

National Center for State Courts

Court Appearance Rate Report

Findings from a technical assistance effort across six courts

March 2024

ncsc.org/a2j

CONTENTS

Executive Summary.....2

Project Participants.....3

Project Background.....4

Understanding the Issue.....7

Identifying Solutions..... 11

Commitments and Accomplishments..... 17

EXECUTIVE SUMMARY

People miss court for myriad reasons, many of which are often beyond their control. They may lack access to transportation or childcare, they may not be able to leave work, or they may not even know when or where they are supposed to appear. No matter the reason, missed court appearances can cause significant consequences for both courts and court users alike.

Many of the most common tools for mitigating and responding to missed appearances—such as sending hearing information in the mail and issuing arrest warrants for people who have missed court—have proved inadequate. There is a growing consensus across the country that court officials need new strategies to improve appearance rates and respond to missed appearances.

In 2022, the National Center for State Courts and The Pew Charitable Trusts set out to provide technical assistance to six courts seeking to do just that: Buckeye Municipal Court (Arizona), La Crosse County Circuit Court (Wisconsin), Lincoln County District Court (Washington), Richmond County State Court (Georgia), 16th Judicial Circuit Court of Missouri - Kansas City Municipal Division (Missouri), and the 10th Judicial Circuit Court of Jefferson County (Alabama).

The technical assistance team spent one year learning about these courts, offering recommendations, and supporting the implementation of tailored sets of policies to improve appearance rates and mitigate the harm flowing from missed appearances in their respective jurisdictions. The team identified that several policy categories could be useful across all jurisdictions:

Improving Communication: Some people miss court simply because they did not receive the correct information, or they did not receive the information in a form they could understand. To improve communications, courts can increase the frequency, improve the quality, and update their methods of notifying court users of upcoming or missed court appearances.

Removing Barriers: Other missed appearances stem from circumstance. People can't miss work or find a ride to court; a family member falls ill; a babysitter falls through. Simplifying court processes, using remote options when possible, and offering flexible court hours are all potential ways to prevent the unpredictability of life from resulting in missed appearances.

Responding Effectively: Some missed appearances are inevitable. An effective response from the court can prevent missed appearances from resulting in disproportionate consequences for court users and multiplying inefficiencies for courts. Some effective ways to respond to missed appearances include narrowly tailoring the use of warrants and offering opportunities for people to clear warrants without serious consequences.

Building Trust: Fear and mistrust can keep some people from the courthouse even if they want to resolve their case. Procedural justice researchers have found that confidence and trust in the criminal justice process improve compliance with the law and court instructions. There are several ways that courts can foster community trust, including partnering with local non-profit organizations, soliciting feedback, and offering court users a voice in court proceedings.

PROJECT PARTICIPANTS

Participating Courts

Buckeye Municipal Court, AZ

John Burkholder, Presiding Judge
Manny Bustamante, Prosecutor
Jennifer Dalton, Public Defender
Magee Rodriguez, Court Supervisor
Jenna Wade, Court Administrator

La Crosse County Circuit Court, WI

Tonya Van Tol, Manager, Justice Support Services
Tim Gruenke, District Attorney
Scott Horne, Judge
Elliott Levine, Judge
Anne Patton, Supervisor, Justice Support Services
Tammy Pedretti, Clerk of Courts
Araysa Simpson, Regional Attorney Manger, La Crosse office of Wisconsin Public Defender

Lincoln County District Court, WA

Renee Honey, Court Administrator
Dave Hearrean, Public Defender
Dan Johnson, Presiding Judge
Adam Walser, Prosecuting Attorney

Richmond County State Court, GA

Monique Walker, Judge
Buffi Jones, Judicial Assistant to Judge Walker
Omeeka Loggins, Solicitor General
Kellie McIntyre, Chief Judge
Hattie Sullivan, Clerk

10th Judicial Circuit District Court, AL

Stephen Wallace, Circuit Judge
Danny Carr, District Attorney
Adam Danneman, Public Defender
Leah Nelson, Research Director, Alabama Appleseed
Michael Streety, Presiding Criminal Judge

16th Judicial Circuit Court, MO, Kansas City Municipal Division

Benita Jones, Public Information Officer
Josh Bateman, Deputy Court Administrator
Warren Hayter, Legal Aid of Western Missouri Municipal Court Defense Unit

Linda Miller, City Prosecutor
Megan Pfannenstiel, Court Administrator
Wayne Smith, Managing Attorney, Legal Aid of Western Missouri Municipal Court Defense Unit
Courtney Wachal, Presiding Judge

Technical Assistance Team

National Center for State Courts

Michelle Cern, Principal Court Management Consultant
Sam Griffith, Project Associate
Emma Farrell, Project Associate
Alisa Kim, Court Management Consultant
Mike Tartaglia, Senior Court Management Consultant

The Pew Charitable Trusts

Shun Feng, Senior Associate
Will Isenberg, Policy Specialist (Crime and Justice Institute)
Eshaan Kawlra, Associate
Breana Lamkin, Officer
Michelle Russell, Associate Manager
Isabel Shapiro, Senior Associate

Consulting Experts

Ideas42

Samantha Hammer, Principal Behavioral Designer
Shannon McAuliffe, Associate Managing Director

LaGratta Consulting, LLC

Emily LaGratta, Founder and Consultant

National Center for State Courts

Samira Nazem, Principal Court Management Consultant
Grace Spulak, Senior Court Management Consultant
Lonni Summers, Senior Court Management Consultant
Zach Zarnow, Principal Court Management Consultant

PROJECT BACKGROUND

Virtually all courts deal with court users missing required hearings. While data on missed appearances is sparse, national research has found that 1 in 6 felony cases involve a missed court dateⁱ, and case studies have revealed nonappearance rates for misdemeanor cases to be as high as 52 percent in some jurisdictions.ⁱⁱ The prevalence of missed appearances in courts across the country has tremendous consequences for both courts and court users.

Missed appearances slow down court operations and drain public safety resources. One 2017 estimate calculated the cost of each missed appearance to exceed \$1,100.ⁱⁱⁱ Nationally, missed appearances likely result in the loss of tens of millions of dollars to state and local governments each year.^{iv}

The traditional responses courts use to address this problem—namely, arrest warrants and driver’s license suspensions—are punitive, expensive to communities and court users alike, and largely ineffective. Nationally, there are at least 6.6 million active warrants.^v In North Carolina alone, missed court appearances resulted in over 800,000 driver’s license suspensions as of 2018.^{vi} Despite their proliferation, these sanctions are not correlated with reductions in missed appearances. They do, however, often result in severe collateral consequences for people who have missed court, ranging from losing employment to arrest and incarceration.

These punitive responses do not account for the fact that those who miss court generally do so without the intent to evade justice.^{vii} Court users face a variety of barriers to appearance, many of which courts can help to mitigate. In recent years, courts across the country have started to realize the potential impact on appearance rates of proactive solutions like remote court proceedings, plain language court communications, and flexible court hours, to name only a few.^{viii}

Recognizing this emerging trend, staff at the Pew Charitable Trusts and the National Center for State Courts (hereafter referred to as the technical assistance team) set out to partner with a group of jurisdictions from across the country who wanted to use similar evidence-based strategies to improve appearance rates and mitigate the consequences of missed appearances, both in their courts and in their communities.

Appearance Rate Project

In September 2022, the National Center for State Courts released a request for applications to courts across the country to receive technical assistance to improve court appearance rates. With support from the Pew Charitable Trusts, the project provided one year of technical

DEFINITIONS

Court User: For the purposes of this report, court user refers to anyone charged with a criminal offense or a traffic violation.

Missed Appearance: When a court user does not show up for their scheduled court hearing. Many courts record these instances as an “FTA” or failure to appear.

Bench Warrant: A court order authorizing a person’s arrest.

assistance to re-engineer the way that participating courts promote appearance rates and respond to missed appearances.

After reviewing dozens of applications, six diverse jurisdictions were selected. The participating courts represent a range of demographics and geography, from busy city centers to exurban and rural jurisdictions. Each court had unique systems, resources, and challenges, but all participants agreed that they wanted to find more effective ways to address the problem of missed appearances.

Each court convened its own working group, consisting of judges, court staff, prosecutors, and defense attorneys, as well as law enforcement, pretrial supervisors, and advocates. The working groups were supported by the technical assistance team, who conducted interviews with system stakeholders and reviewed court data to help the participating jurisdictions understand the challenges their court users were facing.

The project consisted of three phases:

1. **Gathering data** to learn about each participating jurisdiction’s composition, resources, and challenges;
2. Convening the six working groups at a two-day **summit** to share identified challenges, learn the state of the research, and innovate solutions; and
3. Working with participating jurisdictions to **implement the policies** they developed in response to the challenges that their court users faced.

Gathering Data

To better understand the participating jurisdictions, the technical assistance team interviewed over 90 stakeholders, visited all six courts, and observed over 30 dockets. Additionally, the technical assistance team worked with staff in the courts to use available court system data to contextualize and identify drivers of missed appearance.

To ensure that court users were heard from directly about the obstacles they encountered, LaGratta Consulting provided each jurisdiction with court satisfaction surveys that could be filled out quickly and anonymously. The survey was loaded onto tablets placed at entrances and exits to each court and it was available online through QR codes people could scan at the courthouse or from courts’ websites during February and March 2023. Court users submitted a total of 784 responses, providing each participating court with valuable insight about their experiences.



Members of the Richmond County working group standing with one of the User Feedback Survey tablets from LaGratta Consulting in the courthouse.

With assistance from the technical assistance team, each court’s working group was able to use the data collected in interviews, statistical analysis, and the user feedback survey to gain a deeper understanding of the reasons people missed court appearances in their jurisdictions, and to identify policies that would address their specific challenges.

Summit and Implementation

The acme of this project came in the form of a two-day summit in Arlington, Virginia in April 2023. All the six working groups came together to learn from experts at the National Center for State Courts, the Pew Charitable Trusts, LaGratta Consulting, and Ideas42. The teams discussed



Working groups from Lincoln County, WA and La Crosse County, WI discussing potential policy solutions at the summit.

their options and committed to a series of reforms to improve appearance rates in their respective jurisdictions. The presentations and discussions at the summit explored the most significant research on the drivers of missed appearances, and the lessons the teams learned during the initial phases of the project. Among the six participating courts, the teams committed to dozens of initiatives to improve court appearances.

In the months following the summit, the technical assistance team worked with each jurisdiction to implement their selected policies.

UNDERSTANDING THE ISSUE

Before diving into potential policy solutions, the technical assistance team and local working groups explored the scale and impact of missed appearances in their respective communities. Through analysis of local court data, semi-structured interviews with court staff and practitioners, and feedback from court users, participating courts were able to gain a better understanding of why people miss court and pain points in their own practices and policies. This local research was informed at every step by the behavioral science of missed court appearances.

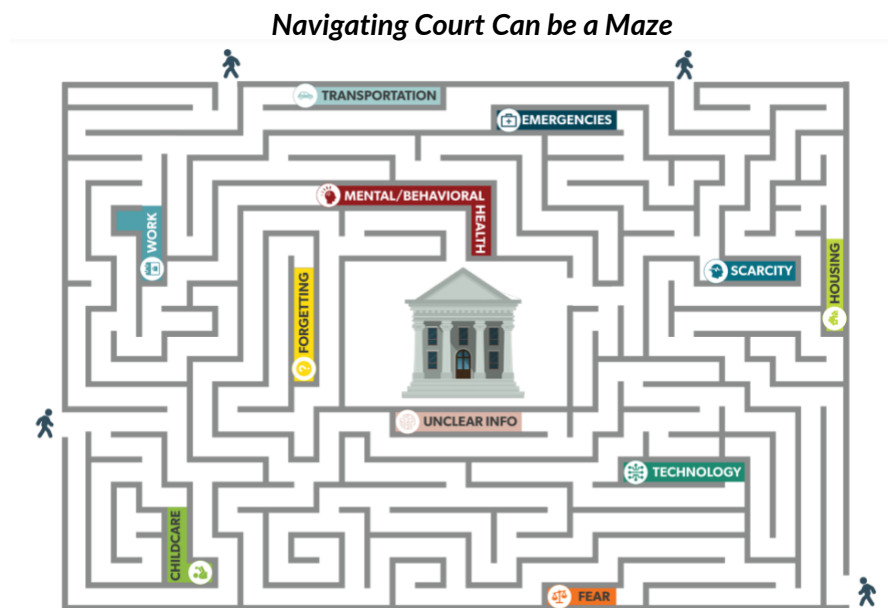
The behavioral science behind missing court

One of the greatest barriers to reform across the country is a pervasive misunderstanding of how and why missed appearances happen. During the Appearance Rate Project, many interviewees expressed concerns that some people miss court because they are irresponsible or apathetic—a common misconception.

A growing body of behavioral science research suggests quite the opposite. People want to resolve their court cases but system errors and logistical barriers often pose a greater threat to appearance than is immediately apparent.^{ix}

One of the core principles of behavioral science is that people have a finite capacity to make decisions and solve problems. That capacity is even more limited when a person is living in poverty and forced to devote a disproportionate amount of mental bandwidth to securing their basic needs.

Appearing in court can be deceptively difficult for court users whose mental and material resources are already stretched thin. Potentially having to, for instance, monitor mailed correspondence, arrange childcare, request time off work, find time to make up lost work hours, parse legal jargon, negotiate behavioral health needs, or any number of other common obstacles can make an ostensibly simple task entirely untenable in practice.



The same issues apply to less stigmatized personal obligations like medical appointments. In fact, people miss court appearances and medical appointments at similar rates, contradicting the common misconception that court users are less responsible or more prone to dereliction than anyone else. Court hearings are one of many obligations in a person's life and, just as it is with any other type of important appointment, sometimes extenuating circumstances or limited capacity stands in the way. The effects of these barriers to appearance are likely especially pronounced for courts that serve under-resourced communities.

Working within this framework, the technical assistance teams and working groups set out to uncover which obstacles were having the greatest impact on local appearance rates and how the working groups could best alleviate their effects on court users.

Trends in court data

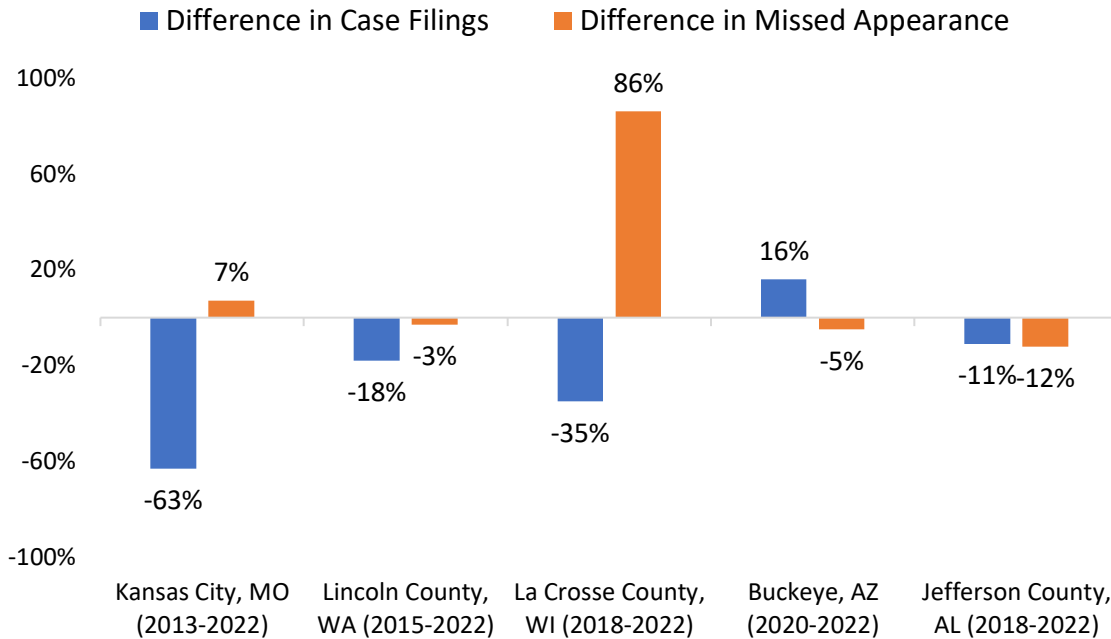
In coordination with each court, the technical assistance team collected data related to overall case flow, missed appearance rates, and responses to missed appearances, like bench warrants and driver's license suspensions. The availability of data and the ease of extracting it varied across participating courts, but almost all of the courts were able to provide some level of data for analysis.

The data analysis uncovered trends in their courtrooms related to incoming cases and missed appearances. Because each court tracked their data in different ways and had different jurisdictions, we could not make direct comparisons between courts. Nonetheless, commonalities did emerge across the datasets.

Case filings declined. Total case filings decreased in four of the participating courts in recent years. For example, in Kansas City, MO, total case filings decreased by about 63 percent (or about 95,000 cases a year) between 2013 and 2022. Total case filings decreased by about 35 percent (or nearly 4,000 cases) in La Crosse County, WI between 2018 and 2022. Only Buckeye, AZ experienced a slight increase in total case filings of about 16 percent (or about 240 cases) between 2020-2022.

Changes in missed appearance rates were mixed. Despite the mostly consistent decline in case filings, there was wider variability in missed appearance trends from jurisdiction to jurisdiction. In general, missed appearances decreased in three courts and increased in two courts. In Buckeye, AZ, cases with at least one missed appearance decreased by about 6 percent between 2020 and 2022. In Lincoln County, WA and Jefferson County, AL the provided data showed that both courts saw declines in their missed appearance rates since 2015 and 2018 respectively. However, La Crosse County, WI had an increase in the number of bench warrants for missed appearance from 2018 to 2022. Finally, Kansas City, MO saw a decrease in the number of cases with at least one missed appearance between 2013 and 2022, but an increase in missed appearances overall. The following graph shows changes in total cases and nonappearance across five of the participating courts.

Change in Cases and Missed Appearances



Note: Missed appearances were tracked differently across counties. In La Crosse County, WI and Buckeye, AZ, the chart reflects the percent change in instances of missed appearances over time. In Kansas City, MO, Lincoln County, WA, and Jefferson County, AL, the chart reflects the differences in percent points of missed appearance rates over time.

Traffic and drug-related cases drive missed appearance rates. Across each court, the data showed that the type of criminal case matters in when it comes to missed appearances. In two of the five courts, traffic cases were the most common offenses with a missed appearance (i.e., speeding, violations of vehicle registration, driving on a suspended license, or driving without an ignition interlock device). For example, in Kansas City, MO, traffic offenses accounted for 38 percent of all cases with a missed appearance in 2022. Interestingly, traffic cases in Lincoln County, WA also had the highest rates of missed appearances (38 percent) compared to non-traffic cases (33 percent) in 2022. Drug-related offenses, especially possession, were the most common offenses for missed appearances in two other courts, accounting for 14 percent of missed appearance cases in Buckeye, AZ, and 52 percent in Jefferson County, AL.

Minorities and young people are overrepresented in case filings and missed appearances. In sites where demographic data was shared, minorities (especially Black individuals) were overrepresented in case filings and instances of missed appearances. For example, in Kansas City, MO, Black individuals make up about 41 percent of total cases filed and about 49 percent of cases with a missed appearance, despite representing only about 27 percent of the city's total population. Similarly, in Jefferson County, AL, Black individuals make up about 61 percent of total open cases, despite representing about 44 percent of the county's total population. Across each court that provided age data, younger individuals made up the bulk of case filings and cases with a missed appearance. For example, in Buckeye, AZ individuals between 20 and 35 years old

accounted for about half of all case filings (49 percent) and almost two-thirds of missed appearances (63 percent).

Insights from stakeholders and court users

Lack of public transportation can make reaching court difficult. Many court users discussed how difficult it was to find transportation to court, often because public transit was unavailable or unreliable in their communities. Several courts in more rural jurisdictions were all but inaccessible to court users who did not have access to a car; this difficulty was compounded when a missed appearance resulted in the loss of a driver's license. Court users in urban areas, too, found public transit lacking because they may have to walk many blocks or transfer between several buses to reach the courthouse.

Traditional methods of communication are not effectively reaching court users. Stakeholders in every jurisdiction reported that keeping court users informed of court dates was a significant challenge, especially people who were unhoused or who moved frequently. Many courts primarily rely on paper mail to provide updates, which is an unreliable method of reaching those without a fixed or stable address. Stakeholders also noted that, while text messaging was more reliable, many unhoused court users in particular switched phone numbers frequently and often had protracted periods with no phone service. These difficulties result in attorneys and court staff being unable to maintain contact with court users, which leads to uncertainty about court dates, and then missed appearances.

Court notices are confusing to recipients and difficult to read. Court users reported that the court notices and forms they received often used technical jargon and sometimes were written in small print which was difficult to decipher. Because some notices were unclear, even those who did receive them did not always understand what they were expected to do.

“On the original ticket, I had to use a magnifying glass to read the 2 pt font on the back of the ticket.”

-A court user in one of the participating jurisdictions

Uncertain wait times and limited court hours make planning for court attendance difficult. Some stakeholders noted that, because court users may have to wait for several hours to appear for routine hearings, planning for a court appearance was difficult for those with competing obligations like work or childcare. Some stakeholders also noted that, when court hours were limited to the workday, some court users had to choose between missing court or, at best, losing a portion of the day's pay.

IDENTIFYING SOLUTIONS

Each court sent members of their working group to the two-day summit hosted in Arlington, Virginia. At the summit, working groups learned about findings from their data, insights from court users, interviews with stakeholders, relevant research about policy interventions, and innovations that can improve court appearance rates.

While the technical assistance team and experts shared dozens of options, policy solutions generally fell into four categories: improving communication, reducing logistical barriers, responding proportionately to missed appearances, and building trust within the community.



Consulting experts presented on an array of policy options to working groups at the summit.

Improving Communication

Courts communicate with court users and communities in many ways, including mailed notifications, websites, and forms. Confusing or complicated information creates additional hurdles for court users to comply with directives, including showing up on time. Conversely, research has found courts can significantly improve their appearance rates with better communication.

No matter the type of communication, courts can apply a few simple principles to improve the clarity, comprehension, and retention of the messages they hope to convey.

1. Use plain language.

People who work in courts use complex legal jargon and idiosyncratic syntax every day when communicating with one another. For example, terms like “calendar call,” “particularized motions,” or “order to show cause” are immediately familiar to lawyers, judges, and clerks, but to a layperson these terms can be unfamiliar and confusing. When it comes to appearance notifications and court instructions, plain language is crucial to maximize readability and compliance.

Plain language involves:

- ➔ Writing at a 6th grade reading level;
- ➔ Using active voice and addressing readers directly using personal pronouns; and
- ➔ Eliminating jargon whenever possible and explaining it when necessary.

2. Engage users with design.

The content of court communications is important, but strategic use of design elements can improve reader comprehension by grabbing their attention and directing it to the most vital information first. This can have a critical impact on court appearance rates. During the summit,

participating courts were invited to consider the designs of their communications as well as their content, and to consider how to integrate design tools like icons and graphics, white space, color, and different fonts to improve the accessibility and readability of court communications.

3. Ensure communications are reaching their intended audience.

The language and design a court uses in its communications do not matter if court users cannot access or do not see the materials. Summit participants learned about information accessibility, which includes principles like engaging people who have limited English proficiency and utilizing forms of communication that are convenient for court users.

Applying this insight can mean different things for different types of court communications:

- **Hearing notifications:** Several participating courts relied on the postal system to deliver hearing notifications to court users. At least one participating court estimated that over half of all their mailed notifications were “returned to sender” as undeliverable. The simple truth of the matter is that mail is not the best way to meet people where they are. More effective strategies can include:
 - **Text and email reminders:** Most people always have their phone with them, and even people without a fixed address can usually get online at a local library. Text and email reminders can be much more effective ways to deliver information than mail.
 - **Online hearing information:** No delivery method is foolproof, and everyone forgets things sometimes. Making hearing information available online can serve as a vital failsafe in case other forms of notifications and reminders do not work as intended.

- **Websites:** Court websites are crucial mechanisms for communicating with the public, but it may not always occur to court users to seek them out. To improve communications, courts may want to consider better advertising their websites and make sure their websites have useful and easily accessible information on them.
 - QR codes are an easy way for courts to direct court users to the specific information they may need. Courts can put QR codes on:
 - **Written materials:** Add them to forms, emails, letters, hand-outs—anything! —to offer users the opportunity to feel empowered and well-informed and keep written materials from becoming overcrowded.
 - **Posters:** Put posters with QR codes in bus stops, libraries, or any community gathering places. Invite community members to learn more about their local court and remind court users to find answers to any lingering questions before their court date.
 - **Palm cards:** A wallet-sized handout can turn interactions with law enforcement into an opportunity for courts to communicate

CRIMINAL COURT APPEARANCE INFO

You have received a criminal ticket and must appear in court.

The court will mail you notice of the date and time you must be in court. If your address on the ticket is not correct, please contact the court immediately. See contact information below.

Have a question? Contact us.

 509-725-2281	 districtcourt@co.lincoln.wa.us
 406 Sinclair, Davenport WA 99122	 www.co.lincoln.wa.us/districtcourt/

Palm card introduced in Lincoln County following the Appearance Rate Project summit.

appearance information to court users in the community.

- **Other court information points:** Courts are still largely in-person operations and need to engage directly with court users in a variety of ways. Courts should consistently offer accessible and helpful information through their staff, courthouse signs, phone and email systems, and any other form of communication with the public.

Removing Logistical Barriers

Even when court users receive and understand the relevant information for their case, life can still get in the way – children get sick; rides fall through; people cannot take off work. Behavioral science research demonstrates that, for individuals experiencing poverty, limited bandwidth and chronic scarcity may impede their ability to deal with obstacles that may be otherwise surmountable. During the summit, the participating courts reviewed ways to reduce barriers for their users.

Responding to specific needs

Challenges such as the need for childcare or the lack of transportation were identified as common problems in many of the participating jurisdictions. During the summit, the working groups considered several responses that have been pioneered in other courts:



Poster in a Washington, DC courthouse advertising free on-site childcare.

Remote Hearings: Many courts found creative ways to conduct remote court proceedings during the COVID-19 pandemic without sacrificing due process. Continuing, improving, and expanding remote appearance opportunities can make appearing much easier for people who have difficulty physically appearing in court and have the technological capacity to appear remotely. Remote hearings can alleviate many transportation-, work-, and childcare-related conflicts to appearance.

On-Site Childcare: Some courts have free childcare facilities and/or private lactation rooms in the courthouse to support parents and guardians who may not have access to affordable alternatives.

Transportation Support: Lack of transportation can pose a significant obstacle for court users, especially in rural areas. Court transportation support can take several forms depending on a jurisdiction's needs, ranging from prepaid rideshares or court-operated shuttles to public transit vouchers.

Satellite Court: Depending on population distribution and case type, some courts may find it useful to address transportation issues by bringing court to the court users, rather than the other way around.

Satellite court involves critical court personnel traveling to locations that are more accessible to certain community members than the courthouse, such as public libraries, shelters, or homeless encampments. While satellite courts may not be ideally suited for all court activities, this option could be viable for things like warrant clearing events, setting new court dates, taking pleas, and taking payments.

Addressing court appearance barriers through flexibility and court efficiency

One consistent logistical barrier many court users face is the need to be in multiple places at once: at court and at work, or school, or caring for a family member. Court users who have disabilities or other health-related issues may also find appearing in court exceptionally difficult. Summit participants discussed addressing these problems through increased flexibility on the part of the court – reducing the need to attend in the first place, or expanding the hours and ways in which attendance was possible. Participants also discussed how actively encouraging two-way communication between the court and its users enables people experiencing challenges to relay their issues to the court to reach a mutually satisfactory solution. Summit participants explored the following reforms, among others:

Provide helpful support: Communicating the availability of the clerk’s office, the public defender’s office, or other “helplines” to answer court users’ questions about their cases, and about court processes, and what to expect in court empowers court users with the information they need to meet their obligations. Many participating jurisdictions also made a point of allowing court users to request a new hearing informally via email or phone call, rather than formal motion, if they had a conflict that would otherwise prevent their appearance during a scheduled event.

Flexible Scheduling: Flexible scheduling can keep a court user’s emergency or obligation from turning into a missed appearance. When life gets in the way, courts can offer a range of options such as expanded court hours (e.g., morning, night, or weekend court), walk-in dockets, and opportunities to easily request a new court date.

Process Simplification: The more appearances a court requires someone to attend, the more opportunities there are to miss court. By simplifying court processes and reducing the number of required hearings, courts can make headway on improving appearance rates. While many summit participants felt that in-person appearance at certain events, like sentencing hearings, was important, they agreed that appearing in-person for routine status or discovery hearings sometimes created an unnecessary burden on court users. In some jurisdictions, improving appearance rates can come down to simply reducing appearances overall. Whenever courts can consolidate redundancies or streamline cases that can be resolved in a single hearing without sacrificing due process, there are fewer opportunities for things to go wrong.

Responding Effectively to Missed Appearances

The prevailing methods for responding to missed appearances in many courts are punitive, even though court users who miss court generally do not do so intentionally.^x The most common responses include issuing bench warrants and suspending drivers’ licenses. Sometimes these responses are required by statute, but sometimes they are at the discretion of the court. Summit

participants found that the most effective approach when someone misses a court appearance is to tailor the response to the individual facts of the case whenever possible, rather than impose a blanket sanction.

At the summit, experts presented on alternative responses based on the behavioral science of missed appearances:

Grace Periods: If courts wait a designated amount of time before issuing a warrant, it leaves the court time to try to get in touch with the person, check if the person is in custody elsewhere, or give the person time to contact the court on their own.

Open/Amnesty Docket: Courts can create simple, well-advertised opportunities for people to get back on a docket after having missed a hearing. Whether a court has weekly dockets or regular amnesty events, offering a regular opportunity for people who have missed a court date to come into the court and get their hearing reset can benefit both the court and court users.

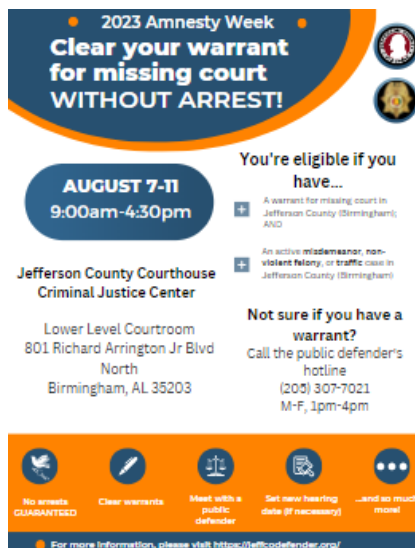
Tailoring Judicial Responses: Courts may not be inclined to eliminate punitive responses to missed appearances entirely, but thinking through when warrants and license suspensions are truly an appropriate and desirable response can limit potentially unnecessary harm and inefficiencies. For instance, some summit participants expressed interest in eliminating the use of warrants for certain low-level charges.

Building Trust

Each of the above policy options contribute to building public trust in the court, which plays a vital role in improving hearing appearances. Unfortunately, trust in the court is a diminishing commodity. NCSC's polling shows that the percentage of people who believe courts provide equal justice for all has steadily declined in the last decade.^{xi} While most people do not consciously choose to miss a hearing, some may be less likely to follow court instructions if they believe the court will not treat them fairly, whether they appear or not.

Courts can build community trust and promote cooperation by incorporating **procedural justice** into every way that they interact with court users. The core principles of procedural justice are:

- ➔ **Respect:** Court users are treated with dignity and respect.
- ➔ **Voice:** Court users are given a chance to tell their side of the story and participate in the decision-making process.
- ➔ **Unbiased decision-making:** Decisions are guided by neutrality and transparent reasoning.
- ➔ **Understanding:** Court users can understand the language used in court and how decisions are made.



Flyer for Jefferson County, AL's 2023 Amnesty Week.

Procedural justice experts recommend that courts consider incorporating these principles into every way in which courts interact with community members. Many of the policy options mentioned above exemplify tenets of procedural justice and can contribute to building community trust. A handful of other strategies discussed by experts and participants at the summit include:

Accessible List of Defendants' Rights: Simply by making a list of defendants' rights available and accessible in the courthouse and on the court website, whether it be in the form of a handout, signs, or video, can improve perceptions of the court and convince court users that the court is committed to fairness.

Judicial Bench Cards: One of the most vital interaction points between courts and court users occurs in the courtroom. The American Judges Association, the Center for Court Innovation, the National Center for State Courts, and the National Judicial College created a Bench Card on Procedural Fairness that judges can reference during proceedings to improve perceptions of fairness. The bench card provides handy reminders about some of the most impactful tools for conveying respect, fairness, and clarity during court proceedings.

BENCH CARD ON PROCEDURAL FAIRNESS

PRACTICAL TIPS FOR COURTROOM PROCEEDINGS

INTRODUCE YOURSELF. Introduce yourself at the beginning of proceedings, making eye contact with litigants and other audience members. Court staff can recite the basic rules and format of the court proceedings at the beginning of each court session. Written procedures can be posted in the courtroom to reinforce understanding.

GREET ALL PARTIES NEUTRALLY. Address litigants and attorneys by name and make eye contact. Show neutrality by treating all lawyers respectfully and without favoritism. This includes minimizing the use of jokes or other communication that could be misinterpreted by court users.

ADDRESS ANY TIMING CONCERNS. If you will be particularly busy, acknowledge this and outline strategies for making things run smoothly. This can help relax the audience and make the process seem more transparent and respectful.

Example: "I apologize if I seem rushed. Each case is important to me, and we will work together to get through today's calendar as quickly as possible, while giving each case the time it needs."

in plain language. Ask litigants to describe in their own words what they understood so any necessary clarifications can be made.

MAKE EYE CONTACT. Eye contact from an authority figure is perceived as a sign of respect. Try to make eye contact when speaking and listening. Consider other body language that might demonstrate that you are listening and engaged. Be conscious of court users' body language too, looking for signs of nervousness or frustration. Be aware that court users who avoid making eye contact with you may be from a culture where eye contact with authority figures is perceived to be disrespectful.

ASK OPEN-ENDED QUESTIONS. Find opportunities to invite the defendant to tell his/her side of the story, whether directly or via defense counsel. Use open-ended questions to invite more than a simple "yes" or "no" response. Warn litigants that you may need to interrupt them to keep the court proceeding moving forward.

Example: "Mr. Smith: I've explained what is expected of you, but it's important to me that you understand. What questions do you have?"

The top portion of the American Judges Association's Bench Card on Procedural Fairness.

COMMITMENTS AND ACCOMPLISHMENTS

After developing an understanding of the problems and reviewing available policy options, participants from each court spent the remainder of the summit deciding what to do in their own courts to improve appearance rates and responses to missed appearances. Guided by a facilitator, stakeholders considered which of the discussed policies would have the greatest impacts on their communities based on their unique needs, and carefully thought through how to make each initiative happen.

The summit closed with each court sharing with the entire group the policy and practice changes they were choosing to undertake. Over the following few months, participating courts and the technical assistance teams worked to roll out the new initiatives. To the great credit of the tremendous teams working in each of the participating courts, within just seven months, most of the commitments had been achieved. Of the remaining commitments, each participating court has a plan in place to implement their ambitious proposals.



Courthouses in each participating jurisdiction. From top left moving clockwise: Buckeye Municipal Court, 10th Judicial Circuit Criminal Court of Jefferson County, Lincoln County District Court, Richmond County State Court, 16th Judicial Circuit Court—Kansas City Municipal Division, La Crosse County Circuit Court.

Buckeye Municipal Court (Maricopa County, AZ)

Improving communication

- ➔ **Address verification:** The court committed to finding a vendor to assist in verifying court users' addresses and contact information to deliver reminders more effectively. The technical assistance team provided the court with information on companies that provide this service. The court selected a vendor and within a few months the vendor provided updated address information for more than one of every three pieces of mail returned to the court.
- ➔ **Forms revisions:** The court created a brand-new form to advise people of the next steps in their case in clear and plain language. The court also revised four existing forms to enhance plain language and readability:
 - Appearance order (criminal summons);
 - Order to Show Cause (OSC) and email to accompany OSC;
 - Payment agreement; and
 - Payment plan information
- ➔ **Website revisions:** The court committed to improving their website to make it easier for court users to navigate and understand information relevant to their case. The revisions include using plain language to describe court processes, re-organizing information so that important information appears first, adding the court calendar, adding an FAQ section, and other general design improvements.

Removing barriers

- ➔ **Traveling court:** The court attempted to create a regular court session in the historic downtown area, to improve accessibility for people living in the area. Due to circumstances beyond the court's control, they were unable to proceed at this time. The court continues to explore options for satellite locations throughout the entire city, to better serve those living in various parts of Buckeye.
- ➔ **Virtual court policy:** The court committed to expanding its use of remote hearing technology to better accommodate people with transportation-related obstacles to appearance. The technical assistance team drafted a remote appearance policy that the court issued by administrative order in November 2023. The court now also offers remote hearings for people charged with probation violations and for sentence reviews.
- ➔ **Automatic payments:** The court wanted to let people with payment obligations enroll in automatic payments, so they do not have to repeatedly call a phone service, go to a kiosk, or appear in court to make payments. The technical assistance team provided the court with a list of vendors that offer these services.

Building trust

- ➔ **Better options for connecting court users with behavioral health treatment:** The court had two specific ideas in mind to help court users get better access to community

resources for mental health and behavioral health needs. First, the court committed to finding a provider for counseling services that accepts Medicaid; its former provider did not accept Medicaid, creating a barrier to access. The court also committed to exploring ways it could provide training for staff at two regional facilities on how to work with clients with court obligations.

The court found a local counseling provider that accepts Medicaid—Southwest Behavioral & Health Services—and has established a relationship with that provider to facilitate referrals. The court now has a specific form dedicated to signing people up for this new provider. Now, many court users who rely on Medicaid can get access to counseling, when they previously may have been barred from doing so.

La Crosse County Circuit Court (La Crosse County, WI)

Improving communication

- **Forms revisions:** The court committed to revising its pretrial summons form by enhancing the design and incorporating plain language principles. The technical assistance team drafted a variety of options that improved on the current design. The court will decide which new version it wants to use.
- **Text reminders:** The court wants to start sending text reminders to court users before upcoming court dates and after missed appearances. The court's technology system currently supports automated phone calls. The technical assistance team worked with the court, using NCSC's draft eReminders toolkit, to create an action plan for the court to launch this service.
- **Website revisions:** The court committed to improving their website to make it easier for court users to navigate and understand information relevant to their case. The revisions include using plain language to describe court processes, improved wayfinding, and new scheduling and rescheduling options.
- **Case process map:** The court committed to creating a process map that the court can use to educate court users about the process of their case. The process map will be placed on the revised website. The technical assistance team provided a draft process map to the court.

Removing barriers

- **Case consolidation:** The court committed to implementing a policy to consolidate cases among the divisions of the court, to reduce instances in which people must appear multiple times before different judges. With guidance from the technical assistance team, the court developed and enacted a new court rule to ensure that each court user appears before only one judge.
- **Remote court:** The court committed to creating a uniform remote court policy, using just one videoconference link for the entire court, to cut down on confusion for court users who may have cases in different branches of the court. The technical assistance team provided resources on remote hearings and a draft policy governing remote appearances, and worked to get unanimous agreement among the judges on the court's new policy. The new policy was issued as a court rule in 2023.

Responding effectively to missed appearances

- **Warrant policy bench card:** The court committed to creating a bench card to institutionalize one policy for issuing warrants that is consistent among all five branches of the court.

Building trust

- **Court navigators:** The court committed to establishing procedures for offering in-person and virtual navigation in the courthouse. This will consist of training Justice Support Services (JSS) staff, and later other courthouse staff, to advise people on how to navigate the courthouse and the process of their case, and how to access helpful community resources.
- **SPD and JSS in the courtroom:** The court committed to bringing both the state public defender (SPD) and Justice Support Services (JSS) into the courtroom during case intake. SPD would be on hand to immediately process applications for public defender. JSS can start the process of getting people set up to meet their conditions of release.

Lincoln County District Court (Lincoln County, WA)

Improving communication

- **Palm cards:** The court developed a simple and concise card with information about appearing in court that can be handed out to any defendant or community member. It includes the court's contact information and advertises relevant services like Warrant Resolution Day (see below). The palm card is currently being handed out by the law enforcement agencies working in the county and some people have shown up at court with their palm card in hand.
- **Website revisions:** The court committed to improving their website to make it easier for court users to navigate and understand information relevant to their case. The revisions include using plain language to describe court processes, reorganizing information so that important information appears first, creating new forms/links to allow people to request a continuance or view the court calendar, and general design improvements.

Removing barriers

- **Court shuttle service:** Because Lincoln County is rural, the court understood that getting to the courthouse can be challenging for people without a car. They are exploring ways to leverage existing bus services and are coordinating with the Moccasin Express (a bus service making trips from the Spokane Reservation to downtown locations) to add the courthouse as a regular stop on the bus route.
- **Virtual court for traffic infractions:** For traffic infractions and some traffic misdemeanors, the court committed to allowing people to appear remotely to further reduce the transportation hurdles many court users might face. The court allows individuals to request a virtual hearing for first appearances in those cases.

Responding effectively to missed appearances

- **Warrant resolution docket:** The court created a weekly docket for handling warrants called Warrant Resolution Day. Every Tuesday at 11:30am people can come to court to get their warrant cleared. The public defender and prosecutor are on hand so that ideally cases can be resolved, not just reset for a new day. The court advertises Warrant Resolution Day on their website, on the palm card, and through local news articles. Individuals are already taking advantage of this opportunity for a clean slate.
- **First-time forgiveness policy:** To reduce the number of warrants on the front end, the court is allowing people a second chance after missing court for less serious offenses. If it is someone's first time missing court, the judge no longer issues a bench warrant and instead has the case rescheduled.

Building trust

- **Outreach to local tribes:** The data analysis showed that Native Americans miss court at higher rates compared to other demographic groups. The court committed to establishing

lines of communication between the nearby reservations—Colville Reservation and Spokane Reservation—to facilitate information sharing and building trust. After initial meetings with leaders from each reservation, the court is now sharing with the tribe information about who has outstanding warrants and the various ways they can be resolved. By having an open line of communication, the court is optimistic that there will be even more ways to coordinate and strengthen connections in the future.

Richmond County State Court (Richmond County, GA)

Improving communication

- ➔ **Website revisions:** The court committed to improving their website to make it easier for court users to navigate and understand information relevant to their case. The revisions include using plain language to describe court processes, reorganizing information so that important information appears first, adding an FAQ section, adding information about rescheduling cases, a video explanation of a court user's rights, providing upcoming hearing information, and other general design improvements. Along with the website updates, the court got a new domain name—www.RCSC.gov—to make it easier to link to the website.
- ➔ **Case process map:** The court committed to creating a process map that the court can use to educate court users about the process of their case. The process map will be placed on the revised website. The technical assistance team provided a draft process map to the court.
- ➔ **Forms revisions:** The court committed to revising two forms using plain language and better design principles to improve readability:
 - Summons (criminal); and
 - Trial date noticeThe technical assistance team worked with the court to draft revisions that improved on the current forms. The Solicitor General and the court will decide on the final versions.
- ➔ **Palm Cards:** The court committed to creating palm cards for law enforcement officers to distribute to people when they issue a citation or arrest someone. The technical assistance team offered multiple options for palm cards that: reinforce the importance of appearing for court and the consequences of not appearing; provide helpful phone numbers and websites for people to connect with resources such as the court, public defender, and probation; and provide guidance on clearing a warrant resulting from a missed appearance.
- ➔ **Phone system:** The court created an automated phone system for people to call and get more information about the court. The system has prompts to direct callers to the Solicitor General's Office, the Public Defender's office, each judicial assistant, each staff attorney, the Clerk's office, and probation.
- ➔ **Text reminders:** The court wants to start sending text reminders to court users before upcoming court dates and after missed appearances. The technical assistance team worked with the court, using NCSC's draft eReminders toolkit, to create an action plan for the court to launch this service.

Responding effectively to missed appearances

- ➔ **Tailor responses to missed appearance:** The Solicitor General committed to allowing people in certain situations to reschedule their cases in advance if a person knows they

will not make it to court. If people contact the Solicitor's office at least 72 hours prior to a hearing, the Solicitor General will consider a request to reschedule.

Building Trust

- **Warrant resolution:** Moving forward, the court plans to continue programs currently in place to help build trust and confidence. In 2022, the court led Operation Lifted Cloud, a two-day event to allow people with outstanding warrants to resolve the warrant without fear of arrest. The event was a coordinated effort between the court, Sheriff, Solicitor General's Office, Public Defender, and Clerk of Courts. The same team of stakeholders will renew this program, and the court will offer additional resources to assist people in resolving warrants on its revised website.

10th Judicial Circuit District Court (Jefferson County, AL)

Improving communication

- ➔ **Forms revisions:** The court committed to revising two forms using plain language and better design principles to improve readability:
 - Jail release form with upcoming hearing information
 - Text/email election form (a state Administrative Office of the Courts (AOC) form)The technical assistance team worked with the court to draft revisions that improved on the current forms. The court immediately implemented the jail release form.
- ➔ **Website revisions:** The court committed to improving their website to make it easier for court users to navigate and understand information relevant to their case. The revisions include using plain language to describe court processes, reorganizing information so that important information appears first, adding an FAQ section, helpful information about appearing in court, updated contact information, and other general design improvements.
- ➔ **Extend use of text/email notifications:** The state of Alabama’s Administrative Office of Courts already offered text and email reminders, but few court users in Jefferson County used the system. The court developed a policy for proliferating the use of text/email election forms by getting them to court users at early hearings and in the jail.

Responding effectively to missed appearances

- ➔ **Amnesty Week:** Only a few months following the summit, Jefferson County judges, attorneys, and court administration collaborated to host an Amnesty Week, an event during which anyone with an active warrant (except for people with violent and/or felony cases) or outstanding fines and fees could walk in and get relief. Hundreds of court users flooded to the courthouse. Approximately 320 court users received relief during the event in the form of lifted warrants, resolved cases, reset hearing dates, and remitted or reduced fines and fees.
- ➔ **Case and warrant dismissals:** In addition to Amnesty Week, the court, Public Defender’s Office, and the District Attorney collaborated on an on-going long-term project to clear thousands of old warrants and unresolved cases dating back decades.

Building trust

- ➔ **Elements of amnesty week:** The Amnesty Week event had collateral benefits, in addition to providing direct relief to hundreds of court users. Several elements contributed to building trust in the community:
 - **Advertising:** Simply by getting the word out about Amnesty Week through press releases, flyers, social media, and word of mouth, the court was able to convey to the community that the court is here to help.
 - **Survey:** The court conducted exit interviews after people saw a judge to ask them about their experience and what would help them make it to court in the future. This is an example of making sure that people feel like they have a voice.
 - **Collaborating with local non-profits:** The court brought local advocates and service providers to the table at Amnesty Week and help court users get their

license back, sign up for an expungement clinic, and more. The Alabama Secretary of State even sent a mobile voter registration unit.

16th Judicial Circuit Court of Missouri, Kansas City Municipal Division (Jackson County, MO)

Improving communication

- **Walk-in docket reforms:** The court committed to several reforms to improve its existing walk-in docket for clearing warrants, including promising not to arrest people and giving an opening statement expressing appreciation for people's time and effort in making it to court. Following the summit, the court immediately implemented these changes and advertised them on the website.
- **Updated information in the courthouse:** The technical assistance team worked with the court to improve the information shown on video screens throughout the courthouse, including critical rights that each person has, how to navigate around the courthouse for cases, payments, and general information, and what to expect at each different stage of a case. The information will be displayed on large video screens in the common areas of the courthouse and on individual video screens in each courtroom.
- **Text and email reminders:** In the summer of 2023 the court began offering email reminders about upcoming hearings, and in just three months nearly 800 people had signed up for this option. In late 2023, the court transitioned to new a case management system that can send text reminders in addition to email. The project team worked with the court to develop a plan for the transition so the court can start delivering effective text reminders immediately and improve its email reminders.

Removing barriers

- **Extended hours:** The court expanded its hours to try to accommodate people who had challenges making it to court during the traditional 9am to 5pm business hours. The court added a Wednesday evening docket each week and a monthly Saturday docket. The court also coordinated with the violations bureau (for traffic matters) and the probation department (to conduct urinalysis and fingerprinting as needed) to reduce the need for future appearances for people at the extended hours dockets.
- **Childcare:** The court committed to exploring ways to offer childcare to people with court obligations, so that people with children would not have a conflict that prevents them from making it to court. While the court did not get a childcare option operational in the course of this work, the project team consulted with the court and developed a plan for the court to continue in this pursuit.

Responding effectively to missed appearances

- **Process simplification:** Other reforms to the walk-in docket were designed to improve the user experience and reduce unnecessary appearances. The first, immediate reform was to include Legal Aid and the prosecutor to participate in the last two hours to resolve cases on the spot. In the future, the court will also explore creating a sign-up option on the website so the prosecutor and public defender can anticipate who will appear.

- **Grace period policy:** The technical assistance team worked with the presiding judge and court administration to issue a new administrative order implementing a grace period for people who miss a court date, prior to a warrant being issued. The court passed a grace period policy and a new policy on continuances, with the advice of the project team, in September 2023. Now, anyone who misses a pretrial hearing in the Kansas City Municipal Court has 30 days to remedy the missed appearance by contacting the court to reschedule without fear of being arrested.
- **License restoration assistance:** Recognizing the large numbers of people who have their drivers' licenses suspended due to an infraction or a missed appearance, the court committed to giving better information and assistance to people to help them get suspended licenses restored. The court connected with a local agency that provides this sort of support and placed information on its website to direct people to it.

Building trust

- **Court rebranding:** The court committed to launching a public education campaign to demonstrate the court's core values through practice and policy. The court will emphasize the principles of fairness, trust, and accessibility. Outreach and messaging from this campaign will include public events, and information on the court website, posters, and courthouse screens. For its first push, the court held a resource fair in August 2023, bringing together several local agencies to build better connections with the community. The resource fair was broadly advertised and well-attended.
- **Create a new Criminal Justice Advisory Committee:** While launching a criminal justice advisory committee, a large undertaking, is beyond the scope of this project, the court nevertheless committed to doing so in its ongoing efforts to build more community trust. The project team worked with court administration to develop a plan to establish a local team of stakeholders to meet on a regular basis to discuss justice system issues and possibilities. The project team also provided the court guidance on how to structure its efforts for maximum impact.

Endnotes

ⁱ B.A. Reeves, "Felony Defendants in Large Urban Counties, 2009" (Bureau of Justice Statistics, U.S. Department of Justice, 2013). <https://bjs.ojp.gov/library/publications/felony-defendants-large-urban-counties-2009-statistical-tables>.

ⁱⁱ Hatton, Ross, (2020) " Research on the Effectiveness of Pretrial Court Date Reminder Systems." UNC School of Government Criminal Justice Innovation Lab. <https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>

ⁱⁱⁱ Gouldin, L. P. (2021). *New Perspectives on Pretrial Nonappearance*. In Scott-Hayward, C.S., Copp, J.E., Demuth, S. (Eds.), *Handbook on Pretrial Justice* (pp. 296-323.). Taylor & Francis.

^{iv} McAulliffe, Shannon et al. *National Guide to Improving Court Appearances*. Ideas42. May 2023. <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

^v National totals are estimated from subset of reporting states. Source: Bureau of Justice Statistics, Survey of State Criminal History Information Systems, State warrant file information, 2020.
Note: Active warrants are based on 42 reporting States and is an undercount of the national total.

^{vi} North Carolina Criminal Justice Innovation Lab. *North Carolina Court Appearance Project: Findings and Policy Solutions from New Hanover, Orange, and Robeson Counties*. April 2022. <https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2022/04/NC-Court-Appearance-Project-Report-4-22-22.pdf>.

^{vii} McAulliffe, Shannon et al. *National Guide to Improving Court Appearances*. Ideas42. May 2023. <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

^{viii} See, e.g., R. Hatton, "Research on the Effectiveness of Pretrial Court Date Reminder Systems," UNC School of Government Criminal Justice Innovation Lab (2020). <https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2020/03/Court-Date-Notifications-Briefing-Paper.pdf>.

^{ix} See McAulliffe, Shannon et al. *National Guide to Improving Court Appearances*. Ideas42. May 2023. <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

^x See McAulliffe, Shannon et al. *National Guide to Improving Court Appearances*. Ideas42. May 2023. <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

^{xi} National Center for State Courts. *State of the State Courts 2022 Poll*. https://www.ncsc.org/_data/assets/pdf_file/0019/85204/SSC_2022_Presentation.pdf.