

Failure to Appear

Community Justice Council Pretrial Services Subcommittee

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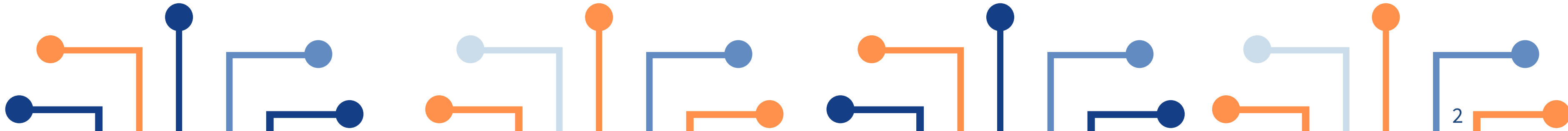
APPPR

ADVANCING PRETRIAL POLICY & RESEARCH



C ≡ P P

Center for Effective Public Policy



Overview

- 01** Failure to appear
- 02** Why do people FTA?
- 03** Interventions
- 04** Recommendations



Failure to Appear

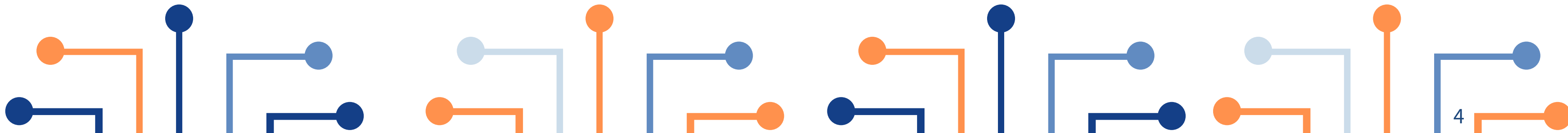
01

Failure to appear

Failure to appear (FTA) is the failure to attend court.

Each FTA cost the government over **\$1400** in staff time and other resources including rescheduling hearing, issuing warrants, locating individuals and possible jail time.

If an FTA results in a warrant, it can cost the individual over **\$1300** in loss wages, bail and potential other benefits.





Why do people fail to appear in court?

San Francisco, CA

Individuals with unstable housing were **1.5x** more likely to miss a court hearing than individuals in stable or transitional housing.

80% of warrants issued were between the first and fifth court hearing.

50% of warrants were issued after a client missed their first or second court hearing.

Jefferson County, KY & Salt Lake, UT

Reported reasons for FTA

1. Unaware of the court date
2. Lack of transportation
3. Forgetting the court date
4. Not understanding the pretrial process
5. Care giving responsibilities

79% of respondents cited **two or more reasons** for missing court.

The least reported reason was intentionally absconding.

Lake County, IL

Results of interviews with defendants in pretrial detention

1. 68% of participants cited **life responsibilities**.
2. 54% of participants cited at least one **logistical or technical issues**.
3. 28% of participants described **past experiences and emotional reactions** as a barrier.

38% of participants reported navigating **more than one barrier** to attending court.

Survivalist Decision

“I’m homeless. As part of the agreement with the local shelter, they drop several of us at the community library and tell us to stay there until 2:30pm. If I leave, the shelter won’t guarantee my place for that evening. I called pretrial services to let them know I couldn’t visit them because I was staying at the library. I emailed them too, using my phone. No response, but my phone can be spotty. Also, I couldn’t zoom from the library. I thought my message to pretrial would reschedule my court. As it turns out, I didn’t reschedule. I didn’t want to jeopardize my shelter for that evening by leaving the library.”

Harris County, TX

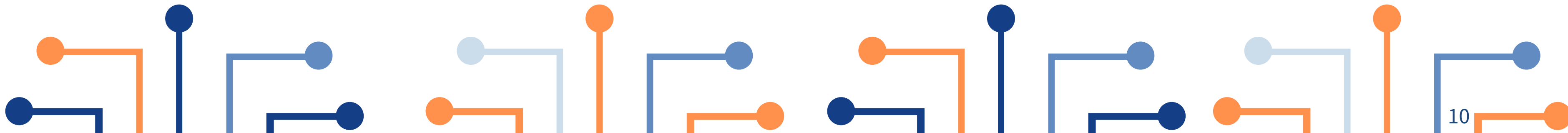
02

Why do people FTA?

77% of participants reported that they **feared being jailed** due to arraignment or the case unexpectedly resolving in a way that could harm them.

Fear and the expectation of unfairness were the most-cited feelings court users had.

Of the interviewees who reported fear, **45% received warrants** and cited fear as the number one reason they chose to not attend court.





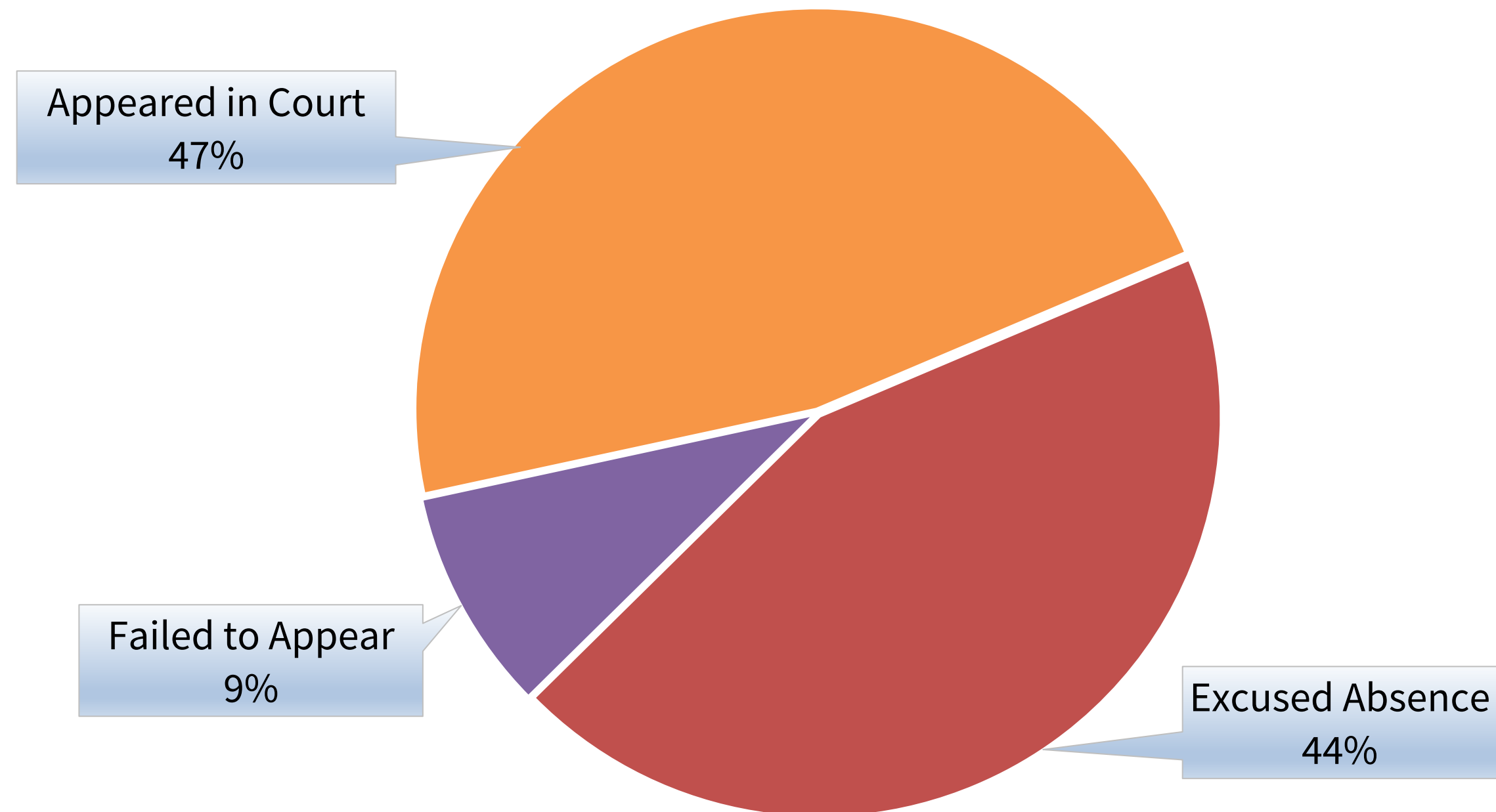
Interventions

Tulsa County, OK

03

Intervention

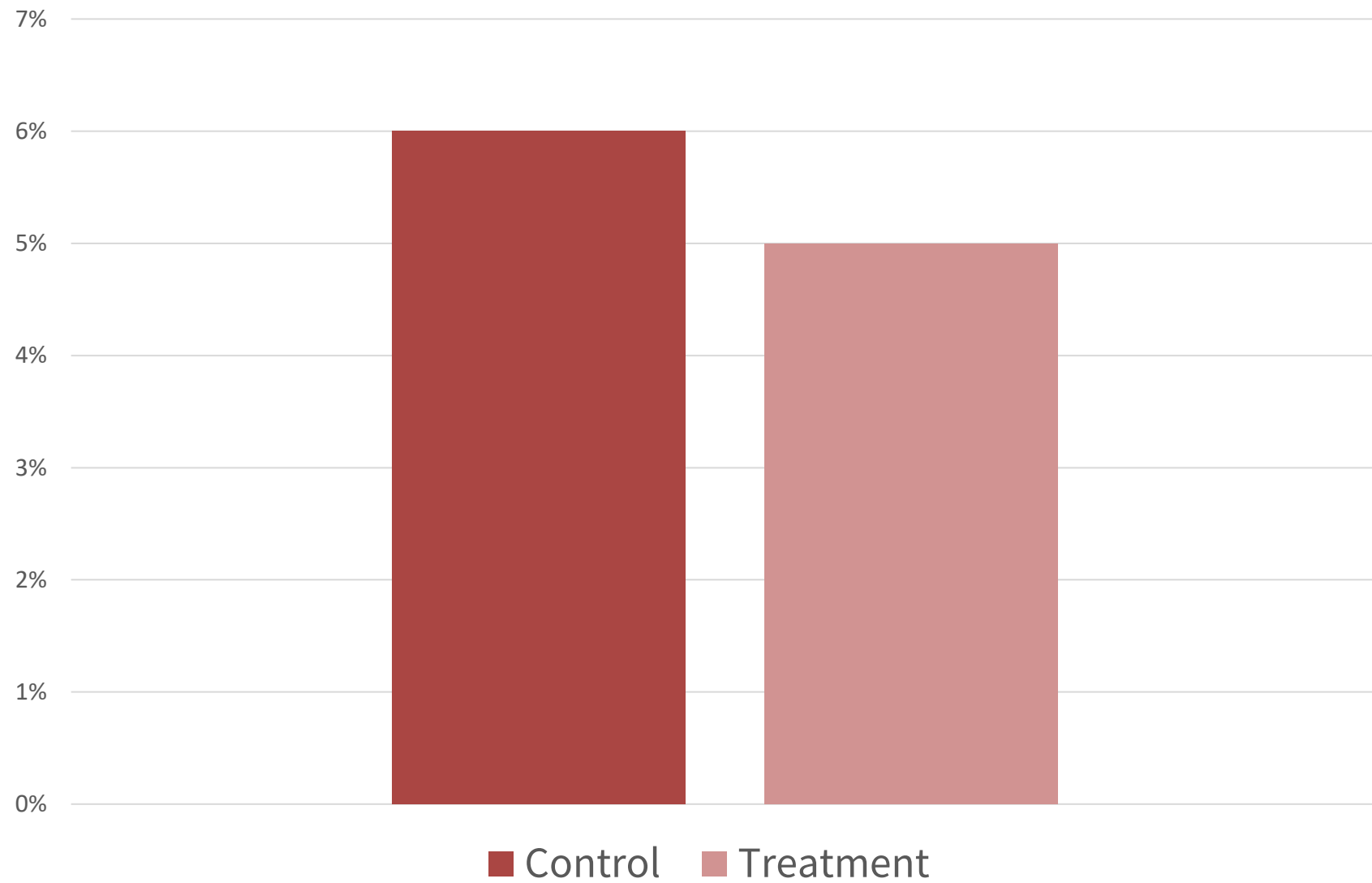
UpTrust First Year Implementation Outcomes



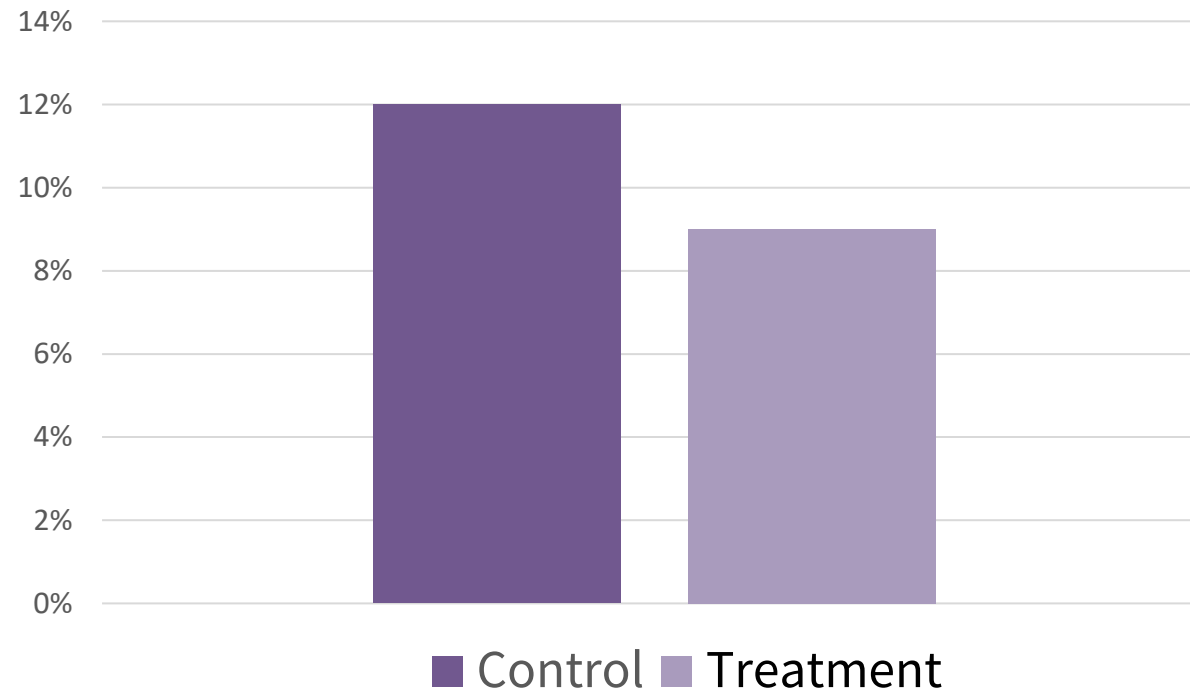
Santa Clara, CA



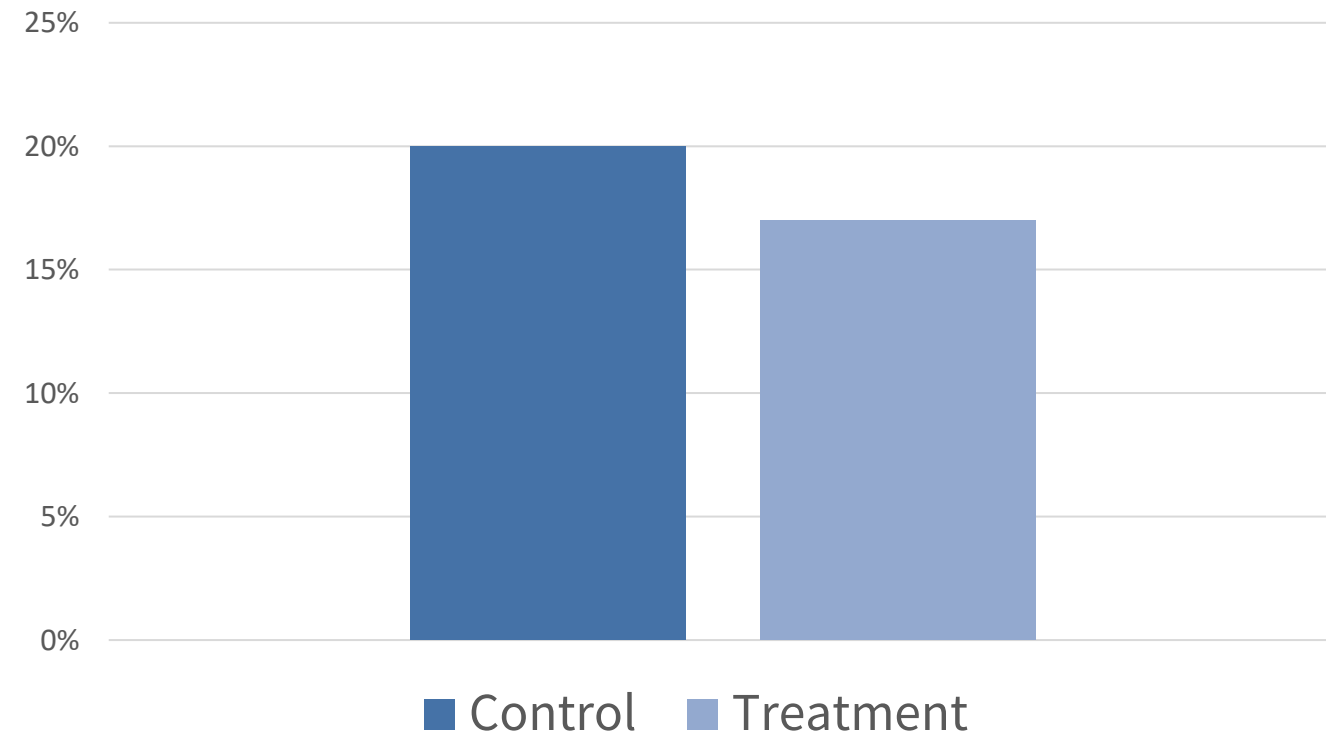
Rates of incarceration



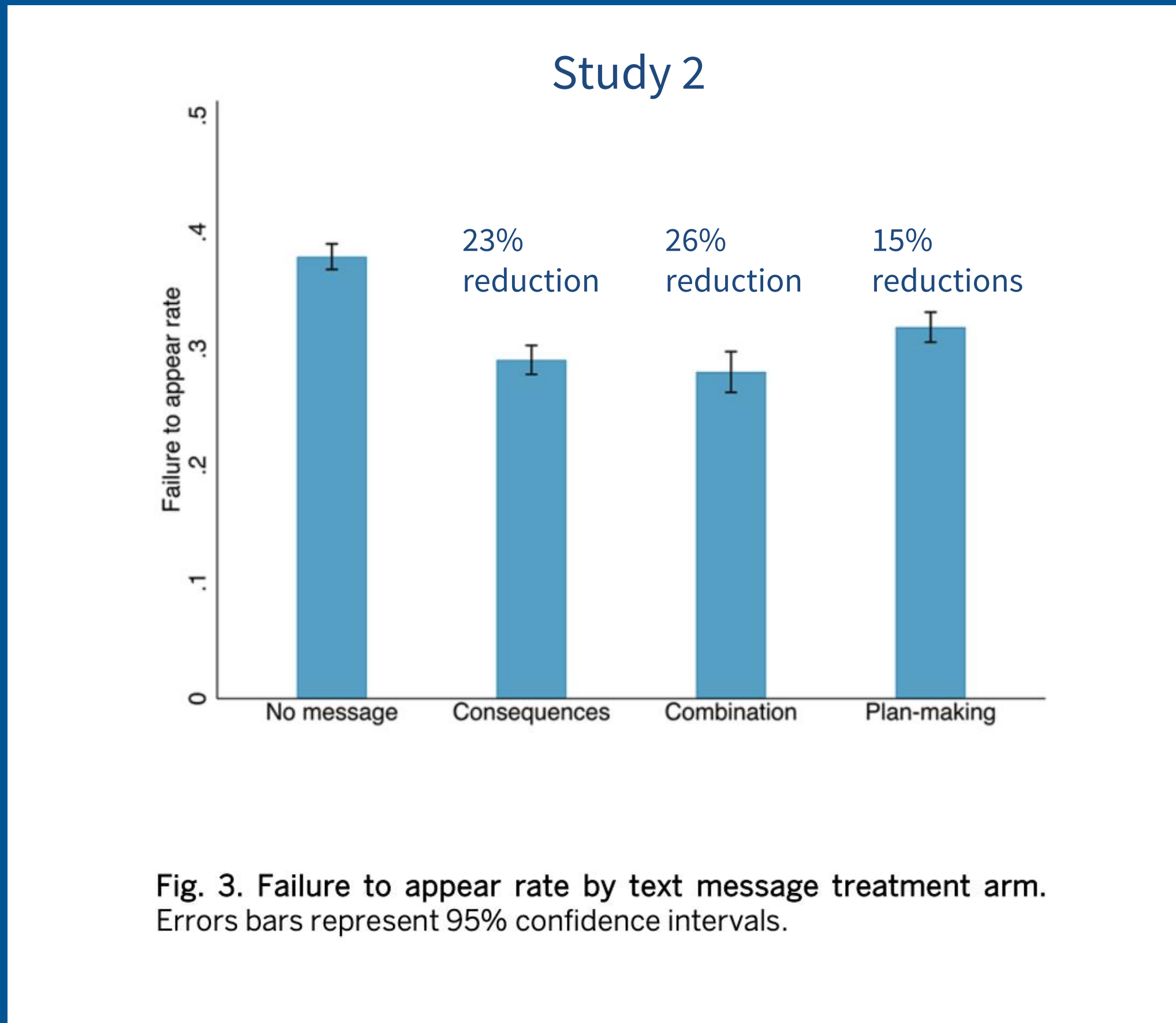
Bench warrant at first scheduled court date



Bench warrant rates between assignment and end of experiment



New York City, NY





Recommendations

Routine Phone Number Check

Procedural change: The Judge asks **all** individuals at **each** court date to confirm the phone number on file.

If the phone number has changed, this information will go in the court record.

Opt-in Text Reminder Enrollment

1. Be informed of Dane County's court text reminder system
2. Navigate to the Dane County court website & find the form.
3. **Complete the form consistently with the information that is already on file in CCAP (from initial police contact).**
4. Once signed up, you will either receive a reminder about your case or, if your contact information is inconsistent with the court records, you will receive a text message that states you must update your information with the "Circuit Court System."
5. The individual must inform the court via a letter or at the court hearing to file an official change.

Received message

Hi Emelia, The Dane County Court received your request for text notices for case 2026SC000482. The name and/or phone number you gave does not match any of the current information for parties in this case. If you would like text notifications please submit this request with another case number or update your contact information with the Circuit Court System. Thank you. This phone number is not monitored and you will not receive a response to text messages or phone calls to it.

Opt-out Text Reminder Enrollment

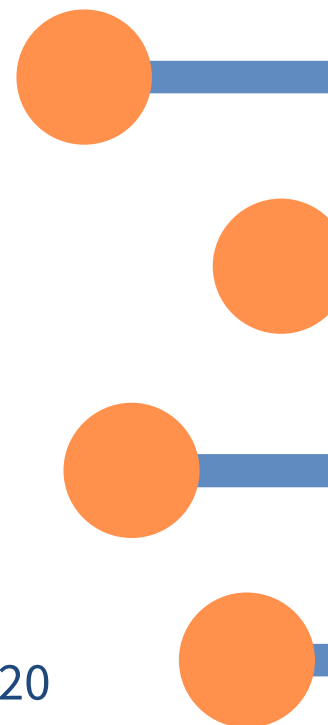
1. At the initial appearance the court commissioner asks for an individual's phone number
2. Automatically enroll individuals with information on how to opt-out
3. At **all** court hearings, have the Judge ask the individual if they have an updated phone
4. If the phone number has changed, it will be automatically updated in CCAP, and the text messages will be sent to the updated phone number.

Dane County Text Reminder

04

Recommendations

Your Dane County Motion Hearing for case 2023CF002219 is @ 8:00AM on Wed April 6th in the Dane County Courthouse, Branch 3. Replies Discarded.



Dane County Text Reminder



Your Dane County Motion Hearing for case 2023CF002219 is @ 8:00AM on Wed April 6th in the Dane County Courthouse, Branch 3. Replies Discarded.

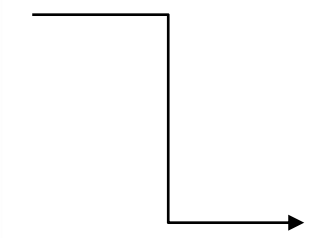
UW Health: Emelia, you have an upcoming visit on 02/04 at 8:15 AM.

Reply 1 to confirm or 2 to cancel.

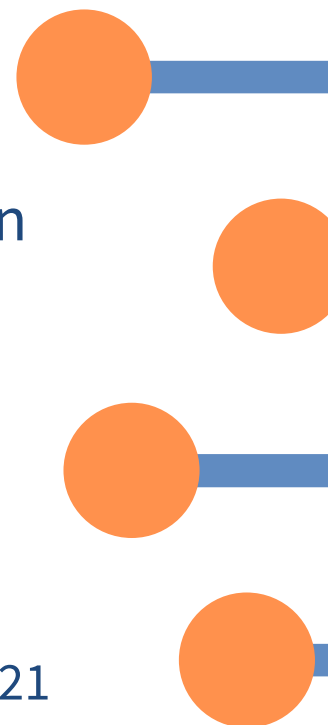
Emelia, usted tiene una visita futura en 02/04 a la(s) 8:15 AM.

Responda 1 para confirmar o 2 para cancelar.

Reply STOP to opt out.



Spanish translation



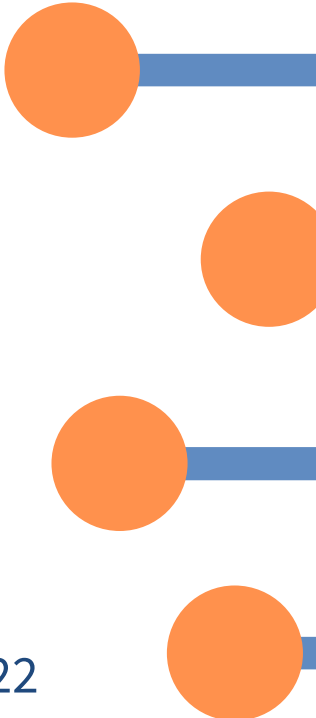
Dane County Text Reminder



Your Dane County Motion Hearing for case 2023CF002219 is @ 8:00AM on Wed April 6th in the Dane County Courthouse, Branch 3. Replies Discarded.

Reply C to confirm Gus's appt at Cat Care Clinic East on 07-16-2025 at 10:00AM. To reschedule please call us at [608 833 9750](tel:6088339750). Cat Care Clinic East
Reply STOP to unsubscribe

Number to reschedule



Reminders 7, 3, 1 Day Before

Helpful Reminder: Emelia, you have court on Monday April 6th at 8AM at Dane County Courthouse, Branch 3

Show up to avoid an arrest warrant.

For questions, call the court [\(608\)288-9571](tel:6082889571)

7 Days

Name, consequence & number to contact court

Helpful Reminder: Emelia, you have court on Mon April 6th, at 8AM at Dane County Courthouse, Branch 3.

215 S Hamilton St Madison , WI 53703

Show up to avoid an arrest warrant.

What time should you leave to arrive by 8AM?

3 Days

Name, address, consequence & prompt to plan

Emelia, you have court tomorrow at 8AM at 215 S Hamilton St Madison, WI 53703

Missing court can lead to your arrest.

For questions, call the court [\(608\)288-9571](tel:6082889571)

1 Day

Name, address, consequence & number to contact court

Spanish Version

Emelia, usted tiene una cita judicial mañana a las 8AM. Un abogado de oficio de apoyará por el proceso.

Incomparecencia podrá dar lugar a su detención.

Si tiene dudas, llame [\(608\) 288-9471](tel:6082889471)

7 Days

Recordatorio amable: Emelia, usted tiene una cita judicial el lunes 6 de abril a las 8AM en el Corte de Dane County.

215 S Hamilton St Madison, WI 53703

Preséntense para evitar un orden de detención.

¿A qué hora debe salir para llegar a las 8AM?

3 Days

Emelia, usted tiene una cita judicial mañana a las 8AM. Un abogado de oficio de apoyará por el proceso.

Incomparecencia podrá dar lugar a su detención.

Si tiene dudas, llame [\(608\) 288-9471](tel:6082889471)

1 Day

Thank you!

Questions?

Discussion!

**Office of
Justice
Reform**



608-283-1425



ojr@danecounty.gov



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Madison, WI 53703

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