

Effective Strategies for Enhancing Court Appearance and Preventing Warrants

The New York City Criminal Justice Agency

October 23, 2023

Today's Presenters

Elizabeth Saba

Associate Director of Policy and Planning, New York City Criminal Justice Agency

David McColgan

Deputy IT Director, New York City Criminal Justice Agency

Kizzy McLean

Court-Based Outreach Coordinator, New York City Criminal Justice Agency

Dalia Sharps

Senior Program Associate, New York City Criminal Justice Agency

Presentation Overview

Introductions

Court Date Notifications Overview

Best Practices for Developing a Notifications System

Lessons from the Field

The mission of CJA is to assist the City in **reducing unnecessary pretrial detention with a commitment towards building a fairer and more equitable justice system**. In accordance with this mission, CJA's main programs include:

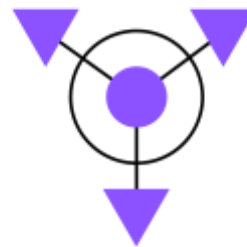
Release Assessment



Outreach



Supervised Release



Research



Missed Court Appearances Are Costly



Arrest warrants for missed court appearance **contribute to the nation's overcrowded jails.**



People and their families suffer wide-ranging consequences of fines, arrests, warrants, and possible jail time.



Missed court dates likely **cost state and local governments up to tens of millions of dollars per year.**

Please stand as you are able.

Sit down if you've ever missed a doctor's appointment.

Sit down if you've ever missed a flight.

Sit down if you've ever missed a work meeting.

People can miss their court date for a range of reasons

Limited mental bandwidth due to the scarcity of resources.

Fear and expectations of unfairness.

Lack of clarity about court processes and appearance obligations.

Forgetting

Housing instability

Lack of childcare

Lack of access to technology

Inflexible work schedule

Transportation Issues

Medical Emergencies

Mental and behavioral health challenges

Notification is one of several strategies to promote court appearance

- Court date reminders can provide the pretrial population *timely information about the date, time, and location of their court appearance* and can be delivered via text message, phone call (live or automated), email, or mail.
- Reminders should be sent close in time to the court date; common time frames are 7, 3, and 1-day prior.
- Court notification programs may have produced a 4–25% increase in appearance rate (over base) in both adult and juvenile justice environments.

Lowenkamp, C. T., Holsinger, A. M., & Dierks, T. (2018). Assessing the effects of court date notifications within pretrial case processing. *American Journal of Criminal Justice*, 43(2), 167-180, p.170.
<https://link.springer.com/article/10.1007/s12103-017-9393->

The research on notification is growing

- *All live call reminders reduced nonappearances* by 37%. The timing of calls (3-days before, 1-day before, or both) have not been found to affect appearance outcomes.
- *Sending a notification right after a missed court date*, with information on how to clear the warrant without arrest, can help address open warrants and support the trajectory of the person's case.

Ferri, R. (2020). The benefits of live court date reminder phone calls during pretrial case processing. *Journal of Experimental Criminology*, 18, 149-169. Retrieved from <https://link.springer.com/article/10.1007/s11292-020-09423-0#>

Cooke, B., Diop, B. Z., Fishbane, A., Hayes, J., Duss, A., & Shah, A. (2018). Using behavioral science to improve criminal justice outcomes: Preventing failures to appear in court. University of Chicago Crime Lab and ideas42. Retrieved from <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>

In NYC, CJA is the entity responsible for providing court date notifications to individuals who are scheduled to appear in criminal court

- CJA sends out court date notifications ***through live and automated text messages, emails, postal mail, and phone calls to remind people of their upcoming court dates*** in the days leading up to their court appearance.
- CJA's Helpline, confidential and free of charge, is staffed by trained staff who ***provide information to the public on a variety of topics related to the criminal legal system*** such as court processes, bail, criminal records and support for family members.
- The Court Appearance Support Unit ***notifies individuals who have an open warrant for their arrest***. Staff can assist the person with information about how to approach the process of vacating their warrants. For those with stayed warrants, staff can provide notification of their new court date.

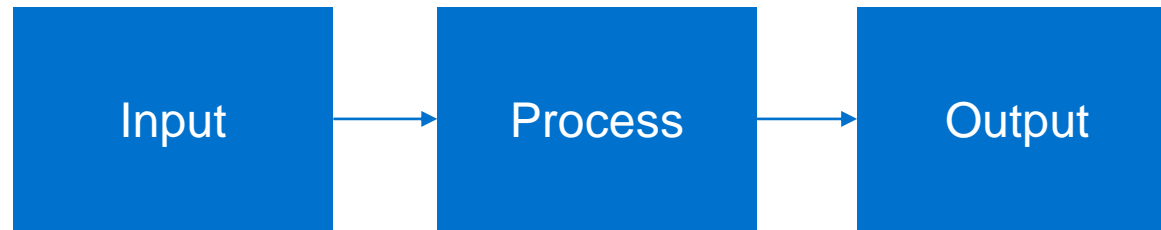
Developing a Notification System

Lessons of data collection and supporting notifications

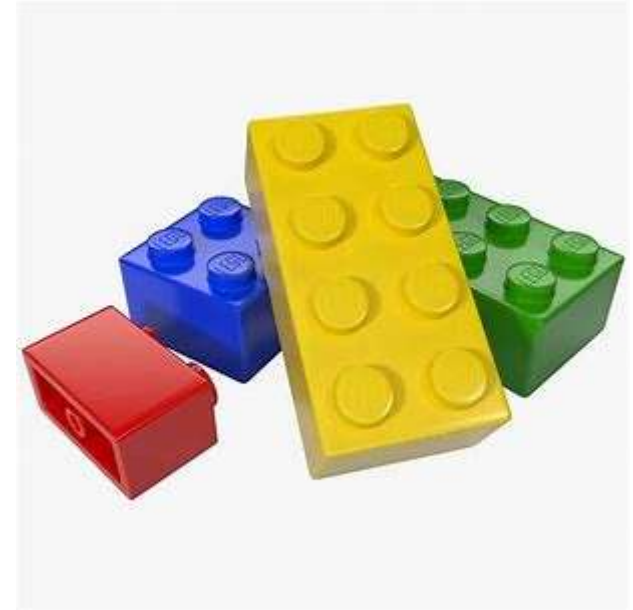
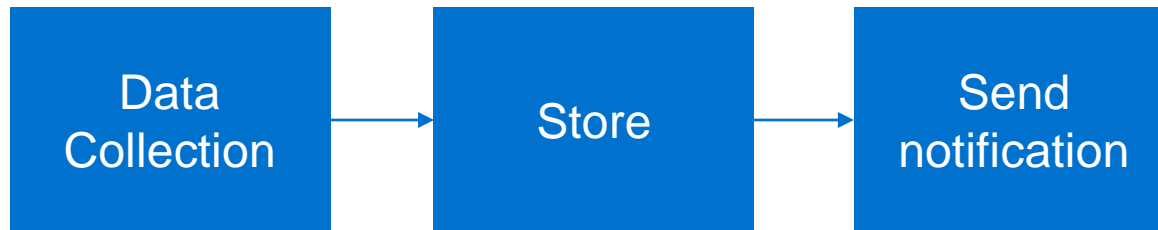
- Realizing you are on a journey
- Understanding the key components at CJA
- Automation
 - Key to scaling
 - Maximizing value for your available resources

First principles

- Creating new process, systems, and tools is difficult
- Breaking it into smaller, more manageable parts is the best way to handle the complexity

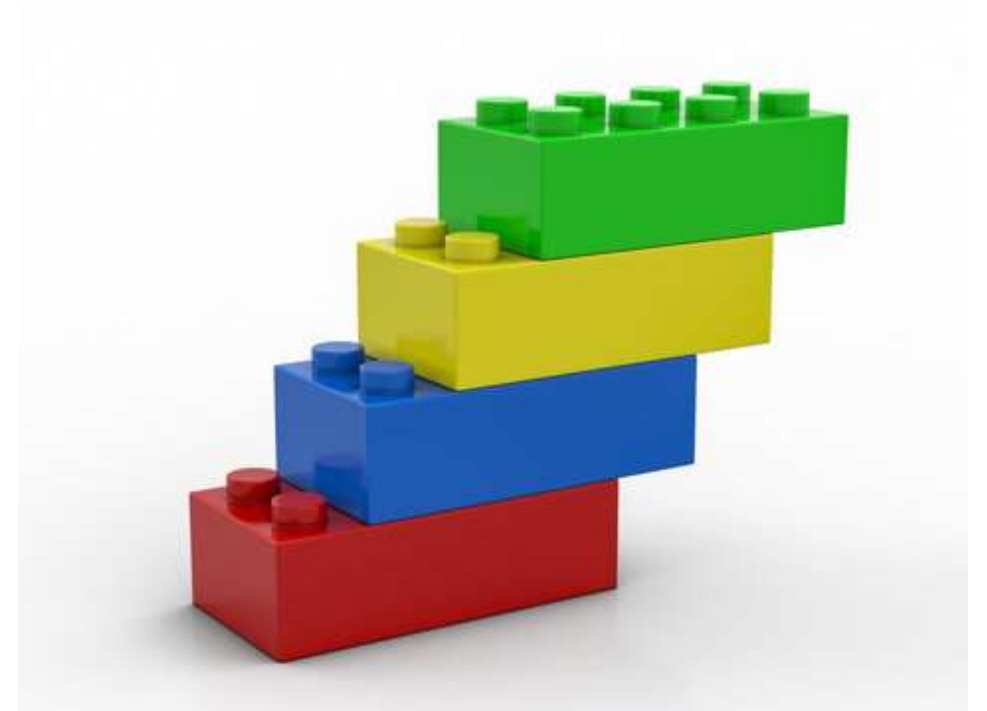


Building blocks



Building a notification stack

- Your notification strategy
- Sits on top of your data strategy
- Sits on top of your data collection



Journey to data maturity

Realizing you need to:

Keep track



Writing it down

Work from list



Data in excel

Report on activity



Creating database

Deeper understanding



Data warehouse -
Complex Analytics

Planning your data collection

Example of a simple question :

“Please, can I get your phone number?”

- Who's phone number?
- Who asked the question?
- Did they refuse answer?
 - Why did they refuse?
- Where did you ask the question?
- Was the phone number valid?
- Is this a home phone or a cell?

**First
Principles:**

Who, What, Where, Why, and When



Considerations

Flexible

- What is your minimal viable product?
- What data do you need?
- What data do you want?
- Validating data
 - At point of collection
 - At reporting

Hard Requirements

- Regulations
 - Organization / State / Federal
- Security
- Personally identifiable information
- Data retention
- Sharing
- Consent

Tools

Collection



Automation



Storage



Communications



Visualization



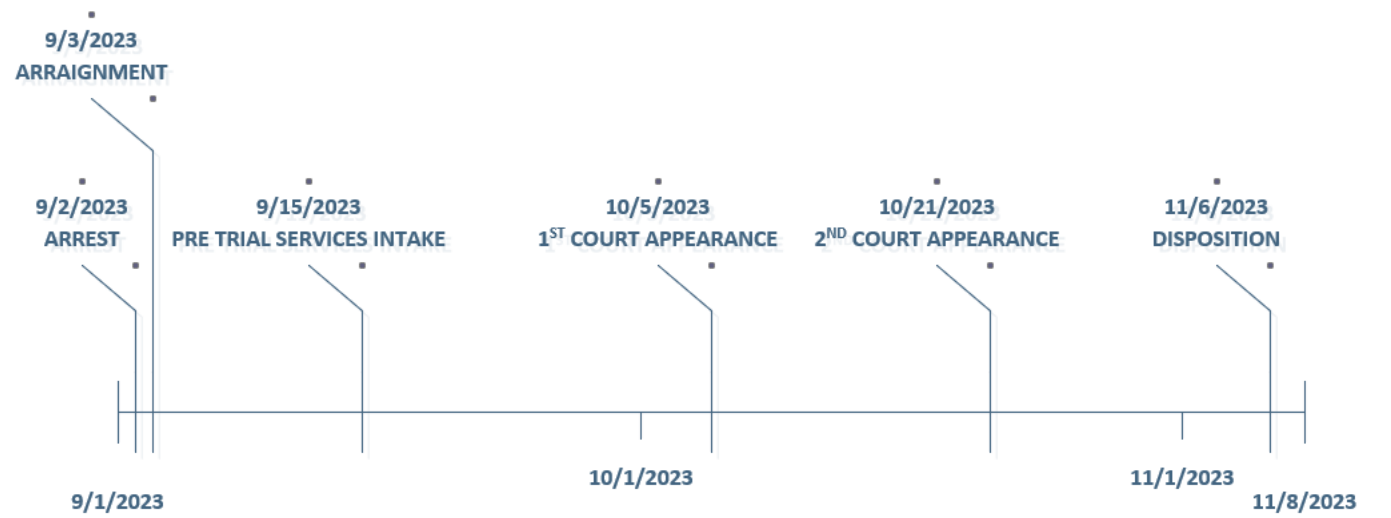
But, in reality....

"Plans are of little importance, but planning is essential."

Winston Churchill

Accepting data quality

- Accepting all data collection will have inaccuracy
- Operational data is like milk, it expires
 - Take advantage of multiple data collection opportunities
 - At CJA, we combine information collected at multiple points to pick the best one



Accepting a changing environment

- Set yourself up to be agile
- Notification requirements, contents, and schedules will change - they were probably right last week
- Be mindful that your communications are going to real people
- Your successes and mistakes will be amplified



Reflection on CJA's data journey

- Accept it's a journey
- Using your data is creating more data
- If you modify data, keep the original
- Always record the who what where why when
- **Gradual success is success**



LESSONS FROM THE FIELD



Working with people pretrial

Program background

Court Appearance Pilot Project

- December 2018 – May 2019
- In-person meetings with participants post-arraignment
- Addressed logistical barriers to coming to court and offered a planning phone call
- 32% reduction in FTA

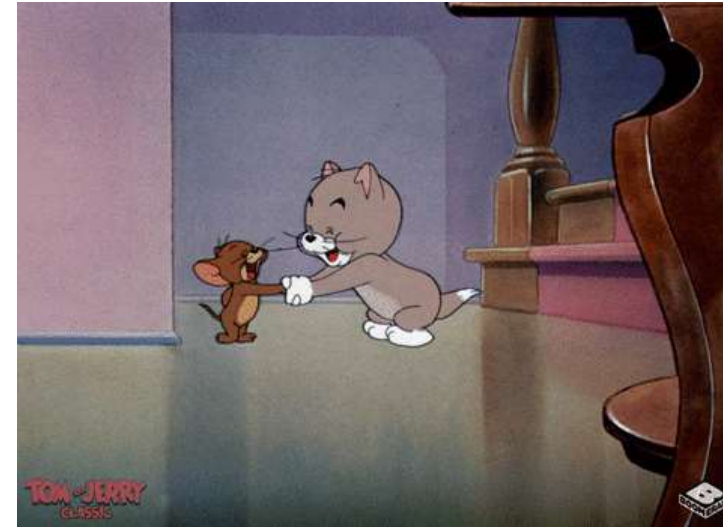
Community Connections Pilot Project

- Launched in July 2023
- Texts, live phone calls, and in-person meetings with people post-arraignment
- Identify and address top needs
- Top needs after first month were homelessness prevention services and housing
- Will evaluate project in 2024

BEST PRACTICES

Give a strong introduction

- Focus on the first impression
- Explain who you are in the process (role)
- Internally acknowledge power imbalance



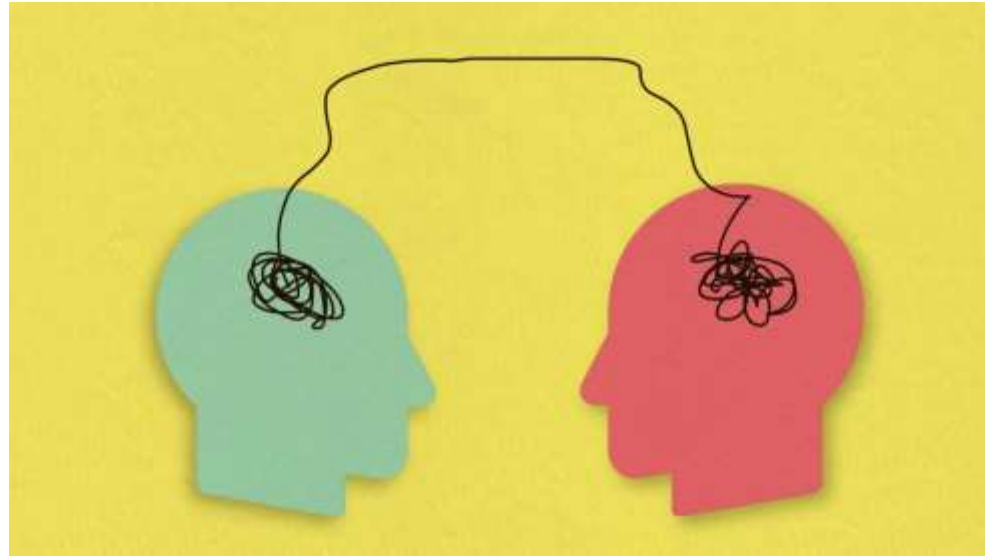
Brooklyn Court Appearance Pilot Project - Post-Arrest Meeting

Post-Arrest Meeting Script

- Hello (participant name). I'm (CJA staff name) from the New York City Criminal Justice Agency, also called CJA. We interviewed you prior to court, and I'm hoping we can talk briefly about your next court date. I have a snack if you're interested. Would you agree to speak? This will only take a few minutes.
- We want to talk to you about how you are going to prepare for your next court date. You are being released without having to pay bail, but you have agreed to come back to court for your court dates. In New York City, almost everyone meets their court appearance obligations – in fact, about 90 percent of people make all their court dates. For the rare cases where people do miss a court date, they may be given a warrant by the court, which can have serious consequences.
- We don't have any control over your case. Our job is to support you in returning to court on your scheduled court date. If you have any legal questions about your case, you can contact your attorney.

Connect with another person's humanity

- Extend empathy
- Offer water
- Ask how they are
- Validate experience



CommunityConnections Pilot Project - Participant Engagement Script:

Approach eligible participant in courtroom post-arraignment.

Good morning/afternoon, my name is (name). I work for CJA, the Criminal Justice Agency, and we're a nonprofit working to support people who are arrested.

How are you doing? How long have you been here today?

Based on responses, make clear that you are there to provide information, clarity, and support.

I know you probably want to leave as soon as you can, but I just wanted to let you know that I can help you with any information you might need – I know this is a stressful time.

Answer court-related questions (i.e., explain arraignment outcome, next court date, how to get in touch with lawyer, etc.)

You're also eligible for a new free and voluntary program available for people released on their own recognizance in Brooklyn. My organization has partnerships with community service providers that can help with needs like food, employment, housing, public benefits, childcare, and more. I'd like to ask you a series of questions to see if there are any referrals that may be appropriate for your needs. Is that OK?

Provide clear information

- Information is power
- Ask questions
- Clarify confusions
- Offer context
- Avoid jargon

CJA | NEW YORK CITY CRIMINAL JUSTICE AGENCY

PREPARE FOR YOUR NEXT COURT DATE

You are being released on your own recognizance (ROR'd). No bail is due, but you promise to return for your next court date. If you do not return for your next court date, a warrant may be issued by the court for your arrest.

Defendant Name _____
Docket Number _____ Today's Date ____/____/____

WHEN
Next Court Date
9:30 A.M. on
____/____/____
Report to Court Part

WHERE
☐ If a felony case, report to:
320 Jay Street
Brooklyn, NY 11201
☐ If a misdemeanor case,
report to:
120 Schermerhorn Street
Brooklyn, NY 11201

ATTORNEY AGENCY
☐ Brooklyn Defender Services
718-254-0700
☐ Brooklyn Legal Aid Society
718-237-2000
☐ 18B-Assigned Counsel
212-676-0066

QUESTIONS?
☒ Contact your attorney, or
☒ Call the CJA Helpline:
646-213-2683, or
☒ Email: outreach@nycja.org

Use a trauma lens

The image shows a screenshot of the CJA CommunityConnections intake form. At the top left is the CJA logo with the text 'New York City Criminal Justice Agency'. Below the logo is the title 'CJA CommunityConnections'. The form is divided into three main sections: 'BACKGROUND', 'Do you need any of the following?', and 'REFERRALS'. The 'BACKGROUND' section contains a paragraph about the program. The 'Do you need any of the following?' section contains two columns of checkboxes for various services. The 'REFERRALS' section contains a list of lines for handwritten input. At the bottom, there is a call to action for the helpline and website.

CJA New York City Criminal Justice Agency

CJA CommunityConnections

BACKGROUND
The NYC Criminal Justice Agency (CJA) has a program, **CommunityConnections**, which provides voluntary, pretrial support for eligible people in NYC who have been recently released on their own recognizance (ROR'd).

Do you need any of the following?

| | |
|--|--|
| <input type="checkbox"/> Courts and legal matters | <input type="checkbox"/> LGBTQIA+ resources |
| <input type="checkbox"/> COVID-10 testing and vaccines | <input type="checkbox"/> Mental health supports |
| <input type="checkbox"/> (Un)employment | <input type="checkbox"/> Public benefits |
| <input type="checkbox"/> Finances, debt, and taxes | <input type="checkbox"/> Reentry services |
| <input type="checkbox"/> Food | <input type="checkbox"/> School, youth, and children |
| <input type="checkbox"/> Homelessness | <input type="checkbox"/> Substance use |
| <input type="checkbox"/> Housing help | <input type="checkbox"/> Veteran Services |
| <input type="checkbox"/> Identification (IDs) | <input type="checkbox"/> Victim services |
| <input type="checkbox"/> Immigration | <input type="checkbox"/> Other |

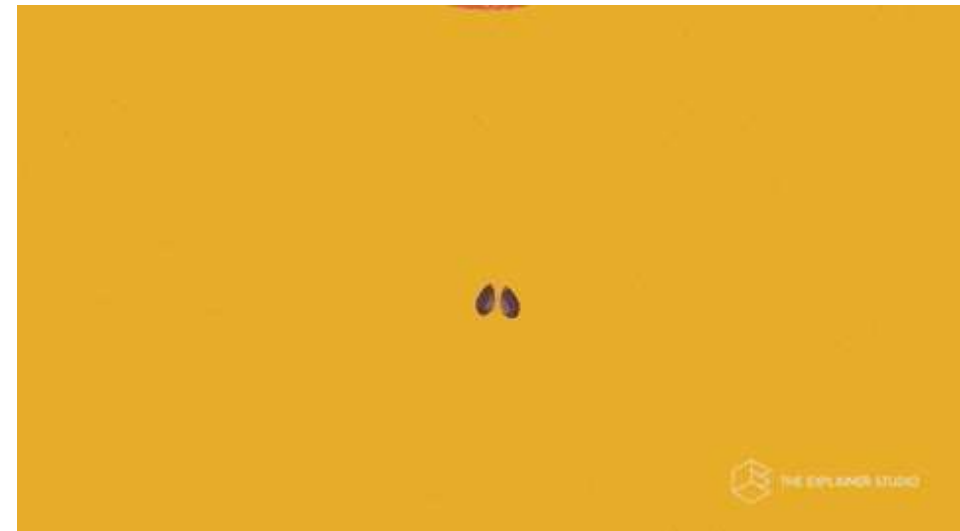
REFERRALS

Call our Helpline at 646-213-2683, and dial 4 or visit: www.nycja.org/resources

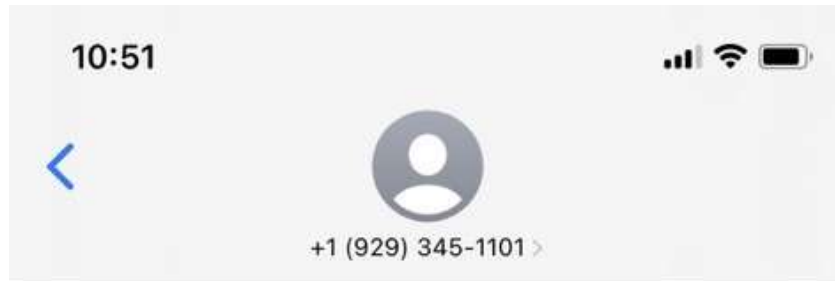
- Trauma is ubiquitous
- We can't assume we know another person's story
- Provide psychological safety
- Offer transparency
- Empower voice and choice
- Don't take behaviors personally

Plant the seed

- Offer referrals
- Give contact information
- Keep the door open
- Behavioral change takes time



Examples of planting the seed



Text Message
Sat, Aug 19 at 10:00 AM

Hi from NYCJA! Need help finding resources like employment, food, or housing? Check out our resource guide: nycja.org/resources Want to talk to an outreach member? Call [646-213-2683](tel:646-213-2683) and press 4.



Key takeaways

Notification is one effective strategy for promoting court appearance

What notification activities in your jurisdiction's pretrial program help address the reasons why someone might miss their court date? What changes would you like to see?

The process of collecting quality, robust, and relevant data is critical for notification purposes

Where are you in your pretrial data collection journey, and where do you want to go next?

Engagement strategies support people in navigating the court process and can alleviate confusion, anxiety, or mistrust

What best practices are happening in your jurisdiction's pretrial program? What would you like to see in the future?

Q+A



Elizabeth Saba

646-213-2589

esaba@nycja.org

www.nycja.org