



NEW YORK CITY
CRIMINAL JUSTICE AGENCY

RESEARCH BRIEF:

Desk Appearance Tickets and Appearance Rates – The Benefits of Court Date Reminders

Providing reminder phone calls to individuals given a DAT can reduce failure to appear at the first court date by nearly half

By Russell Ferri

How can we improve DAT appearance rates?

Reducing pretrial detention is a crucial part of New York’s plan to lower the City’s jail population and close Rikers Island. The use of desk appearance tickets (DATs) to replace some summary arrests is central to those goals. However, issuing more DATs may come at the cost of a lower court appearance rate, as DAT defendants are at greater risk of not showing up for arraignment. What can be done to address this problem?

DATs may be unfamiliar to some of those outside of New York’s criminal justice system. Across the country, most jurisdictions have both custodial arrests and non-custodial arrests. New York State is somewhat unusual in also having something in-between: DATs. For some arrests, mostly misdemeanors, the arresting officer can issue the arrestee a DAT. This allows the arrestee to go home from the precinct and return for the arraignment at a later date. Such an arrest is still best thought of as “custodial,” however, because the arrestee must remain at the police precinct while the officer fingerprints him and checks for any outstanding warrants, orders of protection, or other disqualifying factors. But, if given a DAT, the arrestee can go home sooner and work through his case while released in the community.

The rate of DAT issuance in NYC has fluctuated widely over the years, but beginning in the late 2000s policymakers made an effort to issue more DATs. The State’s bail reform legislation includes policies that would likely increase the rate of DAT issuance even further.

New York City has maintained high appearance rates for individuals whose cases began with a summary arrest. In recent years, approximately 85 percent of such individuals return to court for all their appearances. The City and CJA provide a variety of services to achieve that high appearance rate, including court date reminders and Supervised Release.

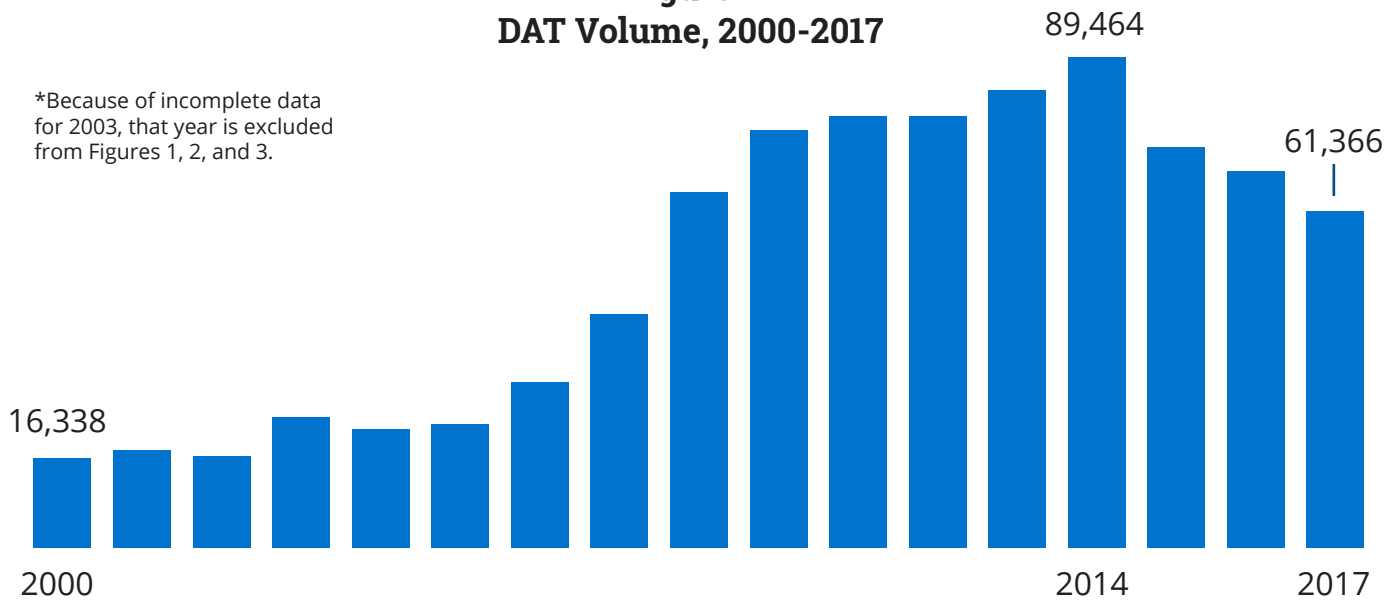
The story is a bit different for DATs. In recent years, approximately 25 percent of individuals fail to appear for their initial arraignment. While a considerable improvement from the early 1990s—when the DAT arraignment FTA rate was often around 40 percent—New York City will need to further improve the DAT appearance rate to minimize the costs of FTA to defendants and the court system.

One possible way to reduce the FTA rate is to remind individuals of their upcoming appearance. CJA has provided reminders for decades. In recent years the Agency has subcontracted much of this service to a vendor. In September 2017 that vendor informed CJA of its imminent bankruptcy. Exploiting this opportunity, we conducted a randomized controlled trial (RCT) of the effectiveness of reminders. This brief explains the results of that RCT for DAT arraignments.

Volume of DATs

The volume of DATs has increased in recent years. Since 2000 volume has ranged from a low of 16,338 (in 2000) to a high of 89,464 in 2014. Beginning in 2015 the volume has dropped due to several policy changes, among them a shift toward giving many individuals found with small amounts of marijuana a summons rather than a DAT.

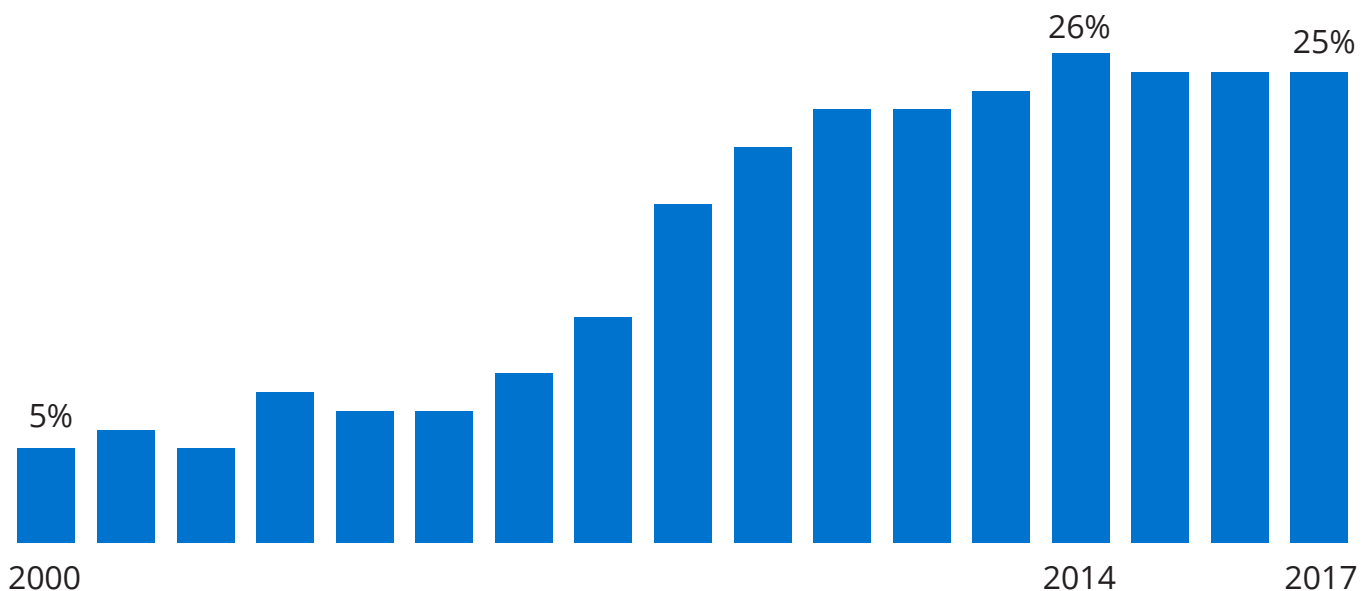
Figure 1
DAT Volume, 2000-2017



Rate of DATs

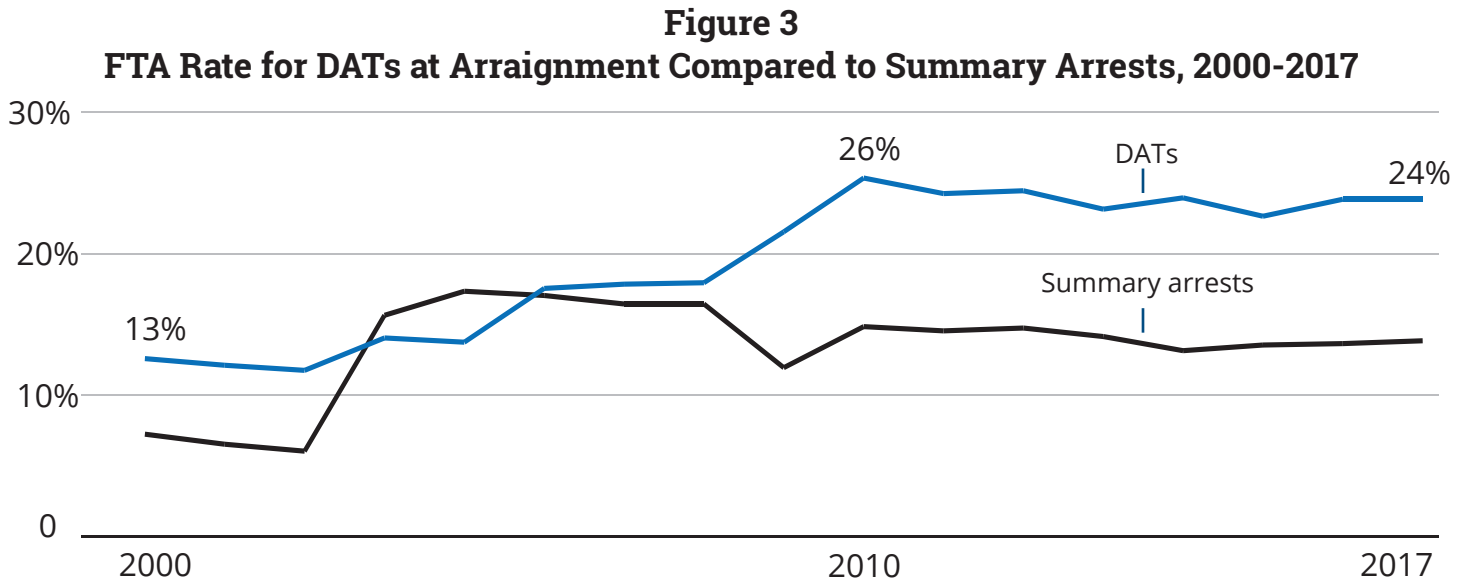
DATs have also increased as a percentage of all custodial arrests (i.e., DATs and summary arrests combined). From 2000-2002 DATs only made up approximately five percent of custodial arrests annually. Since 2013 DATs have made up approximately one quarter of custodial arrests annually, with 2014 being the peak (26 percent).

Figure 2
DAT Volume - Percentage of Arrests, 2000-2017



Failure to appear rates for DATs at arraignment

The FTA rate at DAT arraignments has varied widely since 2000. In the early 2000s it was typically around 15 percent. In recent years, the rate has been around 25 percent. This is considerably higher than the FTA rate for summary arrests. The increase in the FTA rate for DAT arraignments rate roughly coincides with the increase in DAT volume (see figures 1 and 2).



Note: the FTA rate for summary arrests illustrated in Figure 3 includes all charges. The FTA rate for only summary arrests that are charge eligible for a DAT is virtually identical to the overall FTA rate, typically 1-2 percentage points higher each year.

CJA's live reminder call center

In September 2017, CJA's court reminder vendor announced it would be filing for bankruptcy within a few weeks. It was impossible to find another vendor in such a short time. To maintain its commitment to providing this service, CJA used the next few weeks to set up a call center. We wrote protocols and scripts, developed an application for making the calls and entering data on the outcomes, and designed a system to assign defendants to receive notifications at different times. New staff were hired, and they along with existing CJA staff were trained in how to make the calls. By October 18, CJA was providing live calls to remind defendants of their upcoming court date.

January 26, 2018 was the last day CJA exclusively provided calls. By that time we had attempted to provide reminders for over 50,000 appearances.

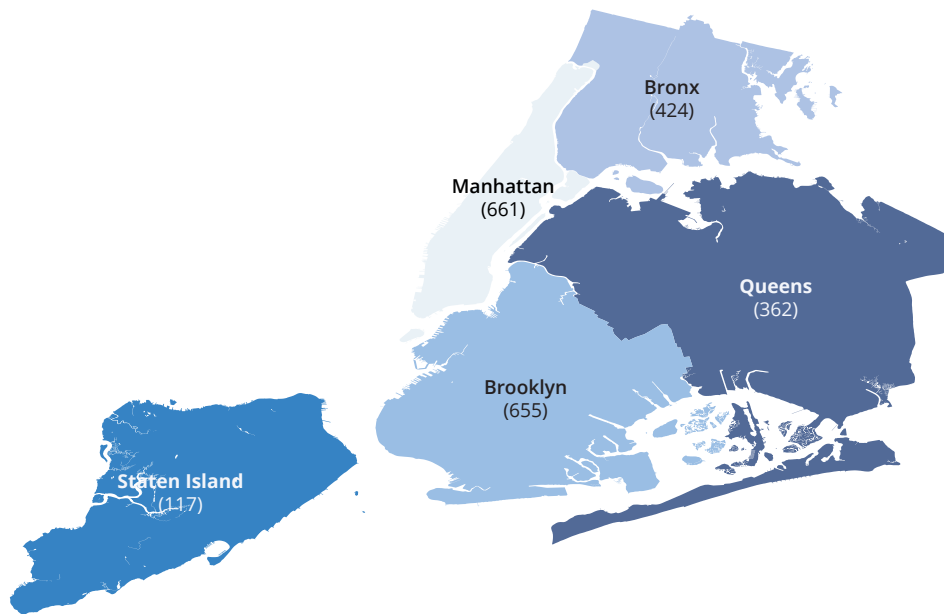
Randomized controlled trial of court reminders to DAT defendants

We also used the bankruptcy of our vendor as an opportunity to test and evaluate the effectiveness of reminders by conducting a randomized controlled trial. Individuals were eligible to participate in the study if they (a) were issued a DAT and (b) provided a phone number to the NYPD. The study started in November 6, 2017 and lasted through January 26, 2018. What follows are the study's key findings.

Sample Description

Overall, 2,219 individuals were enrolled in the study, with participants arraigned in all five New York City boroughs (figure 4).

Figure 4
Study Participants, by Borough



Participants varied considerably across several demographic and case characteristics (table 1).

Table 1 Demographic and Case Characteristics

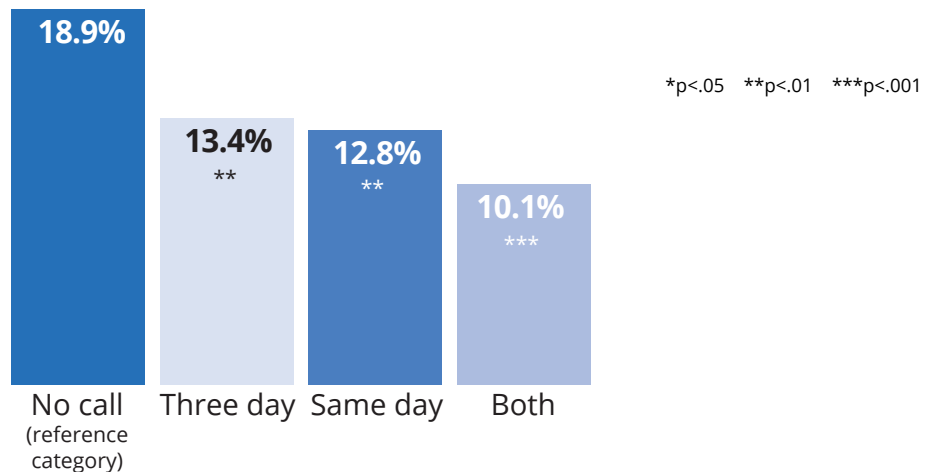
Characteristic		n	%
Race	White	433	20
	Black	840	38
	Hispanic	719	32
	Asian/Other	227	10
Gender	Female	574	26
	Male	1,645	74
Age	17 or younger	104	5
	18-29	1,010	46
	30-39	501	23
	40-49	295	13
	50+	309	14
Time to arraignment	1-30 days	308	14
	31-60 days	946	43
	61 days or more	965	44

Reminder phone calls reduced FTA rates

Participants enrolled in the study were randomized into one of four treatment groups: (1) no reminder, (2) a reminder three days before arraignment, (3) a reminder the same day as arraignment, or (4) both a three-day and same-day reminder. Bivariate analyses showed there was no relationship between borough of arraignment, race, gender, age, or time to arraignment, and membership in any of the four treatment groups. This suggests the randomization was effective in producing roughly equal groups across several possible confounding factors.

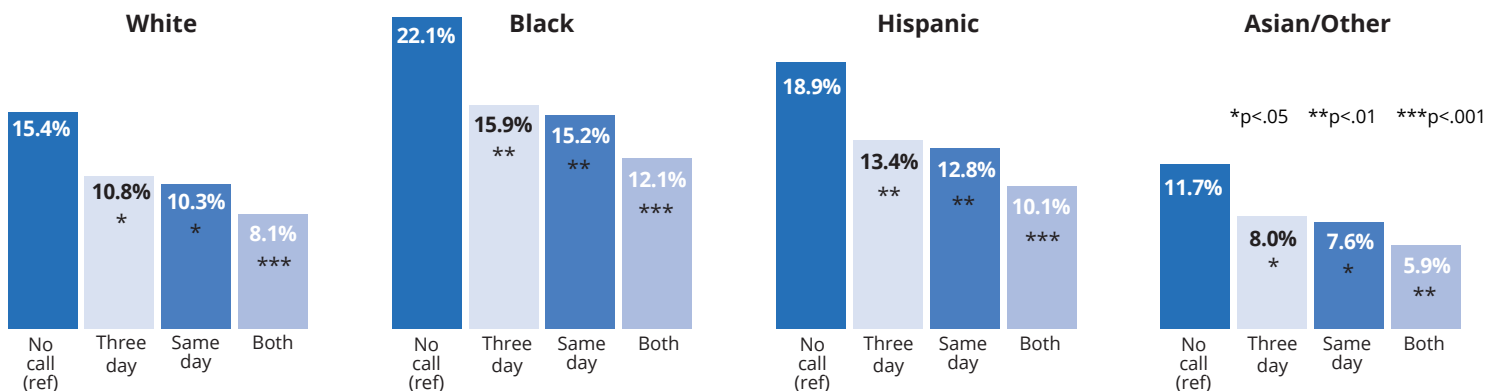
A comparison of FTA rates across the four groups showed there was a statistically significant relationship between treatment and FTA ($\chi^2 = 19.5$; $p < .000$). We also conducted a logistic regression analysis, statistically controlling for borough of arraignment, race, gender, age and time to arraignment. Compared to DAT defendants who received no reminder, there was a statistically significant reduction in FTA for each of the individual treatment groups. The magnitude of the effect varied by treatment: a reminder three days before arraignment reduced the likelihood of FTA by 5.5 percentage points; a reminder the same day as arraignment by 6.1 percentage points; both a three-day reminder and a same-day reminder by 8.8 percentage points (figure 5). Overall FTA at the first court appearance was reduced by as much as 47 percent for those individuals who received both a three day and same day phone call (10.1 percent FTA) compared to those who did not receive any phone call reminder (18.9 percent FTA).

Figure 5
Predicted Probability of Failure to Appear



Adjusted predictions revealed that the effect varied by race, with black and Hispanic defendants receiving the greatest benefit from reminders (figure 6). For example, the reduction in the likelihood of FTA was as high as 10 percentage points for black defendants who received both the three day and same day reminders compared to no call.

Figure 6
Predicted Probability of Failure to Appear, by Race



Implications for Practice

The goal of this research was to determine if reminder phone calls reduce failure-to-appear rates at DAT arraignments. CJA created its own call center and conducted a randomized control to answer this question. The results show that reminder phone calls can substantially reduce the likelihood of failure-to-appear rates at DAT arraignments—by as much as 47 percent.

This finding is particularly important in light of recent legislation. In April 2019, the New York State Assembly passed the most significant reform of New York’s bail statute since 1970.

One key provision of the legislation requires that police issue more desk appearance tickets in lieu of summary arrests. The gap between the current FTA rate for DATs and summary arrests suggests this may result in an increase in FTA and the issuance of warrants.

Currently, while only 15 percent of summary arrestees miss an appearance over the course of their entire case, 25 percent of DAT arrestees fail to appear at their arraignment. For pretrial justice reform to be successful, it is critical to close the court appearance gap between summary arrests and DATs.

If the failure-to-appear rate at DAT arraignments remains the same, defendants could see more and more warrants issued against them, which could impact the outcome of a defendant’s case as well as any future cases.

The court system may also face some unintended consequences, as stakeholders will have to adapt to a likely increase in DAT volume. Calendars may become clogged if defendants fail to appear and cases may take longer and longer to process.

Another provision of the bail reform bill offers a way to counter the problem. It requires that police officers seek from individuals who are given a DAT their preferred means of receiving a court date reminder, including a phone call. As a result, CJA could be well-positioned to remind even more defendants of their upcoming court date.

The stakes are clear: collecting phone numbers and providing reminder call services can help ensure that bail reform’s implementation is fair, effective, and avoids unintended negative consequences.

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CJA is a not-for-profit corporation that provides a variety of criminal justice services under contract with the City of New York.

CJA staff interview defendants arrested in New York City, make recommendations for pretrial release, and notify released defendants of upcoming court dates.

The Research Department conducts studies addressing a broad array of criminal justice policy concerns. The Research Brief series summarizes the results of some of these studies.

The full report is available at www.nycja.org/library.php.

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