

Criminal Justice Coordinating Council
&
Flagstaff Justice Court
Coconino County

Court Hearing Call Notification Project

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Summary

The result of the call notification pilot project in the Flagstaff Justice Court was a verifiable reduction in the percentage of failures to appear at initial appearance in misdemeanor cases from over 25% to less than 13% when the defendant was called in advance and reminded of the hearing date.

Introduction

The Criminal Justice Coordinating Council approved a pilot project to be implemented in the Flagstaff Justice Court similar to a program implemented in Jefferson County, Colorado. The purpose of the pilot project was to initiate a call notification system to remind “cite and release” misdemeanants of their scheduled initial appearance. In Jefferson County the results of a similar pilot project supported the proposition that by proactively contacting cited defendants to remind them of their court hearings, the number of failures to appear would decrease.¹

The problem of non compliance with court orders, including failing to appear for court hearings, is endemic across the country. Failure to appear for court causes increased work loads for court staff, issuance of misdemeanor arrest warrants, incarceration on minor offenses for the non-compliant defendant and longer jail stays for those defendants in connection with the present offense or future offenses. One of the factors considered by the courts in determining conditions of release is a defendant’s past history of failing to appear. Failure to appear on misdemeanor cases also results in the loss of revenues from unpaid fines and fees.

In Coconino County, failures to appear or otherwise comply with court orders account for 22.9% of the total local jail population and 33.6% of the misdemeanor population. On average, there are 95 people in custody in the CCDF on any given day who are there because of their failure to comply or appear. 2,137 persons are booked annually for misdemeanor failure to obey a court order, representing 26.7% of the total misdemeanor bookings. The average length of stay for those inmates is 7.7 days compared with 4.1 days for misdemeanor DUI offenders and 5.2 days for violent misdemeanor offenses against a victim.

Although court reminder projects have been successful in other jurisdictions to improve appearance rates² the CJCC, CJ Coordinator and the Justice Court decided it would be important to establish the success of the method in this jurisdiction before implementing a permanent program. The questions presented for study were:

1. Does the provision by the Court of an advance reminder of initial court hearings in criminal misdemeanor cases decrease the incidence of failure to appear at those hearings?
2. If so, is there any significant correlation between the type of notification made and appearance rates? (personal contact, answering machine, mail)

¹ In Jefferson County the pre hearing call notification program resulted in an overall reduction in FTAs from 21% to 12% in misdemeanor cases and from 21% to 8% for those defendants contacted directly.

² Jefferson County modeled its project after a similar project in King County, Washington which is outlined in “The Misdemeanant Study: Misdemeanors & Misdemeanor Defendants in King County, Washington”

3. If there is a reduction in failures to appear, does the benefit of increased compliance outweigh the costs to provide the advance reminders?
4. Are there any common demographic or process based factors that predict the likelihood of a misdemeanor defendant's appearance or non-appearance?

Method

Criminal Justice Coordinator, Wendy White, supervised the pilot project in cooperation with Justice of the Peace, Brian Kolb and Court Administrator/Judge Pro Tem Vicki Vega. A process was agreed upon to copy all citations filed in the Justice Court for criminal misdemeanors including misdemeanor traffic offenses. The citations were filed chronologically by initial appearance date. A volunteer, Bill O'Brien, provided through the Flagstaff Police Department volunteer program made phone calls to defendants to remind them of their court hearing, using a script developed by the Court and Coordinator White modeled after the Jefferson County call script. The volunteer was instructed to read the script to any defendant that was personally contacted and to leave an abbreviated message from the script if the result of the call was contact with another person or an answering system.

The project commenced the last week of January 2006 and continued for 3 months. Approximately 3 days per week, the volunteer made phone calls to defendants whose court date was 5 to 7 days later. The result of the call was noted on the citation as one of the following options:

- Contact with Defendant (spoke personally with the named defendant)
- Message with Other (left message with responsible other person)
- Machine Message
- Invalid number (included disconnected, wrong number, not at this address)
- No answer (cell phone out of range, mail box full, no way to leave message)

During the project, 245 phone calls were made. Of those, 33.5% (82) resulted in no contact with the defendant either because the phone number was invalid (21.6%) or there was no answer (11.8%). Seventy-eight percent of the calls (163) resulted in some notification to the defendant: fifty-four (54) calls resulted in direct contact with the defendant; seventy-nine (79) resulted in a machine message; thirty (30) resulted in a message with other.

In addition to the sample population, 244 citations were used as a control group and no contact with that group was made.³ Within the control group, 56% of the citations included phone numbers while 44% did not.

Data from all citations and the results of the phone calls was input into an Access database designed for the project. In order to determine the FTA rates for the 489 citations, it was decided that the Public Access to Court information website would be used to verify appearances. At the end of the project all citations were looked up on the public access site by

³ The Court decided to postpone the commencement of a mailed notification pilot until a determination was made regarding the cost of mailers. Consequently, as of the writing of this report an insufficient number of mailed notifications has been completed to reach any conclusions regarding the effectiveness of that type of notice. That part of the project is ongoing and will be completed in August.

the CJ coordinator and the defendant's appearance or non-appearance was input into the database. For the purpose of this study, only the appearance or non-appearance at the initial court hearing was noted. Appearance was defined as any contact by the defendant with the court on or before the hearing date. Because the Court allows defendants to request continuances by phone or letter and because guilty pleas to certain offenses can also be made by phone or letter, physical appearance by the defendant was not required for this study.

The volunteer was asked to record the amount of time required to make the phone calls and CJ coordinator recorded the amount of time required to input the citation information into the database. The average amount of time per phone call was less than 2 minutes and another 2 minutes was required to input the data. Total time spent per citation called was less than 5 minutes. The time to address and send a preprinted postcard mailer was no more than the time taken to make a phone call.

Results

The results of the study support the proposition that calling to remind a defendant of the initial court hearing in cite and release cases, is an effective and low cost method of improving appearance rates and reducing FTAs. The most effective method is to speak with the named defendant directly followed by leaving a message with another person. The least effective notification method was to leave a message on an answering machine, although even this method did result in a lower FTA rate than in the control group.

From January through April, 2006, 832 misdemeanor citations were filed in the Justice Court for an average of 208 per month. At the beginning of the pilot, approximately 50% of the citations were missing any phone number information for the cited defendant. The Court sent a memo to the responsible agencies requesting assistance with the project by including phone numbers for defendants on the issued citations. By the end of the project, 68% of the citations filed included phone number information. Overall, sixty-six percent (66%) of the citations that were filed included a phone number.

The FTA rate for the control group was 25.4%. When the defendants who were called but could not be reached because of an invalid number or no answer are added to the control group, the FTA rate rose to 27.2%.

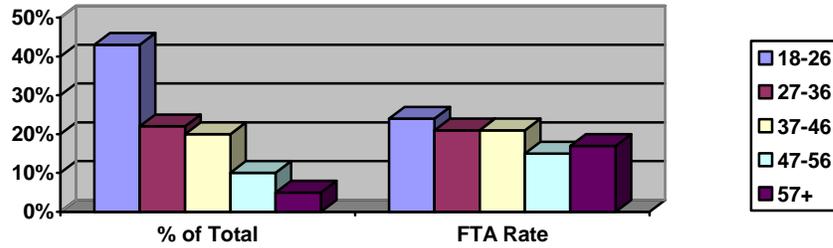
The FTA rate for the study sample was only 12.9%. Within that group the rate was lowest for those who were personally contacted (5.9%); followed by those for whom a message was left with another person (15%); with the highest rate when notice was left on an answering machine (21%).

Demographic and Offense Data

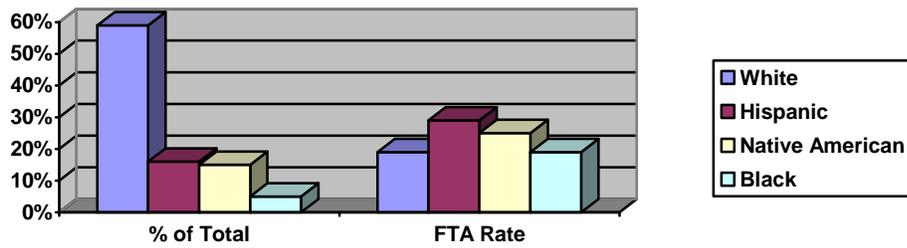
Based on data collected from 521 citations the following provides an overview of the demographics of defendants cited into the Flagstaff Justice Court as well as the types of offenses charged. Separate FTA rates were calculated for various subpopulations in the group. The FTA

rates shown in the charts below are based on the combined control and sample groups. Tables supporting the charts are on page 9.

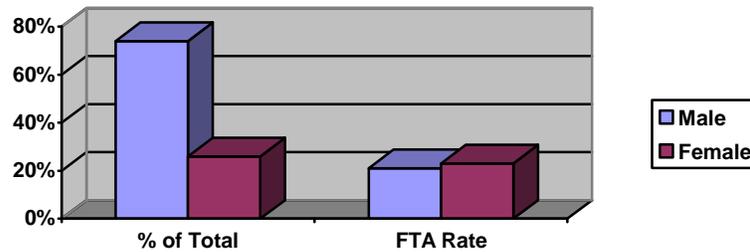
Age



Race/Ethnicity



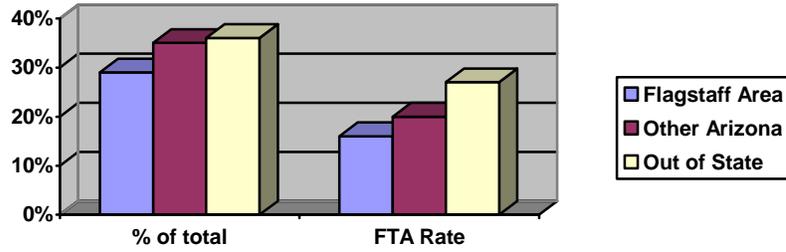
Gender



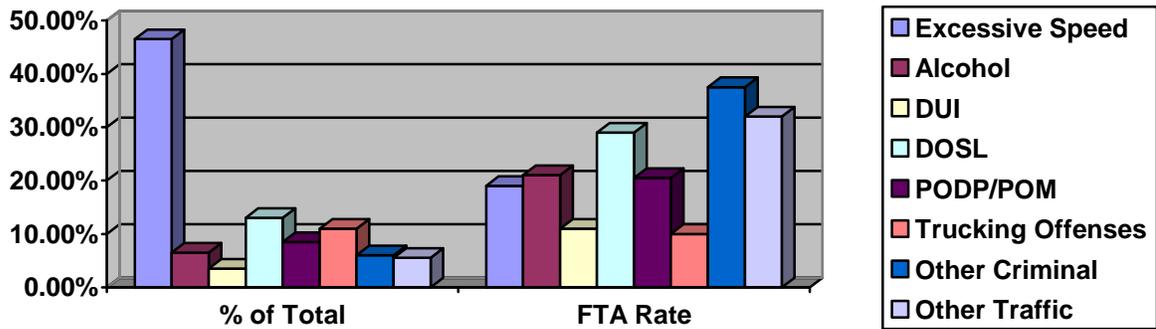
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⁴ When comparing the rates of FTA between the control subgroup and sample subgroups above, the most significant reduction in FTAs appeared to be for females and Native Americans. The number in each subgroup was too small to show a definitive correlation and would have to be further tested to prove, but, the percentage of FTAs amongst female control group was 29% and in the female sample group was 18%. For the Native American group the control showed 41% FTA and the sample group showed a 9% FTA rate.

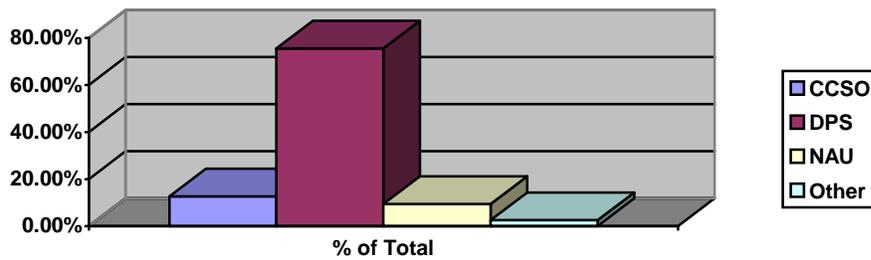
Residency



Offense Types



Citations by Agency



Conclusion

Given the number of citations filed in the Justice Court, the time required to either call or send a preprinted court reminder notice to all cite and release defendants would be between 30 and 45 minutes per work day. The best staff to make the calls would be someone already familiar with the options available in different cases so that more information could be provided at the time of contact.

At this point in the project, the best notification method is a direct call to the defendant. In order to maximize the number of instances in which direct contact with the defendant could be achieved, it might be necessary to vary the time of day when calls are made. For out of state calls to the east, late afternoon would be best when trying a home number and earlier in the day would be better for work numbers. During the project all phone calls were made between noon and three which is not the optimal time of day for reaching people at home.

If the court decided to mail notices in those cases where no phone number is present (32%) the cost of mailing would be approximately \$15 per month plus the cost of paper and envelopes. If it were decided that all defendants should receive a written reminder rather than a phone call, the cost of mailing would be approximately \$50 per month.

A 12% reduction in FTA rates in the cited and released defendants during a one year period has a potential dollar value of approximately of \$90,000 in increased revenues to the Justice Court.⁵ The value to the rest of the system comes from a reduction in warrants issued and jail bed days saved. With a 12% reduction in FTA rates (excluding Excessive Speeding tickets and Trucking Offenses which do not result in the issuance of an FTA warrant) 127 fewer FTA warrants would be issued per year by the Flagstaff Justice Court. Since each FTA arrest currently experiences an average of 7.7 days in custody, the potential jail bed savings could be close to 1000. At a value of \$60 per bed (rental value) the savings to the jail district could be \$60,000. In addition to the calculable dollar value, the cost in lost time resulting from failures to appear, extra paperwork, warrant issuance, follow up letters, sending notices to the DMV and execution of the warrants, is significant but difficult to determine.

In conclusion, the simple step of reminding a cited defendant of his upcoming hearing can improve appearance rates by a substantial amount. The extra cost in time and resources to provide the reminder is clearly offset by the potential dollar value to the court and the jail, the improved efficiency and customer service resulting from the process and the reduction in work load caused by failures to appear.

⁵ At 208 tickets per month, the total number of cases filed for the year would be 2,496. 12% of that is 300 additional cases appearing. Assuming an average ticket amount of \$300 (the standard fine for excessive speed is \$243; DUI and marijuana offenses are more than \$1000 each) and further assuming a collection rate on the additional 300 tickets of 100%, the additional collected amount would be \$90,000.

Post Script

Other Observations

While supervising the project I made a few observations of current practices at the Justice Court that might be improved. I noticed that there were a high number of phone calls received concerning tickets that had not yet been filed by the LEA. Callers were told that staff could not help them because the ticket hadn't been received yet. As a suggestion, the court might consider modifying that procedure by having staff simply ask the caller to read the charge information from the ticket and to then explain to the caller what the options will be assuming the ticket is filed as described. This would reduce the overall number of phone calls since people would not have to make multiple calls to find out what they need to do, it could improve the compliance rate because the caller would be receiving faster service and it could improve customer service because the callers would not be getting a negative response to their inquiry.

Another observation is that currently, the method for "tickling" the initial appearance dates for citations is the manual entry of the case number onto a desktop calendar. While sometimes a handwritten note is quicker than a computer entry, it would seem that incorporating the IA tickler system into the database would provide the court with better and more reliable information and the ability to extract statistical data from the system in a more consistent fashion.

TABLES

Demographic Table

Gender	% of Total	FTA Rate	Race/Ethnicity	% of Total	FTA Rate	Age	% of Total	FTA Rate
Male	74%	21%	White	59%	19%	18-26	43%	24%
Female	26%	23%	Hispanic	16%	29%	27-36	22%	21%
			Native American	15%	25%	37-46	20%	21%
			Black	5%	19%	47-56	10%	15%
			Unknown	3%	**	57+	5%	17%
			Other	2%	**			

Residency Table

Residency	% of total	FTA Rate
Flagstaff Area	29%	16%
Other Arizona	35%	20%
Out of State	36%	27%

Citations by Agency

Agency	% of Total
CCSO	12.6%
DPS	75.5%
NAU	9.4%
Other	2.5%

Citations by Most Serious Offense

Offense	% of Total	FTA Rate
Excessive Speed	46.5%	19%
Alcohol	6.5%	21%
DUI	3.5%	11%
DOSL	13%	29%
PODP/POM	8.5%	20.5%
Trucking Offenses	11%	10%
Other Criminal	6%	37.5%
Other Traffic	5.5%	32%