

Costs of Failure to Appear for Arraignment

Natalia Emanuel, Helen Ho



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Timeline: 2017

Failure to appear (FTA) for a court hearing on a minor offense can result in default judgements, which can have an even greater impact on defendants and the courts than that of the original infraction. Researchers will conduct a randomized evaluation to test the impact of different types of notifications on rates of failure to appear in traffic and criminal misdemeanor courts.

Policy Issue: In the study county, defendants frequently fail to appear for hearings. A failure to appear (FTA) has serious sentencing implications for individuals' personal records, as well as further costs and administrative work for the court. The potential consequences for infractions such as speeding, possessing an open container of alcohol, or breaking curfew in a park are relatively minor, but, if defendants fail to appear, they are automatically given a default judgement. This means they are subject to consequences such as additional fines and fees, a suspended driver's license, and

an arrest warrant. Despite the possibility of serious consequences, one-third of defendants in the study county's criminal misdemeanor and traffic courts still fail to appear for first hearings or arraignments. In 2016, this was the equivalent of almost 65,700 FTAs. Randomized evaluations in other contexts suggest that personalizing messages and providing information on how to interact with the legal system can encourage defendants to resolve their cases. The pilot will test the effectiveness of notifications alone, and the effectiveness of notifications combined with assistance from a live person. The full randomized evaluation will explore unanswered questions around FTAs and efforts to reduce them: Do defendants fail to appear because they do not understand hearing requirements, are unaware of court resources and accommodations, or because of financial constraints? What are the long-term costs of FTA on both the court system and defendants? Are low-cost text message nudges more effective than assistance from a live person?

Context of the Evaluation: The study is taking place in the traffic and misdemeanor courts of a large, municipal county court system in the United States. The county has supportive resources like childcare, interpreting services, and an online fine payment system for eligible cases available to those who need to engage with the judicial system.

Details of the Intervention: Researchers will conduct a randomized evaluation to test the impact of different types of reminders on FTA rates.

Defendants with address data but no phone number available will be randomized into either a control group or one treatment arm:

- No reminder sent (control group)
- Sent postcard with information about the court date, time, and location, accommodations offered by the court, and consequences of failure to appear.

Defendants with phone numbers available will be randomized into a control group or one of two treatment arms:

- No reminder sent (control group)
- SMS group: Sent a series of three SMS texts via phone at two weeks, one week, and one day prior to the court date. These texts will contain information about the court date, time, and location, accommodations offered by the court, and consequences of failure to appear.
- SMS plus assistance group: Sent the same reminder texts at the same intervals as the SMS arm, with an invitation to text back with questions to court staff. Court staff will be able to see these questions and respond via text.

In the full randomized evaluation, investigators will track FTA rates and follow defendants for 18-24 months after their arraignment to establish impact on criminal justice involvement and payments to the court. These results will help to establish the comparative cost effectiveness of the interventions to each other, and to status-quo policies associated with preventing FTA.

Results and Policy Lessons: This research project is ongoing – results forthcoming.

Related Papers Citations: *Cooke, Brice, Binta Zahra Diop, Alissa Fishbane, Jonathan Hayes, Aurelie Ouss, and Anuj Shah.*

2018. "Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court." *Ideas42 and University of Chicago Crime Lab. Greiner, D. James and Andrea Matthews.* 2016. "Randomized control trials in the United States legal profession." *Annual Review of Law and Social Science* 12 (October): 295-312. Haynes, Laura C., Green, Donald P., Gallagher, Rory, John, Peter, and Torgerson, David J. 2013. "Collection of delinquent fines: An adaptive randomized trial to assess the effectiveness of alternative text messages." *Journal of Policy Analysis and Management* 32(4): 718-730.

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