transportation. To participate, people must have an open court case in Hennepin County and be represented by a public defender. The evaluation of the pilot did not collect data showing an impact on failure to appear rates. However, in a survey of public defenders participating in the pilot, 88% said that the program had reduced barriers to appearance for their clients, and 78% said that it had in fact reduced failure to appear among their clients.[195]
- ***Robeson County, North Carolina:*** The SEATS program was initially created to offer medical-related transportation but, at the request of judicial stakeholders, expanded to offer $2 rides to court and services rural areas that are not served by public transportation. This program is especially helpful given that North Carolina law requires that an individual's driver's license be suspended after a failure to appear on a motor vehicle-related offense.[196] The county is currently distributing informational pamphlets about the SEATS program to court users at their first point of contact with the court and plans to use social media to further promote the service. Anecdotal evidence suggests high usage rates of the program.[197]

B Early access to counsel

- ***Contra Costa County, California:*** Through the Early Representation Program (Early Rep), the Contra Costa Public Defender Office provides representation at arraignment for individuals charged with misdemeanors and also coordinates communication regarding the case and supportive services (like transportation and housing support) to meet clients' acute needs and increase appearance rates. An evaluation found that when eligible court users were successfully contacted by the program, courts issued 75% fewer bench warrants for nonappearance (relative to the baseline rate of bench warrants before the program began). An evaluation found that "ERP clients received pre-arraignment resources, advice, and services to which they otherwise would not have had access in 15 to 25 percent of cases."[198]
- ***Ingham County, Michigan:*** In a pilot program, court-appointed attorneys provided counsel at arraignment and followed the case through to disposition. Compared to the same time period the year before the pilot project kicked off, the county saw 20% shorter cases, and over 13% of cases were resolved before arraignment, often through a reduction to a civil infraction or nonreportable misdemeanor.[199] Anecdotally, formal failures to appear fell, a drop that one magistrate attributed to court users being more familiar and comfortable with the court process.[200]

C Wraparound support with case management

- ***Contra Costa County, California:*** The Holistic Intervention Partnership (HIP) is a collaboration between the Contra Costa Office of the Public Defender and more than ten public and private partners, including county agencies and community-based organizations. An extension of the county's Early Representation program (see description above), HIP manages cases and coordinates services to address intersecting legal and nonlegal needs for court users navigating an array of challenges (substance use disorder, mental health challenges, housing needs, financial hardship, and more). Notable aspects include the integration of legal advocacy with a comprehensive effort to address vital life needs; the extent of services with which HIP coordinates; program duration (court users are enrolled at first contact with law enforcement or while detained, and their involvement with HIP can last throughout their case); and the level of resources HIP case managers can directly provide to clients (such as funds to cover short-term housing needs and direct transportation to court-related appointments).[201] Launched in 2020, by mid-2022 the program had served nearly 300 clients and boasted a nonappearance rate of roughly 12%.[202]
- ***San Francisco, California:*** The San Francisco Pretrial Diversion Project (SF Pretrial), a non-profit working in partnership with the court system, serves clients with high needs via its assertive case management program. The overall appearance rate for those receiving assertive case management is an impressive 71%, compared to an 84% appearance rate for clients with lower risk and need levels who receive no supervision.[203] As a member of San Francisco's Homelessness Response System and the City's first Coordinated Entry Access

Point for housing, SF Pretrial also provides an entry point to housing services for criminal court-involved individuals. The program directly supports clients with an array of housing needs—including temporary housing in a nearby hotel, eviction prevention, housing applications, and more. At time of writing, these expanded services were too new for any indication of impact on appearance rates to be measured.[204]

- ***New York, New York:*** New York City's Supervised Release program gives judges the option of placing court users assessed at moderate risk of nonappearance under supportive supervision, rather than setting bail. A lighter-touch model, supervision includes case management, voluntary connection to social services, and court date reminders, with court users required to regularly report to staff. During the initial rollout, only a limited population was offered supervised release, but the results on appearance were promising: a rigorous evaluation found that participants had roughly the same appearance rate as those in a comparison group, despite spending almost twice as long in the community on release.[205, 206]
- ***New York, New York:*** The Misdemeanor Arraignment Project (MAP), was a pilot program that engaged court users with mental illness and co-occurring substance use disorders.[207] The court user's public defender, a paralegal, and a clinical social worker collaborated to leverage mental health assessments and information in legal advocacy for the court user, while coordinating services and support among community providers and the court user's own network. MAP participants had a 24% reduction in arrests in the year following their involvement in the program, compared to non-MAP clients.[208]

PRACTICES IN ACTION "BEYOND THE COURT" PRACTICES

A Decriminalization

Drug possession: To date, 19 states and Washington, D.C., have legalized possession of small amounts of marijuana, and 27 states and Washington, D.C., have decriminalized small amounts of marijuana.[209] Decriminalization and nonenforcement measures can have a particular impact on people of color, who are disproportionately arrested for drug possession.[210] In 2020, Oregon decriminalized the possession of small amounts of drugs and estimates that its decriminalization measure will decrease racial disparities in drug arrests by 95%. The measure has not been linked to a rise in drug-related arrests (property crimes, for instance, fell in 2021), and data is still being collected on justice and health impacts.[211] Even when laws to prosecute are on the books, "a growing number of district attorneys across the country—from big cities like Brooklyn (NY) or Chicago (IL) to smaller communities like Corpus Christi (TX) or Burlington (VT)—have exercised their prosecutorial discretion and declined to prosecute most low-level marijuana offenses."[212]

Homelessness: Jurisdictions can eliminate or simply not charge people with local ordinances prohibiting actions of everyday life (such as sitting, standing, or sleeping) that unhoused people must do in public spaces. The American Bar Association lists several such measures that can help stop the cycling of unhoused people through the court system.[213] In Los Angeles, California, the LA DOOR program employs a preventative approach that sends nonpolice outreach teams composed of credible messengers to targeted locations to engage individuals in the program, which connects them to case management, physical and mental health care, and substance use treatment.[214] LA DOOR's use of peers for outreach staff is designed to build trust with potential participants, and may help the program engage participants who have had negative experiences with law enforcement.[215]

Bail jumping: All states except Mississippi authorize criminal charges related to nonappearance, often called "bail jumping" statutes. These can carry significant jail time.[216] "It is likely that statutes criminalizing failure to appear most affect those… struggling with poverty, addiction, and institutional racism as all of these groups are highly represented in the criminal legal system."[217] As such, states may consider abolishing these crimes that exacerbate the current consequences for nonappearance or applying them only in rare circumstances, especially for low-level charges and where public safety is not a concern.[218]

B Pre-booking or pre-arraignment diversion programs

Police-led: Diversion allows police officers the discretion to divert individuals arrested for low-level charges related to conditions of poverty, behavioral or mental health, or drug use into a case management program instead of proceeding with booking.[219] Diversion options that occur before the first appearance are likely most impactful on nonappearance rates simply because they eliminate the need for any further appearances.[220] For instance, the Law Enforcement Assisted Diversion (LEAD) program offers prebooking diversion for low-level offenses in 52 sites nationwide and two internationally.[221] Individuals are generally referred to an array of support services aimed at meeting immediate needs and working toward stability. A quasi-experimental evaluation of the initial LEAD pilot in Seattle, Washington found that the program ***lowered the likelihood of re-arrest by 58%,***[222] suggesting that in addition to avoiding the potential for court nonappearance through the initial diversion, LEAD can reduce future court involvement as well.

Prosecutor-led: In 2019, the Suffolk County District Attorney's office in Boston, Massachusetts, led the most far-reaching diversion by ***declining to prosecute 15 common nonviolent charges*** before arraignment.[223] This policy resulted in prosecution rates declining by roughly five percentage points on average for those 15 nonviolent crimes and nearly ten percentage points for nonviolent misdemeanors more generally, though rates for Black court users declined substantially less.[224] In addition to fewer court users being charged and moved through the system, ***nonprosecution has also been proven to prevent future cases***: from 2004 – 2018, the nonprosecution of nonviolent misdemeanors for marginal court users resulted in an astonishing 53% reduction in the likelihood of a new criminal charge and a 60% reduction in the number of new criminal charges over the next two years.[225]

In New York City, prosecutors established Project Reset, which offers diversion for a host of low-level offenses where people (even those with prior records) complete a two-hour class that encourages self-reflection on the behavior at issue and avoid arraignment and an arrest record.[226] Elsewhere, some prosecutors are offering diversion programs that target specific types of drugs (usually marijuana) and treat possession as an infraction. For instance, Harris County's Misdemeanor Marijuana Diversion Program allows eligible individuals to avoid arrest and prosecution for possession of small amounts of marijuana if they complete a four-hour course on decision-making and pay a $150 course fee.[227] In its first year and a half, the program reduced marijuana convictions by 80%.[228]

Jail population review teams seek to understand and address jail overpopulation by reviewing cases eligible for faster resolution, jail alternatives, or simply earlier release.[229] As even short periods of pretrial detention (two to three days) have been associated with increased odds for nonappearance,[230] jail review teams that result in court users' early release could help improve appearances. Additionally, some teams, like Pima County, Arizona's, go a step further by identifying effective release conditions, such as residential housing or treatment, to mitigate nonappearances.[231] Further research has identified the need to explicitly consider race when developing program policies because, as originally implemented, jail review teams can increase racial disparities: one county found that white court users were more likely to be eligible for and recommended for release than Black court users.[232] And although jail review teams have impacted a small percentage of the overall jail population where implemented, feedback from sites suggests that this model shows promise in building collaboration and triggering discourse about the overreliance on jail.[233]

C Housing First

Housing First initiatives, which rapidly get individuals into permanent supportive housing without making sobriety or treatment a prerequisite, point to the profound impact of housing on stability and overall health and well-being, and there are indications that housing can lead to impressive reductions in arrests and jail cycling.[234] Local policy makers and housing providers and advocates should prioritize the needs of court users in the design of housing initiatives. This could involve considering implementations of the established Frequent User System Engagement (FUSE) model and partnering with courts to explore ways to support court-involved people who need housing assistance. For instance, this could include prioritizing court users for rapid placement, tailoring the support they offer to assist with court matters, and improving communication and coordination with court systems. Similarly, even if courts cannot change the local housing landscape, they can lower barriers to appearance for court users dealing with housing instability. Notably, courts may be able to develop short-term housing solutions when other options are not available. San Francisco, California's Pretrial Diversion Project was able to leverage the political will created by the COVID-19 pandemic to pilot a new housing initiative for pretrial supervision clients, offering temporary but significant stays in a converted hotel near the courthouse, with case management and other services provided on-site.[235] During the pilot, clients housed in the hotel had an appearance rate of 97%, higher than the agency's

average appearance rate of 93%.[236] SF Pretrial has since deepened its integration with local housing services by becoming a member of San Francisco's Homelessness Response System and a Coordinated Entry Access Point for housing, as described on page 59.

Appendix B: Practice examples

PRINCIPLE #1 MAKE INFORMATION CLEAR, TIMELY AND ACCESSIBLE

Practice Name	Strength of Evidence	Practice Examples
A Reminders	Strong	▪ New York, NY: **One way text reminders** ▪ City not reported: **One-way/two-way text reminders** ▪ Tulsa, OK: **Two-way text reminders** ▪ New York, NY: **Live calling reminders** ▪ Lafayette Parish, LA: **Live calling reminders** ▪ Multnomah County, OR: **Automated reminder calls** ▪ Lincoln, NE: **Postcard reminders** ▪ Hennepin County, MN: **Email and text reminders**
B Behaviorally designed court forms	Strong	▪ New York, NY: **Summons form behavioral redesign** ▪ Harris County, TX: **Redesigned court notification forms**
C Post-arraignment meetings with court users	Strong	▪ New York, NY: **Court Appearance Pilot Project (CAPP)**

PRINCIPLE #2 REDUCE LOGISTICAL CHALLENGES

Practice Name	Strength of Evidence	Practice Examples
(A) Virtual appearances	Promising	▪ El Paso, TX: **Remote hearings** ▪ New Jersey: **Remote hearings** ▪ Michigan: **Remote hearings** ▪ Maricopa County, AZ: **Remote hearings** ▪ Washington, D.C: **Remote hearings** ▪ Minnesota: **Minnesota Legal Kiosk Project** ▪ Maryland: **Computer loans and internet access**
(B) Warrant clearing	Promising	▪ Cleveland, OH: **In the Neighborhood Program** ▪ St. Louis County, MO: **Tap-In Centers** ▪ Atlantic and Cape May Counties, NJ: **Bus Station Outreach Program** ▪ Salt Lake City, UT: **Kayak Court** ▪ Pima County, AZ: **Warrant resolution court** ▪ Jefferson County, AL: **"Back on Track" Amnesty Week** ▪ Douglas County, KS: **Mental health-based warrant review**
(C) Reduce appearances	Little to no evidence	▪ Harris County, TX: **Court appearance policies**

PRINCIPLE #3 ADD FLEXIBILITY

Practice Name	Strength of Evidence	Practice Examples
(A) Flexible (re)scheduling	Promising	▪ Salt Lake City, UT: **Flexible scheduling** ▪ Harris County, TX: **Case reset request form** ▪ Brooklyn, NY: **Red Hook Community Justice Center**
(B) Grace periods	Little to no evidence	▪ Robeson and Orange Counties, NC: **Orders for Arrest grace period** ▪ Nevada: **30-day grace period** ▪ New York: **48-hour grace period**

PRINCIPLE #4 PROVIDE USEFUL RESOURCES FOR THOSE WHO NEED THEM

Practice Name	Strength of Evidence	Practice Examples
(A) Transportation assistance	Promising	▪ Hennepin County, MN: **Client Ride** ▪ Robeson County, NC: **SEATS program**
(B) Early access to counsel	Promising	▪ Contra Costa County, CA: **Early Representation Program** ▪ Ingham County, MI: **First Appearance Project**
(C) Wraparound support with case management	Promising	▪ Contra Costa County, CA: **Holistic Intervention Partnership (HIP)** ▪ San Francisco, CA: **San Francisco Pretrial Diversion Program** ▪ New York, NY: **Supervised release program** ▪ New York, NY: **Misdemeanor Arraignment Diversion Project (MAP)**

PRACTICES WORTH MORE ATTENTION

User-friendly court websites

- ***Salt Lake City, UT:*** Justice Court website

Court user apps

- ***Monterey, CA:*** CACOURT App
- MyDayNCourt app

Short video addressing fears

- ***Washington, D.C:*** Arraignment court process video

Shortening the time to arraignment

- ***New York:*** Desk appearance tickets

Block scheduling

- ***Orange County, NC:*** Narrower court hearing windows

Flexible court hours

- ***Brentford and Manchester, United Kingdom:*** Flexible operating hours

Meeting court users in community locations

- ***Salt Lake City, UT:*** Kayak Court

Childcare offered at or near the court

- ***New York, NY:*** Court children's centers
- ***Mecklenburg County, NC:*** Larry King's Clubhouse

In-person outreach to those who are challenging to reach

- ***King County, WA:*** Street outreach to youth
- ***Shasta County, CA:*** Deliver reminders via shelters

Diversion for court users with special challenges

- ***San Diego, CA:*** Homeless court
- ***Dane County, WI:*** Community Restorative Court
- ***Toledo, OH:*** Municipal Court Diversion Program

Appendix C: Methodology

This report presents a comprehensive slate of practices that courts can consider using to support appearance rates, including practices with the strongest impact on court appearance rates and practices that deserve more investment and study. This report builds on research initially conducted to inform ongoing bail reform efforts in Harris County, Texas, under the ODonnell Consent Decree, and has been adapted, updated, and extended with funding by the Pew Charitable Trusts to respond to the needs of state and local courts around the country.[237]

Goals and scope of this work

This report aims to synthesize the fragmented body of evidence around practices to increase court appearances nationally by providing an accessible and actionable resource for court system practitioners, administrators, and policymakers. It also seeks to broaden the scope of practices that courts can consider as tools to improve court appearance by including practices that address less well-recognized barriers (like fear and expectation of unfair treatment) as well as more well-known barriers (such as transportation challenges and forgetting).

This work builds off research that ideas42 conducted for Harris County, Texas, to inform the County's bail reform efforts pursuant to the ODonnell Consent Decree.[238] Initial research was conducted between May and October 2021 and was presented to Harris County in *National Best Practices to Reduce Nonappearance in Misdemeanor Court* (not yet released publicly, hereafter referred to as "Harris County report"). Recognizing the potential value to the field of a comprehensive guide to the state of practices aiming to support court appearance, in fall of 2022 ideas42 partnered with the Pew Charitable Trusts to adapt the Harris County report for a broader audience on a national scale.

ideas42 updated and expanded upon the initial work done for Harris County to produce this report, aimed at a national audience of state and local courts and their system partners as well as organizations that support innovation in court practices (membership associations, researchers, and funders). This second round of research and analysis took place in late 2022 through early 2023. The expansion focused on broadening the types of practices included and identifying relevant practices that had not yet been implemented or studied when the initial research was conducted. In adapting the report, we also updated practice descriptions and relevant evidence where possible, and put all practices reviewed through a rigorous assessment process to arrive at the final set of practices to be included.

Research process

To identify practices to feature, we conducted a broad scan of the landscape of practices that state and local criminal courts in the U.S. have used to support appearance rates. We reviewed academic and gray literature on court appearances, including reports from courts and organizations that provide technical assistance to courts. In total, this literature review included 285 sources. We interviewed 34 practitioners and researchers, including leadership and staff from nine courts and pretrial organizations

representing jurisdictions in eight states, spanning across the Northeast, South, Midwest, Southwest and West Coast. Interviewees shared information about practices with which they had direct experience and helped us discover new practices. Whenever possible, we reviewed multiple sources for each practice, and sought to corroborate what we learned from practitioners with published sources.

We included practices used by criminal courts at the state, county, and municipal levels, and practices applying to all criminal charge types (misdemeanors, felonies, and infractions such as traffic violations).[239] In line with taking an access-to-justice approach to nonappearance, we focused on practices that actively lessen the burden of appearance and reduce opportunities for missed appearances, either by streamlining court processes or by providing supports that address some of the underlying reasons for nonappearance. Overall, we investigated over 184 implementations of 78 practices, learning about ways that courts in 37 states, representing every region of the continental U.S., are working to improve appearance rates.

Approach to identifying practices

The research questions that guided this work are:

- What new and innovative practices are being used by state and local courts around the country to improve rates of appearance?
- What is the strength of the evidence for these practices' efficacy in reducing nonappearance?
- Are there innovations that have evidence of reducing disparities in appearance rates?
- Are there innovations with little or no evidence that align with basic principles of behavioral science?

To compile practices to consider for this report, we began with the practices already identified during the initial research, and conducted a second round of research bounded by two broad parameters:

- ***Theory of change:*** We looked for practices that had a reasonably proximate, traceable means of impacting court appearance.
- ***Implementability:*** We looked for practices that state and local courts can reasonably implement on their own authority.

To expand the scope of practices to those relevant to a national audience, our research focused on those that would address a broader range of court contexts, rather than focusing only on practices that pertained to Harris County's needs and capabilities, and no longer prioritized practices aimed solely at court users charged with misdemeanors. We also considered practices used in adjacent settings (such as civil courts and juvenile system) when they appeared in our searches, though we did not seek out practices beyond state and local criminal courts.

Though our initial mandate in producing the Harris County report was to only compile practices for which there was some extant evidence of impact on court appearance rates, given the relative lack of rigorous evaluation of practices to support court appearance rates, or even measurement of court

appearance rates in relation to practices used, we did not use existing evidence as the sole criteria for inclusion. We took a similar approach to this report (see more detail on our analysis approach below).

Practice selection

We chose the practices featured in this report because existing research has shown promising impact on nonappearance, or, for newer, untested practices, the design of the practice clearly responds to recognized barriers to appearance and/or makes good behavioral sense. We prioritized practices that are likely to be both implementable for courts and produce measurable improvements in court appearance rates.

To compile implementable practices, we focused on practices that courts can execute under their own authority (for example, in-house pretrial services departments) and that directly help court users navigate the pretrial phase. The "Beyond the court" section offers practices that would require legislative change, significant collaboration or funding from non-court bodies, or more upstream interventions (for instance, decriminalizing charges). These offer possibilities for courts and their local partners to consider in their broader efforts to reduce the number of people involved in the criminal legal system.

Research methods

Data for this report was gathered through a literature review and interviews with court system practitioners and researchers. All team members (5) took part in gathering and reviewing data.

Literature review

Sources

For both the initial research for the Harris County report and the additional research for this adaptation, we conducted a broad sweep of academic sources, gray literature (noncommercial publications such as reports produced by government agencies or academic institutions), journalistic sources, and practitioner-provided documents. We prioritized using studies published by academic sources, major research institutions, and organizations that support practice improvement among court systems whenever possible, using other sources as a supplement. Roughly 111 sources were reviewed for the initial research, with an additional 174 reviewed for this adaptation, for a total of 285 sources.

Date ranges

In our initial research we did not set a hard date range on studies to include. For the second round of research, we generally limited our search to studies conducted since 2000. This was because we did not expect to find additional rigorous research from prior years after completing the initial research, and because the main goal of the second phase of research was to identify new and emerging practices that fit with modern court operations. Especially given the rise in digital technology use in court operations in the past decade or so, we expect that practices that have emerged and been studied in the past twenty years are more likely to be relevant to readers of this report.

Search platforms

We searched for source material via academic journals, websites of institutions conducting research on and providing technical assistance to court systems (for instance, the National Institute of Justice Crime Solutions database; the Urban Institute, the National Center for State Courts, the Safety and Justice Challenge, the Advancing Pretrial Policy and Research network, and others), using general web search as a supplement to find additional sources related to specific practices and to help verify implementation status.

Search terms

We did not track search terms used for the initial report. During the second round of research, we search terms included: "court nonappearance," "court appearance," "court appearance rate," "court date," "failure to appear," "pretrial appearance." "Court hearing" was excluded after finding that they produced mostly non-relevant search results. As research progressed, we added search terms that were relevant for specific practices or barriers, including "warrant dismissal", "procedural fairness", "court date reminders", etc.

Interviews with practitioners and researchers

In total, we conducted interviews (including video conferences, phone calls, and/or email exchanges) with roughly 34 individuals—25 during the initial research in 2021-2022 and an additional nine during the second round of research from 2022-2023. Interviews took 30 to 60 minutes and a team member not leading the interview took notes during the interviews.

Interviewee profile

Interviewees included court system practitioners (including judges, court administrators, pretrial service managers, and public defenders), researchers, and technical assistance providers (for example organization that implemented the post-arraignment interview program). Interviewees were selected based on their proximity to specific practices—we sought to interview individuals who had a direct hand in designing, implementing, and/or evaluating practices and who could speak to them in detail. We additionally sought to have a diverse interviewee pool in terms of role and geography, in order to learn about practices that could be applicable in different types of jurisdictions across the country. Prioritizing reaching the individual(s) with the best knowledge of specific practices limited our ability to manage racial and ethnic and gender diversity among our interviewees, and we did not attempt to track these characteristics.

Recruitment

Potential interviewees were identified through the literature review, ideas42's contacts, practitioner networks like Advancing Pretrial Policy and Research and the Safety and Justice Challenge, and interviewee contacts.

Interview setting

Interviews took place primarily by video or phone, with a minority taking place via email.

Interview structure

Interviews were semi-structured. Standard topics asked across interviewees included:

- Practices they currently use or have used to support court appearance (if staff of local courts), or practices they have studied or are familiar with (if researchers or representatives of other institutions), with prompts to speak about practices used to address various barriers to showing up;
- Evidence of impact of any practices named;
- Challenges or limitations of these practices;
- Familiarity with practices used in other jurisdictions that they believe are promising or would be interested in learning more about.
- Interviewees were also asked specific questions pertaining to the practice or practices that they had experience with.

Analysis

During both the initial research and the second round of research, practices were assessed using literature and interview data and analyzed using spreadsheets. Practices were organized by barriers addressed, and thematic practice categories were created during the second round of research to allow for assessment within categories.

To select practices to include in the report, we first assessed the strength of the available evidence indicating that each practice supports court appearance, and then applied additional inclusion criteria (see "Assessment process" below) to identify practices for which insufficient evidence existed but were nevertheless promising based on their design and/or implementation to date.

Assessment framework: seven levels of evidence

To analyze the evidence collected for each practice and select practices to include in the report, we developed an assessment framework adapted from the Centre for Justice Innovation.[240] The framework delineated seven levels of evidence:

- ***Strong evidence:*** Where two or more high-quality studies (high-quality meta-analyses, randomized controlled trial (RCT), or quasi-experimental studies) exist that, over time and/or geography, consistently show a direct relationship between the practice and reduced rates of court nonappearance.
- ***Good evidence:*** Where at least one high-quality study exists that shows a direct relationship between the practice and reduced rates of court nonappearance, and no substantial evidence of negative or null effects exists.
- ***Reasonable evidence:***
  - Where there is a strong theory of change underpinning the practice and (good quality) process evaluation has identified positive findings supporting this theory.

- Where there is strong evidence of success in improving intermediate outcomes (e.g., improvement in perceptions of court system fairness, reduction in fear) that are linked to nonappearance rates.
- Where there are two or more studies of medium quality (experimental or quasi-experimental studies that may have non-major threats to internal validity, or observational studies) that point in the same positive direction on primary outcomes and no substantial evidence of negative effects exists.

- ***Mixed evidence:*** Where the quality of studies and/or their findings vary so that it is difficult to find consensus regarding effectiveness.
- ***Anecdotal evidence:***
  - Where descriptive studies or analysis of court data has found some indication of impact on court nonappearance.
  - Where court staff or other observers anecdotally report reductions in court nonappearance during the interview.
- ***Low to no evidence:***
  - Where some attempt has been made to evaluate the practice but this is of unknown or low quality, such that it is difficult to identify impacts.
  - Where there is no known evidence fitting any of the above categories on the practice's effectiveness.
  - Where the practice hasn't yet been implemented.
- ***Negative Evidence/No-effect:*** Where there is substantial evidence, from one or more high or medium quality studies, that the practice has negative impacts or no effect on court nonappearance, and no conflicting outcomes exist from other studies.

Assessment process

To select practices likely to produce measurable improvements in court appearance rates, we first looked at the strength of the evidence of each practice's impact on court appearance, using the seven-tier rating structure, described above. Because we anticipated that, based on the relative lack of rigorous evaluations investigating impacts on court appearance rates, assessing practices on strength of evidence alone would exclude many existing and emerging practices that may in fact be effective at improving appearance rates, we used additional inclusion criteria, described below. We applied the assessment framework to each individual implementation of a practice that had been found during the research, and then used those individual ratings to create an average overall rating for the practice.

- ***"Strong" rating:*** Practices received the highest rating if two or more rigorous studies, conducted at different times or in different jurisdictions, found that the practice reduced court nonappearance. We automatically included any practices where one or more rigorous studies found evidence that the practice directly impacted court appearance rates or intermediate outcomes (like improvements in perceptions of the fairness of court processes)

that have been linked to appearance rates, as long as other studies had not found substantial evidence of negative effects. Three practices (reminders, behaviorally designed forms, and post-arraignment meetings) met this bar and were included based on evidence alone. We also automatically included practices for which a strong theory of change describes how it can reduce nonappearance, and a good quality process evaluation demonstrated that the practice worked according to that theory of change.

- ***"Promising" and "low to no evidence" ratings:*** The majority of the practices we reviewed had mixed evidence, only anecdotal evidence, or low to no evidence at all. We included practices from this group that had a design which includes one or more mechanisms that respond to behavioral as well as structural barriers to appearance and met one or more of the criteria below. Of practices included based on these criteria, we named practices with anecdotal or mixed evidence as "promising" and practices with no or unclear evidence as "low to no evidence."
  - ***Strength of the practice design:*** We looked for practices that clearly and substantially address barriers to court appearance. We drew on insights from behavioral science, including our own research into court appearance challenges, to consider ways that practices might help court users navigate tangible barriers (like lack of transportation) as well as behavioral barriers (like inaction due to fear, or limited ability to focus on court matters due to hardships related to poverty).
  - ***Potential to reduce racial and economic inequities:*** We sought to include practices that have strong potential to improve appearance rates among Black, Indigenous, and People of Color (BIPOC) court users, and court users experiencing poverty. This was challenging given that very few studies looked at how practices specifically impact BIPOC court users or those experiencing poverty. (For more on our focus on equity in this report, see Box 1.) For the majority of practices for which there was no available data about results by race/ethnicity or level of wealth, we looked for practices that focused on these populations or whose design specifically addresses barriers that disproportionately affect these court users.
  - ***Fit for diverse contexts:*** We sought to create a final list that includes practices well-suited to a range of jurisdictions and settings (for example, rural vs. urban, large vs. small populations, well- vs. low-resourced).
  - ***Ease of implementation and cost:*** We prioritized practices that are relatively simple to implement and lower cost.

Presentation of featured practices

We developed a structure for describing all featured practices to help readers quickly glean the major aspects of each practice and easily compare practices based on relevant metrics like ease of implementation, cost, and strength of the evidence regarding impact on court appearance.

The structure includes these elements:

(A) Practice name

What it is

An at-a-glance description of the practice

How it can improve appearance

A description of the levers the practice uses to impact appearance

See examples of this practice in our Practices in action section.

Examples are in Appendix A with direct links to the relevant section hyperlinked above. The examples include a brief description of one or more examples of the practice being implemented, with any specific findings regarding effectiveness and specific features and challenges related to that implementation.

General features

Central features of the practice design

Key assets

Resources and other elements of the context that are required for this practice

Implementation considerations and challenges

Additional guidance regarding this practice is given here. Considerations include potential impacts of the practice (including those related to equity) and what may make the practice most effective (including specific jurisdictions/contexts to which the practice may be best suited.) Challenges that jurisdictions may encounter in implementing this practice are also noted here.

Practice Ratings

EASE OF IMPLEMENTATION . . . RATING

An estimate of how straightforward and feasible this practice is for most courts to implement, based on the practice design and available evidence.

COST . . . . . RATING

An estimate of how costly this practice is for most courts to implement, based on the practice design and available evidence. Because exact costs for each practice are likely to vary based on the specific court caseload and other local factors, cost is categorized based on how staff- and resource-intensive the practice is, rather than using estimated dollar amounts.

STRENGTH OF EVIDENCE . . . . . RATING

A summation of the strength of the available evidence indicating that the practice has a clear, positive impact on appearance.

EASE OF IMPLEMENTATION RATINGS

Easy:
It is likely a court could implement relatively easily on their own authority with their own capacity, either because it likely fits within existing activities and/or because it requires relatively little design and development work and few resources to launch.

Somewhat challenging:
The practice may require some coordination with or contribution from partner organizations but is generally well-aligned with the court's core functions and workflows. It may require some upfront and ongoing investment, including several months of design and development.

Challenging:
The practice likely requires coordination with or capacity from multiple partner organizations, approval by political bodies and/or many stakeholders, and/or requires significant upfront and ongoing investment for assets like infrastructure, staff, etc.

COST RATINGS

Low:
The practice likely requires little/no additional staff time or other resources to implement.

Medium:
It is likely that courts would need to add some staff time, make upgrades to technology or infrastructure, engage vendors and/or provide some relatively low-cost supports for court users (e.g., transportation vouchers) to implement this practice.

High:
This practice requires a significant investment, for example due to programming requiring a high ratio of specialized staff per court user and/or high-cost services or major infrastructure investments (such as dedicated hotels for housing placements).

STRENGTH OF EVIDENCE RATINGS

Strong:
At least one high-quality (experimental) study shows a direct relationship between the practice and improved appearance rates; multiple medium-quality studies (experimental or quasi-experimental) point toward improvements in appearance rates or outcomes that are associated with improved appearance rates; or a high-quality process evaluation supports the practice's overall theory of change.*

Promising:
There is anecdotal evidence that the practice improves court appearance, through some combination of descriptive studies, analysis of court data, and/or observations of court staff or others who have directly observed the practice; or studies of the practice have such widely varying results that there is no consensus on the practice's effectiveness.

Little to no evidence:
There is little to no evidence that meets the bar for the strong or promising ratings, either because the practice has not been studied or existing studies are too low-quality to draw conclusions from.

* Note: Experimental studies, which are considered the "gold standard" in research, aim to establish a cause-and-effect relationship by randomizing study participants to different conditions and then analyzing the effects of the intervention. Quasi-experimental studies also evaluate the effects of different conditions, but do not use randomization, which means that other factors besides the intervention may be influencing the effects.

Challenges and limitations

Limited research focusing on nonappearance

The primary challenge facing this effort has been the lack of rigorous research specifically focusing on court appearance as an outcome. Many of these evaluations focus on one jurisdiction or state, making it hard to generalize and make comparisons, especially across rural and urban environments. For most practices, evidence of effectiveness was anecdotal or nonexistent, and was difficult or impossible to corroborate with quantified court appearance data. We developed a more holistic assessment process, as described above, to be able to identify and include promising practices despite a lack of rigorous evidence.

This lack of existing research also presented a challenge during our initial search for practices to consider. Though we intentionally looked beyond academic sources, many jurisdictions naturally do not publicize what they are doing to improve appearance rates in ways that are easy for researchers to find and compare. This made it difficult to verify whether we had discovered the most pertinent practice examples. We sought to mitigate this through our interview process and by identifying practices through a broad range of sources, but it is possible that we have missed entire practices or relevant evidence regarding practices described in this report.

Additionally, because improved court appearance has not generally been prioritized as prominently as other outcomes (such as recidivism or time to case closure) and may be conflated with other outcomes (like bond revocations in general), many relevant practices are not specifically described as practices that intend to improve appearance rates. Therefore, it could be challenging to identify practices beyond the relatively small subset that is best studied. To mitigate this, we erred on the side of investigating practices that appeared to have a reasonable chance of reducing barriers to appearance, even if improving appearance was not a clear goal of the practice.

Finally, in both the existing literature and information generally available about court practices, we also found a general lack of detail about what interventions entailed and how they achieved their ends. This made it challenging to assess and compare practices in a nuanced way and to provide detailed guidance for courts in this report. Interviews were our main approach to mitigating this challenge, and whenever possible we sought to gain a deeper understanding of practices from practitioners with direct experience of them to describe the pertinent advantages, challenges and necessary assets for implementation.

Limited attention given to equity considerations

We also faced challenges in identifying practices that have the potential to support appearance among marginalized groups, and in particular among BIPOC court users. While many practices identified are by design geared to reduce barriers to appearance that most heavily impact court users experiencing financial hardships, few studies specifically looked at impacts on these court users compared to those with greater wealth.

Similarly, while practices that reduce wealth-based barriers to appearance may also have greater impact for BIPOC court users, given that, on average, BIPOC individuals in the U.S. are more likely to be

experiencing poverty than are white individuals,[241] we found little concrete evidence regarding ways that a practice's impact might vary by court user race or ethnicity. In general, while descriptions of practices implemented more recently seemed more likely to name advancing racial equity in pretrial success as a goal, this stood out as an area where more research is particularly needed.

Accounting for the impact of the COVID-19 pandemic

The COVID-19 pandemic has significantly complicated efforts to study the impact of practices on court appearance. On the whole, the pandemic required courts to rapidly and dramatically adjust their operations, taking measures which included reducing or stopping in-person appearances and using an array of modifications to operate safely. This led to courts developing new practices and rapidly scaling up others, notably virtual appearances.

This period of experimentation has been exciting because it has surfaced new practices that courts may be able to continue to help court users appear. However, the shifting context of the pandemic continues to complicate efforts to measure what impact these practices are having or could have on court appearance. It is not practical to compare data from March 2020 onward to data from prior years because the context and in many cases the pretrial process itself have changed so substantially. Additionally, the continually changing nature of the pandemic and courts' responses make it very difficult to conduct rigorous evaluations of new practices, even at this point. For these reasons, practices that have emerged or been studied since 2020 generally have anecdotal evidence at best. For practices that were implemented and/or studied after March 2020, in this report we have tried to contextualize the discussion of their potential impact to add transparency about the potential influence of the pandemic.

Court user experience

Finally, we acknowledge that both the design of this project and the assessment process privilege courts' perspectives and researchers' agendas over the experiences of court users, whose voices rarely appear in the source material and who were not directly represented in the research or writing of this report.

We have looked to our own and others' prior qualitative research into factors that make court appearance challenging to inform our understanding of how specific practices may mitigate barriers to appear. While we have tried to highlight potential advantages or concerns regarding specific practices that may be relevant to court users, our research analysis processes were not designed to directly incorporate nor reflect court users' perspectives.

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