



Saving Money, Increasing Court Appearance, Alleviating Backlog:

The Role of Court Notification Systems in Transforming Hamilton County Courts

May 31st,

2023

Key Takeaways

- **Missed court appearances and courtroom backlog are current problems that negatively affect Hamilton County citizens, judges, lawyers and police.**
- **Missed court appearances and courtroom backlog are drains on the county budget.**
- **A court notification system can increase court appearances by reducing the failure-to-appear rate. In turn, this reduces the burden placed on police, judges, lawyers and jail officials.**
- **Similar to a doctor's office reminder, a court notification system is a simple way to remind citizens of upcoming court dates. Research shows citizens appear more frequently in court because of a notification reminder; this helps reduce their vulnerability, instability and likelihood of arrest and incarceration.**
- **Cities across the US have implemented court notification systems to well-documented success.**



In Hamilton County, an opportunity exists that promises significant returns in four main areas: reducing taxpayer burden, increasing court system efficiency, reducing jail overcrowding and building trust among citizens.

Hamilton County's court system is one of the most fundamentally important aspects of county life. For our court system to remain effective, efficient and fair, citizens must be present. Yet, many Hamilton County residents miss their appointed court date. This is known as Failure to Appear (FTA). Each day, an estimated 160 cases appear on the Hamilton County sessions court docket. In 2022, there were 873 individuals who failed to appear in court. That's an average of 75 per month; in Hamilton County, 10% of all defendants fail to appear in court. It's in the best interest of all involved for a lower FTA rate.

“Failure to appear (FTA) in court is a significant drain on the criminal justice system’s resources for every agency.”

**– Budget Office Evaluation report,
Multnomah County, Oregon**

When citizens fail to appear in court, the consequences can be devastating; a high FTA rate impedes courtroom efficiency, drains the budget and deeply complicates lives for many people, including our most vulnerable citizens.

Locally, law enforcement is required by law to arrest an individual for whom there exists a bench warrant for FTA. Additionally, the courts may suspend that person's driver's license. Now one problem balloons into many as an initial FTA can lead to job loss, family instability or further immersion into the court system.

Law enforcement becomes busier, courts grow even more backlogged and citizens – many of whom already face multiple difficulties – become overburdened, as the consequences for FTA can lead to suspension of driver's license or arrest, thus snowballing both individual suffering and the entire court system's financial effectiveness.

It's in the best interest of all involved – judges, lawyers, police, taxpayers, citizens – to find a reasonable, helpful solution.

¹ “Tennessee Code Title 55.” Law.Justia.com.

The Role of a Court Notification System

Research across the nation shows that the implementation of a Court Appearance Notification System (CANS) can demonstrably reduce FTA and related complexities while increasing the rate of court appearances. A CANS program alleviates many of the roadblocks and difficulties involved in court appearances.

Many other cities and municipalities – including Davidson, Shelby and Knox counties – have introduced this 21st-century solution and are enjoying added financial savings and civic goodwill.

The implementation of a localized CANS would become a restorative influence on the county budget, civic trust and the daily and practical aspects of our court system.



Present-Day Problems: Backlog and FTA

To understand the importance of CANS, it is helpful to understand two present-day realities: backlog dysfunction and missed court appearances.

According to researchers in Harris County, Texas:

“Missed court appearances are an expensive problem, costing cities and states across the United States tens of millions of dollars every year in expenses such as executing arrest warrants, jail expenses and court delay.”²

Nationally, our courts have been backlogged for years. Locally, our courts are no exception. In a 2021 report, Thomson Reuters analyzed the national court backlog.³ Pre-COVID, the average caseload-backlog was 958 cases. “During the last 12 months, the average backlog increased to 1274 cases,” their report states.

Hamilton County can reduce its court backlog by reducing its FTA rate. A lower FTA rate can lead to overall increased efficiency, decreased financial costs and fewer associated difficulties among citizens. There is a connection between poverty, court appearance, police involvement and job stability. Stabilizing one helps stabilize all.

According to the National Center for State Courts:

“FTAs are a leading cause of arrest and typically involve low-income people with traffic violations or misdemeanor charges. In 2018, there were 5.7 million open warrants in the U.S. [and] 96% were minor, nonviolent crimes and traffic offenses.”



² McAuliffe, Shannon, et al. “Navigating the Real Life Challenges of Appearing in Court.” Ideas42.org.

³ “The Impacts of the COVID-19 Pandemic on State & Local Courts Study.” Legal.ThomsonReuters.com.

Research⁴ shows that people often miss court for a variety of reasons:

Lack of appropriate or affordable childcare;

They can't afford to miss work or risk losing their job if they do miss work;

Lack of appropriate or affordable transportation;

Avoiding court out of fear, as fines are unaffordable or they may be jailed;

Lack of a stable address – court notifications go unread or unreceived.

(One North Carolina study showed that some 30% of addresses on file in the court system were inaccurate.)⁵

Local FTA rates lead to a high number of arrests, as “*the most common charge [related to serving warrants] is failure to appear,*” according to ChattaData.org.

Silverdale Detention Center is both overcrowded and understaffed; there’s a dire urgency to reduce our local prison population. Reducing FTA helps alleviate suffering at Silverdale.

Hamilton County spent approximately \$63,000 a day on pretrial detainment in FY 2021-2022, totaling \$2 million annually.⁶ Citizens unable or unwilling to participate in the cash bail system remain incarcerated until their trial date, often months away.

Historically, the practice of cash bail was designed as an incentive for a return court appearance. Across the nation, municipalities are reconsidering cash bail, which often penalizes poor and working-class citizens. In Hamilton County, it’s been estimated that approximately 82% of all county jail inmates are pretrial detainees, unable or refusing to participate in a cash bail system.⁷ Constitutionally, they are innocent before their trial. As a less punitive system, CANS simply requires that citizens have a phone.

⁴ “The Big Picture: Why Appearance Rates Matter.” [Vimeo.com/745767934](https://vimeo.com/745767934)

⁵ Zottola, Samantha, et al. “*Court date reminders reduce court nonappearance: a meta-analysis.*” Criminology & Public Policy.

⁶ “Average Daily Cost” to House Prisoners as of June 30, 2022, Office of the [Hamilton] County Auditor

⁷ Jail Summary Reports, Tennessee Department of Corrections

CANS as a Local Solution

CANS uses technology to automatically generate a series of text and voice messages alerting citizens in advance of their appointed court date. Similar to a doctor's or dentist's office calling ahead of a scheduled appointment, CANS sends out easy and clear messaging designed to inform and remind people of their upcoming court date. So many of us benefit from the last-minute reminders. We can extend the same helpful courtesy to citizens appearing in court.

“Court date notification systems are used to notify people released pretrial of their next court date, the consequences of not appearing, any changes to previously scheduled court dates, and missed court dates, allowing time for them to remedy the situation before a warrant is issued.”

- Advancing Pretrial Policy and Research, April 2021 Report

Models from New York City⁸ show how easy and clear these reminders can be:

“Helpful reminder: Go to court Mon Jun 03 9:30AM. We'll text to help you remember. Show up to avoid an arrest warrant. Reply STOP to end texts. www.mysummons.nyc “

“You have court on Mon Jun 03 at 346 Broadway Manhattan. What time should you leave to get there by 9:30AM? Any other arrangements to make? Write out your plan.”

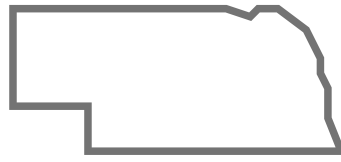
“Remember, you have court tomorrow at 9:30AM. Tickets could be dismissed or end in a fine (60 days to pay). Missing court for ##### can lead to your arrest.”

Practically, the implementation of CANS is relatively simple. Once introduced into our court system through a contracted outside company, CANS allows citizens to volunteer their contact information which it then uses to automatically generate a series of text and voice mail messaging in advance of court date.

⁸ Cooke, Brice, et al. “Using Behavior Science to Improve Criminal Justice Outcomes.” Courthousenews.com.

Research & Case Studies

Across the nation, cities have begun using court notification systems.



Nebraska

Research shows the efficacy of such programs to increase appearance rates. From New York to Nebraska, studies have shown that even the slightest of notifications can increase appearance rates. In NYC, a text messaging system increased rates by “a statistically meaningful 21%.” In 14 counties in Nebraska, more than 7,500 charged with misdemeanors received postcard notifications; court appearances increased by 14% (Advancing Pretrial Policy & Research, April 2021).

Shelby County, TN



In Shelby County, court officials found huge success. According to the **Commercial Appeal**:

“Before the pilot, 73% of those eligible for the program showed up for their court dates. As of earlier this month, more than 97% of the people enrolled were showing up for their court dates.”

“‘I kind of compare to doctor’s reminders,’ said Llana Greer, director of pretrial services. ‘We all have lives, we all have things we’re busy doing day to day to day. You go to court on your arraignment, your court date might get set off two or three weeks and during that time period you’re doing your life, you’re living. There are things that happen you forget the exact date. You call down, try to find somebody, get the right numbers, look up those type of things, but with the text message, 15 days, 7 days you’re going to get a message and go oh yeah, that’s right, I have a court date and you can make plans for that.’...”

“The program costs \$2,000 per month for unlimited enrollees and is grant funded...”
“Now, pretrial services is seeking to add other aspects to the text messaging service, such as allowing defendants to text back with questions, which will be answered by staff.”

“‘This technology has streamlined services and helped support the safety of our law enforcement officials,’ tweeted Shelby County Mayor Lee Harris.”¹⁰

⁹“Pretrial Research Summary.” Advancing Pretrial Policy & Research, April 2021.

¹⁰Burgess, Katherine. “With New Text Program, Shelby County Helps People Show Up for Court.” Memphis Commercial Appeal, Dec. 26, 2022.

Jefferson County, Colorado

“... when people were called by a court representative to notify them of their failure to appear, explain the consequences of an arrest warrant, and advise them to appear within five business days to avoid the issuance of a warrant, **approximately 50% of people** (38 out of the randomly selected 75) **returned to court compared to a baseline of 10% ...**”¹¹

Nashville, Tennessee

In Nashville, officials reported a local FTA rate has dropped to approximately 10% percent after the introduction of a CANS program there.¹² Court appearance rates also increased among Nashville’s unhoused individuals. According to *GovTech.com*:

“‘Basically, what we’re seeing on our end is homeless people; they don’t have an address, but they’ve got a phone,’ said Diana Brady, program director of Pretrial Services in Nashville. ‘And they’re actually showing up in court.’”

“‘Pretrial Services has traditionally relied on home addresses and landlines to contact individuals about their court appearances. But ‘people who don’t have those, do have a cellphone,’” she said.

Case Studies

According to research from Advancing Pretrial Policy & Research,¹¹ court notifications are financially responsible and effective ways to save money:

- “Coconino County, Arizona, estimated \$90,000 in increased revenue over a period of one year, as well as a savings of \$60,000 per year as a result of using 1,000 fewer jail beds due to increased court appearance rates.”
- In Multnomah County, Oregon, officials estimated a \$232,000 savings within the first six months of introducing a court notification system.
- In New York City, “researchers calculated that sending text messages would cost less than \$75,000 over a one-year period and reduce system-related processing costs.”

“Jurisdictions have also acknowledged that notifications have significant nonfinancial benefits, such as the prevention of the adverse impacts that being involved in the justice system would have on people’s lives (regardless of whether they were or were not arrested for having an FTA warrant), as well as the procedural fairness impacts of being able to speak with a court representative and receive helpful information.”

Overall, cities that implement CANS find noticeable, often remarkable, success.

“What we have found is that it works, and it’s fantastic,” said Nathalie Stiers, director of Nashville’s Justice Integration Services (JIS), according to *GovTech.com*.

¹¹ “Pretrial Research Summary.” Advancing Pretrial Policy & Research, April 2021.

¹² Descant, Skip. “Nashville Experiments with Court Date Text Alerts.” Govtech.com, June 11, 2018.

Endorsing Implementation



**Steve
Smith**

Public Defender

"Most clients who miss court are not intending to abscond. It is an oversight on their part. Any system or mechanism to remind them of their obligations would help to minimize lost time for the victims, witnesses and police officers who would have to come back on another day. Also, holding a job is proven to be the most significant deterrent to being rearrested. If someone forgets a court date and is rearrested, they are going to lose their job."



**Lee
Davis**

Local Attorney

"Individuals occasionally overlook their court dates, frequently due to forgetting or misplacing the court date card. The Sessions Court is typically rapid, informal, and confusing, with a flurry of people engaging in discussions. It's crucial, yet often overlooked, to comprehend the importance of court appearances; furthermore, the loss of court date cards and the absence of follow-ups compound the issue. At our practice, we mitigate this challenge by utilizing a digital platform called 'My Case,' which includes a calendar feature. Clients can access this platform to view their court dates and even seek assistance with rescheduling if required."



**Austin
Garrett**

Hamilton County
Sheriff

"I encourage anything that will help get people back to court."

Endorsing Implementation

A Vision for Hamilton County

The implementation of a court notification system is easy, supported by research and promises solutions. Multiple companies exist with software that's quickly compatible with Hamilton County's existing infrastructure.



Consider **UpTrust**, a court notification system company. Their research examines 750 public defenders (PD) offices across the nation.¹³ Through the implementation of Uptrust's CANS-like program, *each PD office has saved approximately \$11,500 annually, along with an additional \$177,000 through the reduction of associated costs*, according to the company's impact report. Each PD office witnessed an average reduction of **75% fewer bench warrants** and **123 fewer arrests** based solely on a bench warrant for FTA.

Court notification systems have been endorsed by the **American Bar Association**, the **National Association of Pretrial Service Agencies** and the **National Institute of Corrections**. (APPR)

In 2022, the **Conference of Chief Justices** and the **Conference of State Court Administrators** issued a resolution encouraging members to *"implement a system incorporating text messages, phone calls, emails, plain-language court forms, and/or postcards to deliver timely court date reminders and accessibility information to all persons with matters before the court."*¹⁵

"The cost of these programs is minimal, and they produce enormous savings for the courts, jails, and police. Reducing FTA through a court notification program is a rare opportunity to simultaneously reduce the jail population, streamline court processes, support law enforcement, enhance the integrity of the judicial system, and fortify our fundamental constitutional rights, all without jeopardizing the goals of justice and public safety."

- **ACLU Maine**¹⁴

In Dec. 2022, the Journal of Criminology and Public Policy conducted a meta-analysis of the effectiveness of court notification systems stating that *"reminders significantly reduce the odds of failure to appear in court."*

CANS is a common sense, civic-minded solution that addresses multiple problems in cost-effective ways that benefit all involved.

¹³ ImpactableX, Uptrust Company Impact Report (October 2020)

¹⁴ Improving Court Appearance Rates in Maine: A Proposal for a Court Notification System in Maine State Courts. Oct. 2018

¹⁵ Ccj.ncsc.org