

Jefferson County, Colorado, Court Date Notification Program

Six Month Program Summary

Jefferson County Criminal Justice Planning 2006-11-15

Overview

In 2005, the Jefferson County Criminal Justice Planning Unit reported the results of a ten-week pilot project showing that telephoning defendants to remind them of their upcoming court dates could reduce a court's failure to appear (FTA) rate by 43%. Based on these numbers, the Jefferson County Criminal Justice Strategic Planning Committee supported the concept of creating a permanent program using the procedures demonstrated as effective by the pilot project. The Jefferson County Sheriff's Office funded and implemented the program, now named the Jefferson County, Colorado, Court Date Notification Program, and hired a full time Program Specialist in March of 2006 to operate it. After six months, the Jefferson County, Colorado, Court Date Notification Program is operating successfully. Though still in its infancy, the program has reduced the FTA rate of the targeted population from 23% to 11%, a reduction of 52%. In more concrete terms, it is estimated that in this same six-month period, approximately 425 FTA warrants were avoided as a direct result of the program.



The purpose of this summary is to provide this and other jurisdictions with a brief description of the program's history, procedures, outcomes, and benefits. Faced with increases in the number of case filings, as well as increases in the numbers of defendants who fail to appear for their court dates, the Jefferson County, Colorado, Court Date Notification Program provides an effective tool in the fight to reduce FTAs.

History

The 2005 pilot project was designed to measure the impact of telephone calls to defendants on the Jefferson County Combined Court's overall FTA rate. That pilot project, which used a live telephone caller (1) to remind county court traffic and misdemeanor defendants of their upcoming court dates, and (2) to notify defendants who failed to appear for court of their resulting warrants, was developed as part of a multifaceted approach by Jefferson County to reduce FTAs and FTA warrants. As reported in 2005, FTAs significantly hindered the efficiency of the local criminal justice system, and resulted in a number of tangible and intangible costs to society:

[f]rom the time a particular defendant fails to appear for court, the burden from the FTA begins to drain the public resources at multiple points in the system. [All] persons associated with the case during the life of an FTA warrant, including judges, clerks, police officers, attorneys, and jail staff find that their workload increases significantly. Moreover, the tangible and intangible costs of FTA warrants extend to victims, witnesses, and even to the defendants themselves. Finally, FTA warrants undermine the integrity of the justice system; each warrant erodes the respect that is deserved of a separate and independent judiciary.

Comparing the FTA rates for defendants who were contacted by the caller with those who were not, the pilot project successfully demonstrated that jurisdictions developing programs using protocols tested in the pilot are likely to see a significant reduction (from 21% to 12% or less) in the number of FTAs and FTA warrants generated in their court.¹ For a detailed summary of this pilot project, please contact the Jefferson County Criminal Justice Planning Unit, or go to: http://www.co.jefferson.co.us/jeffco/cjp_uploads/FTA_Pilot_Project_Summary.pdf.

The Jefferson County Court Date Notification Program

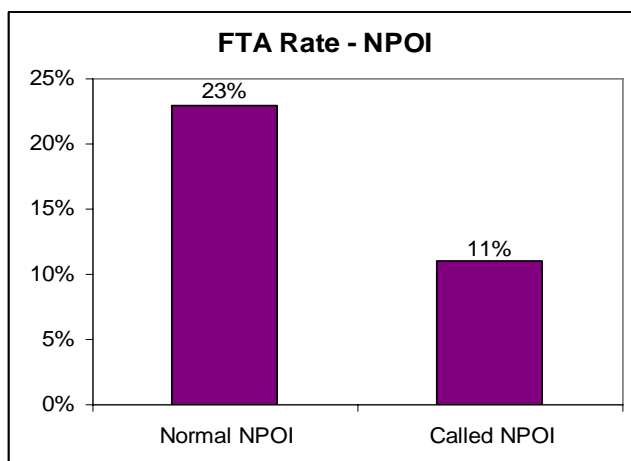
Based on the success of the pilot project, The Jefferson County Criminal Justice Strategic Planning Committee's ("CJSPC") System Performance Subcommittee created a Task Force to make recommendations for creating a permanent calling program designed to reduce FTAs. Those recommendations, along with a detailed cost/benefit analysis of FTA reduction, were subsequently presented to the CJSPC, which unanimously supported the concept of developing a program using a live caller to telephone defendants to remind them of their upcoming court dates.² That program, named the Jefferson County, Colorado, Court Date Notification Program, is funded by the Sheriff's Office, and is located inside the Jefferson County Combined Court. Paula Hancock, the caller during the pilot project, was hired full time as a civilian Program Specialist to implement the program. As originally planned, Program Specialist Hancock was hired to spend roughly equal amounts of time on program implementation and expansion, with fifty percent of her time spent actually calling defendants, and fifty percent spent on evaluating the effectiveness of those calls and on investigating program elements necessary to address the FTA issue associated with other courtrooms and court events. Program Specialist Hancock [hereinafter the caller] began making calls during the last week of March 2006. The following summarizes the program's outcomes for the six month period of April through September 2006. Procedural elements of the program are detailed in Appendix I.

Results

During the first six months of the Court Date Notification Program, the total number of docketed cases with unrepresented defendants facing traffic or misdemeanor charges in County Court Duty Division reached approximately 10,000, for an average of 385 per week. Of those 10,000 cases, approximately 5,600 were targeted for telephone



calls. Of those targeted, approximately 3,500 defendants were "successfully contacted" (defined as either talking to the defendant in person, or by leaving a message on the defendant's voice mail or with a third party) and 2,100 were unsuccessful, for a successful contact rate of 63%. As documented during the FTA pilot project last year, the normal FTA rate for NPOI defendants is 23%. When these defendants are successfully contacted and reminded of their court dates one week in advance of their arraignments, however, the FTA rate is reduced to 11%. This result, a 52% decrease in the targeted population, is



¹ The results of this pilot project were replicated in a similar study performed by the Criminal Justice Coordinating Council and Flagstaff Justice Court in Flagstaff, Arizona in May of 2006.

² Issues over whether to use a live caller versus an automated system, and whether to call defendants in advance of their court dates or after they already failed to appear, were discussed in some detail. For further information concerning these significant decisions, please contact the Jefferson County Criminal Justice Planning Unit.

slightly better than the decrease achieved during the pilot project.

In more concrete terms, of the 5,600 defendants targeted for telephone calls over the last six months, successfully contacting those defendants with the scripted message resulted in approximately 425 fewer FTA warrants issued than if those defendants were not contacted at all. Anecdotally, the court's warrants clerks have praised the Court Date Notification Program, saying that they have seen a noticeable reduction in the numbers of warrants that they must process. Given the infancy of the program, the limited target group, and the fact that only one caller is working what may ultimately be a multi-caller program, this number is encouraging.

Deeper analysis of the data from June and September 2006 again shows that the overall FTA rate varies based on how the successful contact was made. As in the pilot project, direct contact with a defendant leads to the lowest FTA rate, as low as 7% in the September data set. Contact by leaving a message was second best (14% in June, 10% in September), and contact by leaving a message with a third party was the least effective method. These numbers suggest the need to convince law enforcement to collect verifiable defendant contact information at the scene, and to revise program elements (e.g., adding additional data bases for tracking or for calling defendants during off-hours) to better locate the defendants themselves in order to further reduce the overall FTA rate.

Moreover, of those defendants successfully contacted, most (approximately 54%) come to court and reach a disposition on their case on the day the case is set for arraignment. Approximately 35% of the defendants successfully contacted come into court, but their cases are continued for a variety of reasons. This latter percentage suggests a need to inquire into the reasons for these continuances, and to assess whether these continuances are unnecessary or otherwise burdensome to the criminal justice system.

Program Benefits

The tangible and intangible benefits of reducing FTAs and FTA warrants were fully documented in 2005. At that time, the Jefferson County Criminal Justice Planning Unit predicted that a fully-staffed program reaching all defendants in the Jefferson County combined Court had the potential to reduce the overall number of FTA warrants by 3,100 per year. Given its current level of staffing, the Court Date Notification Program's overall reduction of 425 warrants in six months indicates that the program is well on its way toward reaching this target. Based on the conservative estimates provided in the 2005 cost/benefit analysis, reducing FTA warrants by 425 represents a savings of over 1,100 hours of judge, court clerk, police officer, and booking staff time.



Moreover, several benefits that were unanticipated in 2005 after the pilot project have been realized through actual implementation of the program. Perhaps most importantly is the increased customer service being provided to defendants by giving them personal reminder calls. The caller in the Court Date Notification Program not only gives the information found in the script, she also fields questions from calls that would normally go to court clerks, gives directions, looks up other court information, forwards calls to other appropriate agencies, and generally allays the fears of individuals who may be intimidated by the criminal justice system. Several of the court's division clerks have heard from numerous defendants, who have praised these mostly immeasurable aspects of the program. Quality customer service is one of the five articulated goals of the Jefferson County Board of County Commissioners. The Court Date Notification Program provides customer service in a delicate government function that is often perceived as unfriendly to its participants.

The program has also provided some benefit as a quality control agent. The caller has caught many advisement, ticket, and ticket agency records errors, and has even uncovered instances of identity theft.³ When she learns that a defendant is already incarcerated, she is able to advise the court so that an FTA warrant will not be issued. With access to the Sheriff's records management system, the caller is also able to gather additional contact information that is unavailable through traditional online directories.

Finally, the Court Date Notification Program has led directly to at least one other major project for the County. Due in large part to the inability of the caller to read a sizeable percentage of the tickets issued into Duty Division, the Jefferson County Criminal Justice Planning Unit began looking into general deficiencies with the Uniform Summons and Complaint or Penalty Assessment. That endeavor led to the creation of the "Jefferson County Model Summons," a full-page ticket designed to ultimately replace the half-page tickets being issued by most ticketing agencies.

Program Future

As this document is being written, the Jefferson County, Colorado, Court Date Notification Program has already begun to expand. The caller has trained and worked with three different volunteers to help with her duties for NPOI cases, and to target new categories of traffic and misdemeanor offenses heard in Duty Division. On the days the volunteer works, the program has been able to target 100% of the unrepresented traffic and misdemeanor cases heard in that division. There are currently discussions over expanding the program to include lower-level felony summonses heard in Duty Division. Program Specialist Hancock is working with the Jefferson County Criminal Justice Planning Unit and the Court Clerk to determine the extent of the FTA issue in other divisions within the Combined Court. Continued program expansion, based on the successful use of a volunteer workforce, will allow the program to reduce FTAs throughout the court with minimal costs. At the same time, the Court Date Notification Program will strive to increase its effectiveness by developing operational strategies to increase its successful contact rate and to ultimately reduce the overall FTA rate for those defendants who are called.

For more information concerning the Jefferson County, Colorado, Court Date Notification Program, please call Program Specialist Paula Hancock, Jefferson County Sheriff's Office, at 303.271.6343, or email her at phancock@jeffco.us.

³ This has occurred when the caller contacts an alleged defendant, only to learn that a third party used the defendant's identification during a traffic stop.

Appendix I Program Procedure

Like the FTA pilot project, the Court Date Notification Program began by focusing on the FTA issue in the Duty Division of the Jefferson County Court. That particular division is staffed on a rotating basis by the seven county court judges in Jefferson County. Each day at 1:15 pm, that division hears an average of seventy-seven unrepresented traffic and misdemeanor cases summonsed into court by a number of municipal, county, and state ticketing agencies. Because the intent of the program was for the caller to spend only half of her time making calls, a group consisting of a county court judge, the Court Clerk, and others decided to initially limit the calls to defendants who had “no proof of insurance” (“NPOI”) as one of their charges. This was done for several reasons. First, files containing this charge account for over half of the cases seen in Duty Division each day. Second, defendants facing an NPOI charge typically have other charges associated with the same stop. Third, fines for these charges are typically high; reducing FTAs for these cases might ultimately lead to increased revenue to the State. Fourth, defendants facing NPOI charges frequently ask for continuances to bring in the required documentation, causing additional strain on the court’s workload. After this decision, a script was created to use when calling these defendants that was customized for NPOI cases.⁴



Issues concerning file security and the need to create non-obtrusive working relationships with the division clerks led to the decision to locate the program in the court building, on the same floor as the county court judges and clerks. Because the caller works primarily from documents in the official court file, this location allows the caller and the clerks to share files with little disruption to their normal work flow. The caller currently works Monday through Friday during business hours. Her office is private, with a computer for data collection and defendant tracking, and a telephone with call-back capability.⁵ The primary spreadsheet for data collection has twenty fields, which include defendant contact information, call outcomes, and court appearance outcomes. To adequately measure the court appearance outcomes of the program, the caller created (with input from the judges and Court Clerk) a colored sheet of paper that she fills out and places in each file that she has targeted for calling. The paper has three possible outcomes for the case that the court clerks must check, and that are ultimately measured in the data set: (1) FTA; (2) Disposition (pled, settled, or dismissed); and (3) Pretrial Conference, which is also used to indicate a continuance for any reason. This is the only additional duty given generally to all of court clerks. Because of variations in each division’s layout of their docket sheets, the caller relies on one particular clerk to print out the dockets for each day in a suitable format.

Due to the rotation in Duty Division, the caller works with all of the county court judges, and thus she has had to adapt her own procedures to accommodate differences among the judges. Nevertheless, her daily routine is fairly consistent between divisions. Each day, the caller asks the clerks who worked Duty Division the day before the number of FTAs, collects the colored outcome measure sheets, and types the outcomes into the spreadsheet.⁶ The caller then retrieves the files for all misdemeanor and traffic cases that are set to be heard in Duty Division in seven days. The caller reads through the files,

⁴ For example, because defendants with NPOI charges typically face steep fines, the script makes specific mention of “payment options,” which is designed to allay fears concerning inability to pay.

⁵ Giving defendants the ability to telephone the caller back is a significant improvement over the pilot project, which had no call-back capability.

⁶ While the program was not designed to track and contact defendants after they FTA, the caller keeps track of FTAs with whom she spoke directly. Those defendants receive a second call to inform them of their warrant. Initial numbers for this modest (only 114 defendants) part of the program look promising, as a follow-up call appears to cause defendants to come back to court at a higher rate than those who are not called (37% versus 25%). More study is required to make any definitive conclusions on the effectiveness of this practice.

looking for her target group of NPOI defendants. The information found in those files, primarily from the summonses, is then transferred onto the printed docket sheet and the computer spreadsheet. If there is no contact information for any particular defendant the caller will use one of three online directories to try to locate a useable phone number.⁷ Once she has input all of the required data into the spreadsheet, the caller is prepared to telephone the defendants. The caller has become accustomed to alternately entering a page or two of data, and then making the initial calls.

In the pilot project, the caller was limited to only three attempts at calling any particular defendant. The program has no such restrictions; however, the caller appears to place the same limits on her calls to keep from clogging her workflow. Calls are documented using the following code: (1) – talked to defendant personally; (2) – left message on defendant’s home/personal voice mail; (3) – talked with relative/roommate of defendant and left message; (4) – wrong number; (5) – phone disconnected; (6) – no answer, no device on phone for messages, busy signal, “subscriber not available” message on cell phones; and (7) no phone number listed on summons or found with online directory. “Successful contacts” are those in the first three categories. If the caller “successfully contacts” a defendant, she reads a script (in either English or Spanish) reminding the defendant of the court date, giving directions to the court, and warning the defendant of the consequences of a failure to appear. The caller has considerable discretion as to whether she will leave a message or call back later. In many cases, the caller simply leaves a generic message for the defendant to return her call, and she then fields calls from the defendants throughout the day.

⁷ In the pilot project the percentage of tickets that had no defendant telephone numbers or were unreadable was approximately 10%. Currently, the percentage of tickets which have no telephone numbers and which are not found in either of the two online directories is 6-7%.