



# STATEWIDE COURT APPEARANCE PROJECT FINAL REPORT

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Recommendations to Address Court Appearance Issues  
in North Carolina

May 2025

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# LETTER FROM THE CHAIR

Director Boyce,

I am pleased to present the Statewide Court Appearance Project Committee's Final Report and recommendations.

This Report is the culmination of twelve months of in-depth research, informed dialogue, robust discussion, and extensive collaboration to identify statewide solutions to promote court appearance and provide alternative system responses to missed appearances when they occur.

I am confident that the recommendations in this Report will result in considerable enhancements to court case management and improve customer service for the citizens of North Carolina, while protecting public safety.

It has been an honor to serve as the chair of this important Committee.



Hon. Nathaniel J. Poovey  
Senior Resident Superior Court Judge, District 19  
Statewide Court Appearance Project Committee Chair

# EXECUTIVE SUMMARY

In North Carolina, about 18% of criminal cases have at least one missed court date, resulting in at least 250,000 missed hearings per year. Most missed appearances occur in low-level cases, with administrative traffic misdemeanor charges accounting for the greatest number of missed court dates.

Missed appearances have numerous consequences, including case delays that decrease system efficiency and increase strain on limited court and law enforcement resources. In North Carolina, missed appearances in low-level cases are a significant driver of jail bookings, leading to pressure on jail budgets and jail overcrowding. Additionally, license revocations imposed after a missed appearance prevent one in ten driving-age North Carolinians from legally driving, making it harder for them to appear in court in the future, get to work, and care for themselves and their families.

Fortunately, evidence-based solutions can address court appearance issues. In this project, the Statewide Court Appearance Project Committee considered the data and evidence, listened to experts, and robustly evaluated a range of court appearance solutions used in North Carolina and around the nation. Its members unanimously present the following recommendations to both promote court appearance and provide alternative system responses to missed appearances in North Carolina.

## EXECUTIVE SUMMARY CONTINUED

### STRATEGIES & POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE

**Ensure Efficiency with Every Court Date** through uniform continuance rules and new time standards for case dispositions.

**Improve Court Scheduling**, including efficient court sessions for low-level traffic offenses that account for most non-appearances, and implementing alternative scheduling practices, like block scheduling, to reduce court wait times.

**Promote Virtual Court and Online Case Resolution**, focusing on virtual traffic court and promoting tools that allow people to quickly resolve select criminal matters online, avoiding the need to appear in court.

**Make Court Information More Accessible** with improvements to key court forms and webpages.

**Expand and Enhance Pretrial Services**, including the development of pretrial services programs and instituting statewide pretrial risk assessments to provide judicial officials with critical information about a person's risk of non-appearance.

**Develop and Enhance Court Date Reminders**, including a new statewide opt-out reminder system similar to those used by doctors, dentists, and hairdressers to remind people of their appointments.

**Expand the Use of Appearance Waivers** for superior court calendar calls to reduce the number of required appearances.

**Provide Resources for High Needs Court Users** through court navigator positions that support people who may struggle with understanding and complying with court processes.

**Address Ability to Pay Considerations**, including developing statewide indigency standards and increasing awareness of avenues for relief from monetary obligations.

**Launch Initiatives to Foster Community Trust** that further strengthen public perceptions of the state court system.

**Support Transportation to Court** with options such as transportation vouchers and careful planning for courthouse access, including parking and public transit routes.

### STRATEGIES & POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES

**Implement Alternatives to the Immediate Issuance of Orders for Arrest (OFAs)**, including ensuring that relevant circumstances are considered before OFAs are issued, such as documented excuses, and implementing OFA grace periods in appropriate cases.

**Minimize Appearance Barriers from the Loss of a Driver's License**, including affording more time for people to address missed appearances, reducing the FTA fee, and supporting driver's license restoration programs.

**Implement Procedures for the Resolution of Outstanding OFAs without Arrest** such as recalls by magistrates and clerks in appropriate circumstances and instituting strike order courts.



*The recommendations in this Report are the work product of the Statewide Court Appearance Project Committee alone. Some recommendations request future engagement or action from other entities, including local governments, educational institutions, law enforcement agencies, the court system, and the North Carolina General Assembly. With the understanding that these recommendations do not represent any commitment from these entities to act, the Committee hopes that they will independently evaluate the merit of the recommendations in due course and consider their implementation as practicable.*

# COMMITTEE BACKGROUND AND CHARGE

The North Carolina Constitution states that that “justice shall be administered without [...] delay.” In North Carolina, one in six criminal incidents has at least one missed court appearance, delaying case resolutions. To date, work on court appearance issues has been focused at the county level. Scaling efforts to the state level has potential to further enhance efficiency statewide.

When presented with the opportunity to work directly with local state court and law enforcement leaders and the UNC Criminal Justice Innovation Lab (the Lab), along with financial support from The Pew Charitable Trusts, the North Carolina Administrative Office of the Courts (the NCAOC) convened the Statewide Court Appearance Project Committee. The purpose of the Committee was to identify statewide policy solutions that promote court efficiency, protect public safety, address the underlying causes of why some people miss court, and provide options for alternative responses to missed appearances when they occur.

Specifically, the Committee was charged with the following primary responsibilities:

- Oversee the collection and analysis of jail data from up to four counties;
- Review additional data on the impact of non-appearance on jail populations and court operations;
- Consider relevant policy options identified by Committee members; and
- Produce a report with data findings and scalable policy recommendations for adoption statewide.

The Committee was comprised of North Carolina criminal justice system leaders, including court actors, law enforcement, and county criminal justice services. Committee members included:

MEMBER	TITLE	COUNTY	REPRESENTATION
Hon. Nathaniel J. Poovey Chair	Senior Resident Superior Court Judge	Catawba	Superior Court
Hon. Regina Parker	Chief District Court Judge	Beaufort, Hyde, Martin, Tyrrell, Washington	District Court
Hon. Jon David	District Attorney	Bladen, Brunswick, Columbus	Elected District Attorneys
Hon. Shelena Smith	Clerk of Superior Court	Robeson	Clerks of Superior Court
Hon. Charles Blackwood	Sheriff	Orange	County Law Enforcement
Beth Stang	Chief Public Defender	Henderson, Polk, Transylvania	Chief Public Defenders
Christopher Graves	Chief Magistrate	Wake	Magistrates
Alan Balog	Burlington Chief of Police	Alamance and Guilford	Local Law Enforcement
Cait Fenhagen	Director of Criminal Justice Resource Department	Orange	Criminal Justice Services
Jennifer Gibbs	Director of Criminal Justice Alternatives	Wake	Criminal Justice Services

## COMMITTEE BACKGROUND AND CHARGE CONTINUED

The Committee’s work began in May 2024 and concluded with the issuance of this Report. Its work included five meetings, with research and communication between those events.

DATE	ACTION ITEMS
May 2024	Issuance of Committee Charge and Appointment of Members Selection of Sample Counties for Jail Data Analysis
June 2024	<b>Committee Meeting #1</b> Introduction to Court Appearance Issues in North Carolina Exploring Policy Options to Promote Court Appearance Guidance to Staff on Policy Priorities Data Analysis and Research of Policy Options by Staff
July 2024	Data Analysis and Research of Policy Options by Staff
August 2024	<b>Committee Meeting #2</b> Exploring Policy Options of Alternative System Responses to Missed Appearances Guidance to Staff on Policy Priorities and Recommendations Data Analysis, Research of Policy Options, and Recommendations Drafted by Staff
September & October 2024	Data Analysis, Research of Policy Options, and Recommendations Drafted by Staff
November 2024	<b>Committee Meeting #3</b> Presentation and Review of Data Findings Presentations by Subject Matter Experts Discussion of Policy Options Feedback on and Approval of Select Draft Recommendations Further Guidance to Staff Opportunity for Public Comment Research of Policy Options and Recommendations Drafted by Staff
December 2024	Research of Policy Options and Recommendations Drafted by Staff
January 2025	<b>Committee Meeting #4</b> Presentations and Updates on Policy Priorities Approval of Draft Recommendations Feedback on Select Draft Recommendations Further Guidance to Staff Research of Policy Options and Recommendations Drafted by Staff
February 2025	Research of Policy Options and Recommendations Drafted by Staff Report Drafting by Staff
March 2025	<b>Committee Meeting #5</b> Presentation of Draft Final Report Feedback on Draft Report
April 2025	Revisions to Draft Report
May 2025	Presentation of Final Report

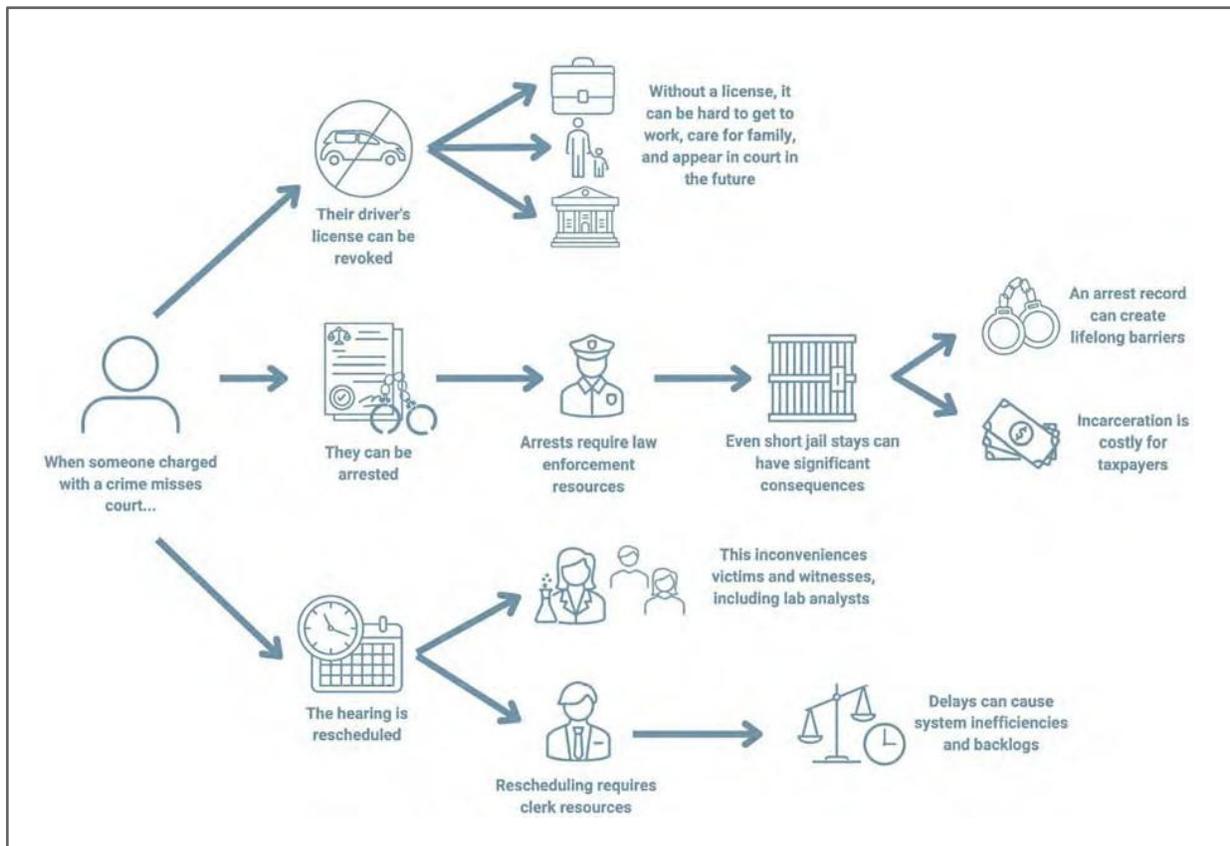
The Committee was supported by the NCAOC’s Research, Policy, and Planning Division staff including Emily Mehta, Manager; Sean Callan, Senior Research and Policy Associate; Julianna Kirschner, Research and Policy Associate; and Meagan Pittman, Research and Policy Associate. The Lab’s role in this project was as staff support to the Committee; that support was provided by Hannah Turner, Lab Senior Project Manager and Jessica Smith, W.R. Kenan, Jr. Distinguished Professor and Lab Director.

The Committee’s work was supported, in part, by a grant from the Pew Charitable Trusts.

# INTRODUCTION

Missed court appearances can contribute to system-wide inefficiencies and case backlogs, strain law enforcement and county resources, prolong hardships for victims and witnesses, and result in significant consequences for the person charged including pretrial incarceration and a possible loss of their driver's license (Figure 1). Meanwhile, these missed appearances occur predominately in low-level traffic misdemeanor cases for reasons that are often solvable through common sense solutions.

**Figure 1. Impact of Missed Court Appearance**



**A CONSERVATIVE ESTIMATE SUGGESTS THAT EACH MISSED COURT APPEARANCE RESULTS IN \$1,500 IN ADMINISTRATIVE COSTS FOR THE JUSTICE SYSTEM.**<sup>1</sup> Additionally, missed court dates have costs for the person impacted, including lost wages and benefits, and additional court costs, among others. When a missed appearance results in issuance of an Order for Arrest (OFA), the cost to the defendant is estimated at \$1,400 for each missed appearance.<sup>2</sup> Preventing a single missed appearance thus results in an estimated \$2,900 in cost avoidance. With a minimum of at least 250,000 annual missed appearances in North Carolina,<sup>3</sup> policies aimed at improving court appearance could result in significant cost avoidance for the state and its citizens.

Additionally, alternative system responses to missed court dates can promote a more effective and efficient system. This Report presents the Statewide Court Appearance Project Committee's (hereinafter the Committee) practical, consensus-driven solutions to enhance court appearance rates and develop alternative system responses to non-appearances.

<sup>1</sup> Presentation of Jessica Ireland, Senior Manager, Center for Effective Public Policy to the Committee on November 19, 2024, on file with NCAOC.

<sup>2</sup> Presentation of Shannon McAuliffe & Stephen Saloom, ideas42 to the Committee on November 19, 2024, on file with NCAOC.

<sup>3</sup> North Carolina Court Appearance Project: Findings and Policy Solutions from New Hanover, Orange, and Robeson Counties (UNC School of Government Criminal Justice Innovation Lab 2022) (hereinafter North Carolina Court Appearance Project). <https://cjl.sog.unc.edu/resource/north-carolina-court-appearance-project-findings-and-policy-solutions-from-new-hanover-orange-and-roberson-counties/>.

# INTRODUCTION CONTINUED

The Committee's work builds on two earlier North Carolina efforts. First, its work is informed by the efforts of diverse county teams in the North Carolina Appearance Project.<sup>4</sup> In that project, the Criminal Justice Innovation Lab (hereinafter the Lab) at the University of North Carolina at Chapel Hill School of Government supported teams from New Hanover, Orange, and Robeson Counties as they worked to use data to better understand court appearance issues in their communities, and develop and implement practical, evidence-informed solutions. Each team included judges, prosecutors, defense attorneys, clerks of court, law enforcement leaders, and other stakeholders who worked collaboratively to develop a range of solutions tailored to address court appearance issues.

The Lab then supplemented that work with additional research and data and created a free, online website called the Court Appearance Toolbox.<sup>5</sup> The Toolbox provides a variety of ready-to-use tools designed to promote court appearance and provide alternative responses to non-appearances that stakeholders can adapt to meet local needs, priorities, and resources.

The policy options developed in those projects offer a wide range of practical, cost-effective solutions to address court appearance issues. Continued stakeholder interest following these earlier efforts, and a desire to scale policies statewide, led to the creation of the current Committee and guided its work.

This Report is presented in three main sections below. First, the Data Findings section includes contextual court system data and data on court appearance in North Carolina. Court appearance data come from court system records and an analysis of jail data from four North Carolina counties, conducted specifically for this project. Second, is a section presenting the Committee's recommendations for strategies to promote court appearance. Lastly, is a section presenting the Committee's recommendations for alternative system responses to missed appearances when they occur.

The Committee believes that its recommendations reflect a pragmatic and evidence-informed approach. They include immediate actions that can be quickly implemented as well as long-term strategies requiring additional stakeholder support and resources.

<sup>4</sup> Project materials are online here: <https://cjl.sog.unc.edu/collection/north-carolina-court-appearance-project/>.

<sup>5</sup> The Court Appearance Toolbox is online here: <https://courtappearance.cjl.sog.unc.edu/>.



# DATA FINDINGS

# DATA FINDINGS CONTINUED

To support the Committee’s work, the Lab conducted data analyses on the impact of non-appearances on the court system, jails, and driver’s license revocations. This section begins with contextual court data. It then presents court appearance data, jail data, and driver’s license revocation data.<sup>6</sup> Although the data presented here is largely for the years 2021, 2022, and 2023, the Lab examined court data back through 2014 and longer-term trends are noted in this section.

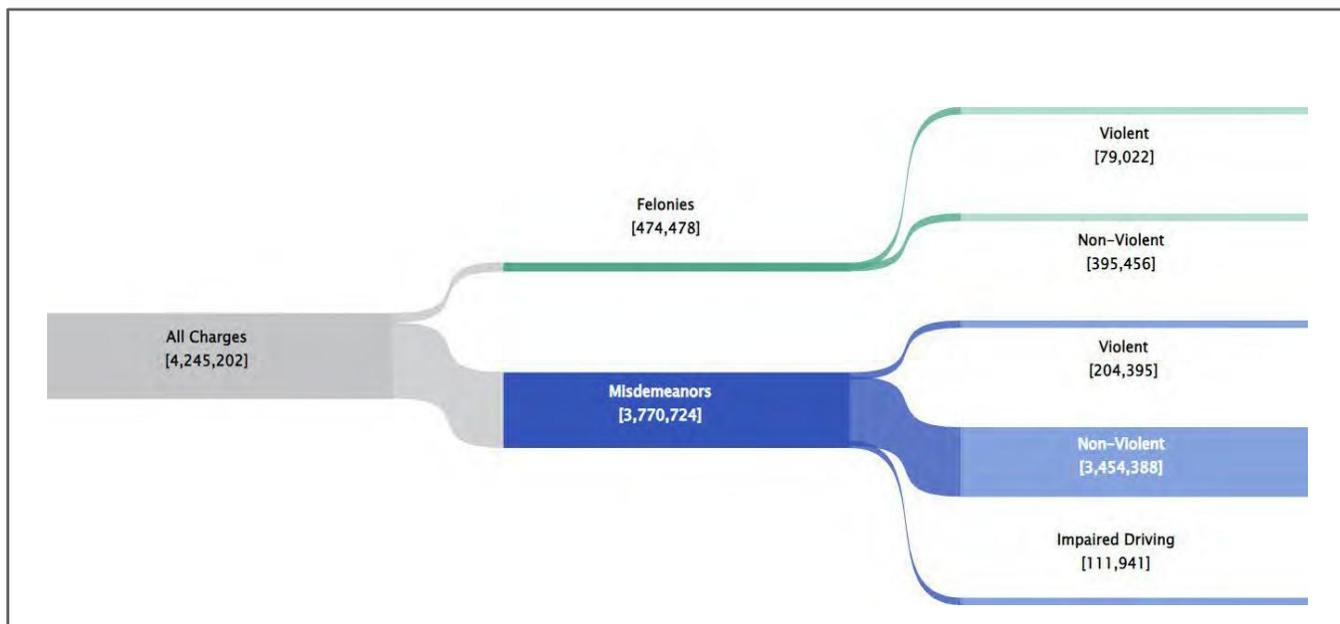
## CONTEXTUAL COURT DATA

These data points help to put court appearance data in context with respect to the characteristics of the overall system.

## CRIMINAL CHARGING

In North Carolina, the majority of charges in the criminal system are non-violent misdemeanors (Figure 2). This pattern repeats every year (from 2014 to 2023) and in every North Carolina county.

**Figure 2. Overview of Criminal Charging in North Carolina, 2021-2023**



**FROM 2021 TO 2023, ALL OF THE TOP TEN MOST FREQUENTLY CHARGED OFFENSES IN NORTH CAROLINA WERE TRAFFIC OFFENSES.** Six of those were administrative traffic offenses, meaning they were regulatory in nature as opposed to roadway safety issues; three were traffic safety offenses; and one was impaired driving (Table 1). The top four offenses in Table 1 make up the bulk of all criminal charges. These findings repeat yearly with negligible variation year-over-year.

<sup>6</sup> Court data analyses come from the Lab’s Measuring Justice Dashboard for the period January 1, 2014, through December 31, 2023. Because the Lab does not yet have Enterprise Justice (Odyssey) court records, the analyses does not include 2022 and 2023 court data for Wake, Harnett, Lee, and Johnston Counties, and three months of 2023 data for Mecklenburg County.

# DATA FINDINGS CONTINUED

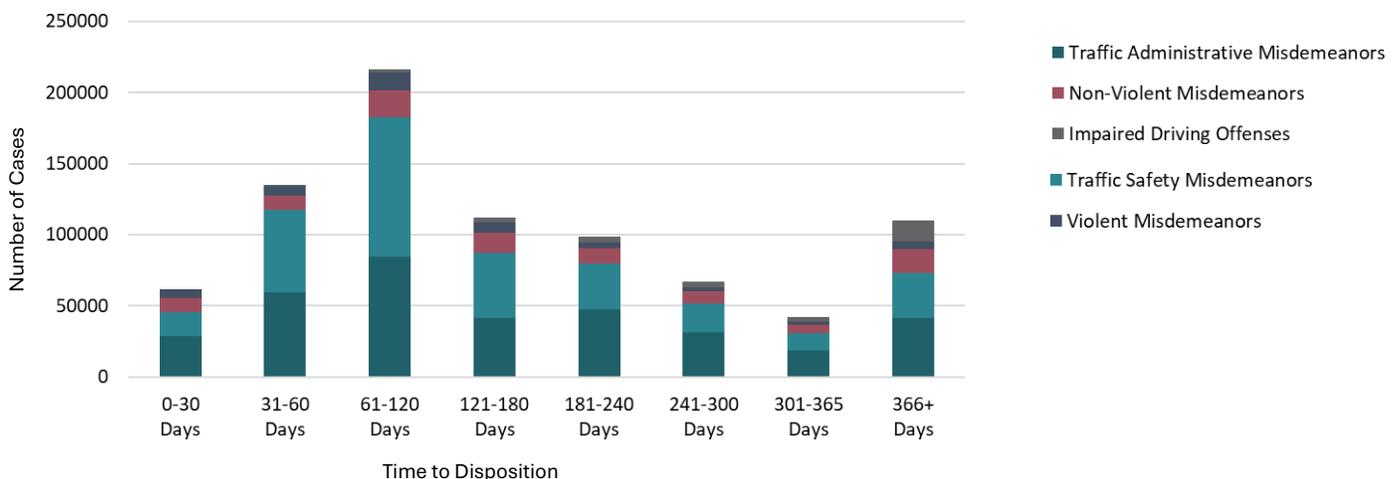
**Table 1. Top Ten Most Commonly Charged Offenses, Statewide, 2021 - 2023**

OFFENSE DESCRIPTION	OFFENSE TYPE	OFFENSE CATEGORY	OFFENSE TOTAL
SPEEDING	Misdemeanor	Traffic Safety	856,019
EXPIRED REGISTRATION CARD/TAG	Misdemeanor	Traffic Administrative	453,735
DRIVING WHILE LICENSE REVOKED, NOT IMPAIRED REVOCATION	Misdemeanor	Traffic Administrative	396,589
NO OPERATORS LICENSE	Misdemeanor	Traffic Administrative	298,984
RECKLESS DRIVING TO ENDANGER	Misdemeanor	Traffic Safety	121,936
OPERATE VEHICLE NO INSURANCE	Misdemeanor	Traffic Administrative	121,915
DRIVING WHILE IMPAIRED	Misdemeanor	Impaired Driving Offense	92,838
FICTITIOUS/ALTERED TITLE/REGISTRATION CARD/TAG	Misdemeanor	Traffic Administrative	91,120
RECKLESS DRIVING WANTON DISREGARD	Misdemeanor	Traffic Safety	85,379
DRIVE/ALLOW MOTOR VEHICLE NO REGISTRATION	Misdemeanor	Traffic Administrative	69,599

## TIME TO DISPOSITION

Case management continues to be an important issue facing our courts. Even low-level offenses can take months or years to resolve. In 2023, 42% of cases that had been pending for more than a year were administrative traffic misdemeanors. In district court, which handles mostly misdemeanor offenses, relatively few cases are resolved within thirty days, with most cases taking months or over a year to resolve (Figure 3). As noted in the Court Non-Appearance Data section beginning on the next page of this Report, there is a correlation between disposition time and non-appearance rates such that missed appearances increase the longer the case takes to resolve.

**Figure 3. Time to Disposition in District Court, Statewide, 2023**



## DATA FINDINGS CONTINUED

### COURT NON-APPEARANCE DATA

While this Report and the data below focus on court non-appearance among defendants, research shows that defendants are less likely to miss court as compared to other participants in a criminal case. A 2024 study of failure to appear (hereinafter FTA) rates from 2010 to 2020 in Philadelphia found that non-defendants (police officers, victims, other witnesses, and private attorneys) had higher non-appearance rates than defendants.<sup>7</sup> This study found defendants missed court at least once in 19% of cases, whereas at least one non-defendant missed court in 53% of cases.<sup>8</sup>

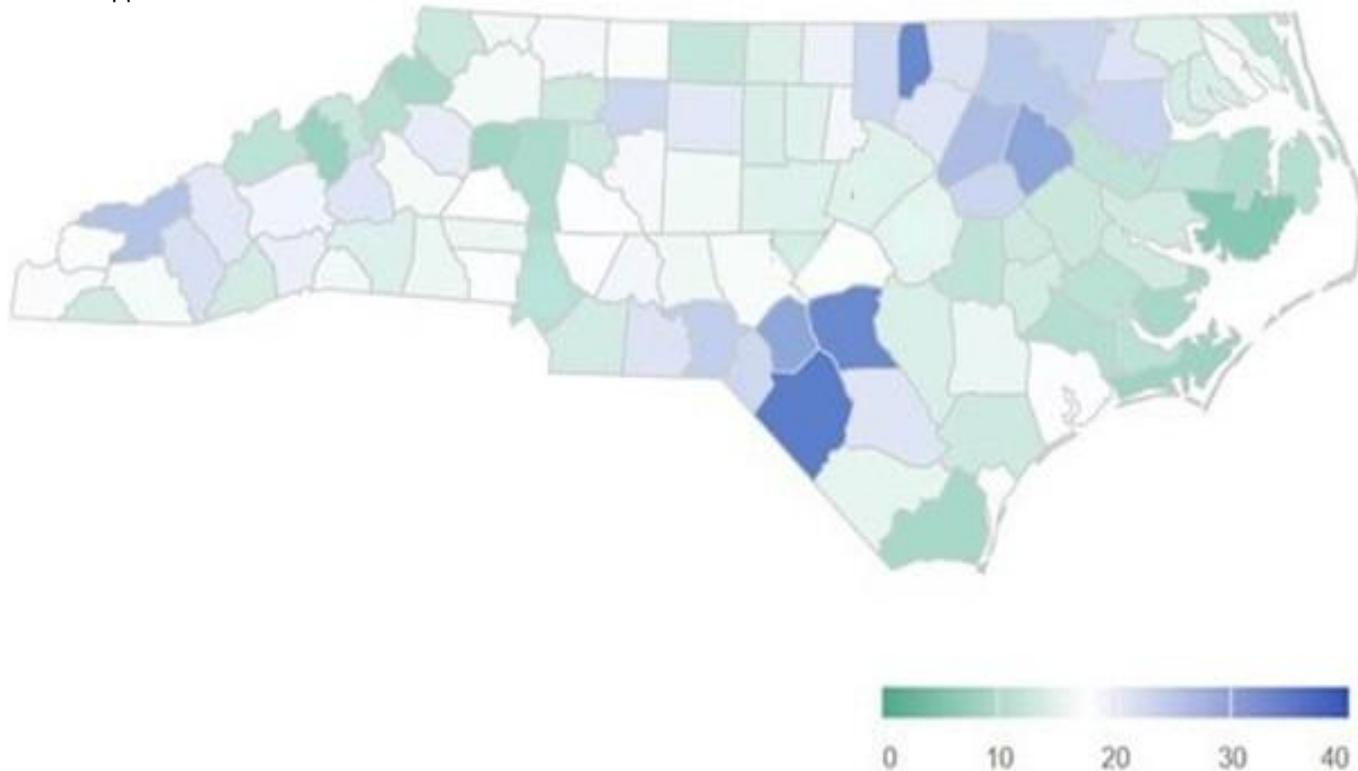
These data points provide important context about the scope of court non-appearance among all case participants. Additionally, because many of the recommendations in this Report can also support court appearance by non-defendants, the potential to promote efficient resolution of criminal cases may be amplified.

### NUMBER AND RATE OF NON-APPEARANCES

From 2021 to 2023, about 18% of criminal incidents statewide had at least one missed court date. This rate of non-appearance is similar going back to 2014. As shown in Figure 4 below, the non-appearance rate varies at the county level. **ALTHOUGH THE MAJORITY OF CASES DO NOT HAVE A MISSED COURT DATE, IT IS ESTIMATED THAT THERE ARE AT LEAST 250,000 MISSED HEARINGS A YEAR IN NORTH CAROLINA.**<sup>9</sup> This foundational data point conveys the scope and potential impact of missed court appearances.

**Figure 4. Map of Non-Appearance Rates in North Carolina, 2021 – 2023<sup>10</sup>**

State Non-Appearance Rate: 17.64%



<sup>7</sup> Graef, L., Mayson, S.G., Ouss, A., & Stevenson, M. Systemic Failure to Appear in Court, 172 U. Pa. L. Rev. 1 (2024). [https://scholarship.law.upenn.edu/penn\\_law\\_review/vol172/iss1/1/](https://scholarship.law.upenn.edu/penn_law_review/vol172/iss1/1/).

<sup>8</sup> *Id.* The 19% non-appearance rate for defendants in the Philadelphia study is similar to the non-appearance rate for defendants in North Carolina (17.64%, see Figure 4 above).

<sup>9</sup> North Carolina Court Appearance Project, *supra* n.3.

<sup>10</sup> Court records are incomplete for Wake, Johnston, Harnett, Lee, and Mecklenburg counties. See footnote 6 for additional information.

# DATA FINDINGS CONTINUED

## OFFENSES

-  **CERTAIN OFFENSES ARE MORE LIKELY TO HAVE MISSED COURT APPEARANCES THAN OTHERS.** Table 2 shows the ten offenses with the highest number of non-appearances at the state level for the period 2021 to 2023. Driving While License Revoked (DWLR), Not Impaired Revocation has the highest number of non-appearances statewide by a considerable margin. **AMONG THE TOP TEN OFFENSES WITH THE HIGHEST RATE OF NON-APPEARANCE, MOST ARE ADMINISTRATIVE TRAFFIC MISDEMEANORS, NO MATTER THE JURISDICTION.**<sup>11</sup>
- 

**Table 2. Top Ten Offenses with the Highest Number of Non-Appearances, Statewide, 2021 - 2023**

OFFENSE DESCRIPTION	OFFENSE TYPE	OFFENSE CATEGORY	NON-APPEARANCE TOTAL	NON-APPEARANCE RATE
DWLR NOT IMPAIRED REVOCATION	Misdemeanor	Traffic Administrative	159,778	41%
EXPIRED REGISTRATION CARD/TAG	Misdemeanor	Traffic Administrative	101,287	23%
SPEEDING	Misdemeanor	Traffic Safety	91,475	11%
NO OPERATORS LICENSE	Misdemeanor	Traffic Administrative	72,292	25%
OPERATE VEHICLE NO INSURANCE	Misdemeanor	Traffic Administrative	40,201	34%
FICTITIOUS/ALTERED TITLE/REGISTRATION CARD/TAG	Misdemeanor	Traffic Administrative	33,712	37%
DRIVE/ALLOW MOTOR VEHICLE NO REGISTRATION	Misdemeanor	Traffic Administrative	23,815	35%
CANCELLED/REVOKED/SUSPENDED CERTIFICATE/TAG	Misdemeanor	Traffic Administrative	16,661	27%
NO LIABILITY INSURANCE	Misdemeanor	Traffic Administrative	16,145	32%
RECKLESS DRIVING TO ENDANGER	Misdemeanor	Traffic Safety	15,476	13%

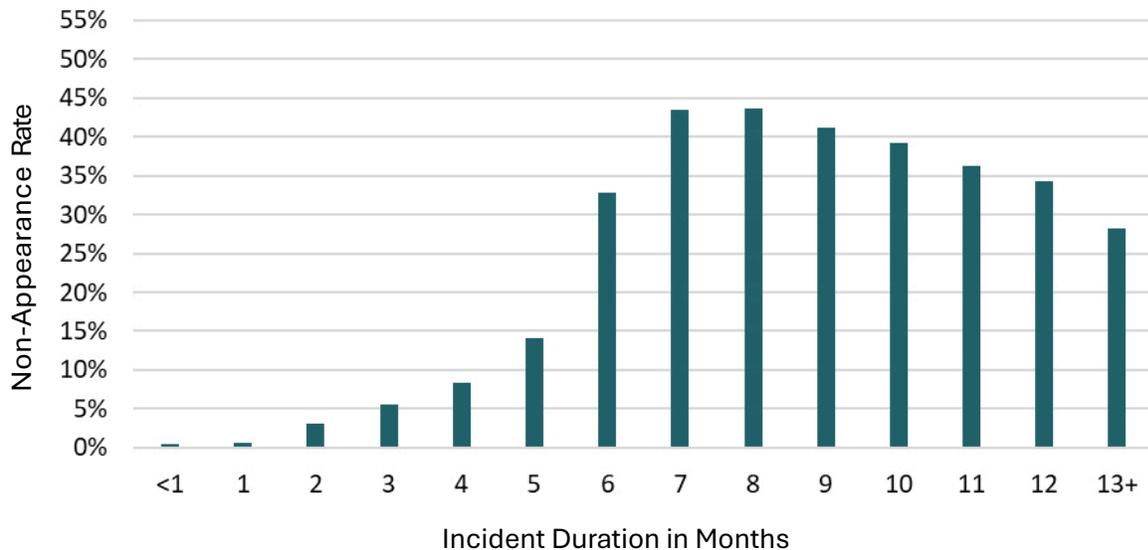
## CASE DURATION

-  As mentioned above, there is a correlation between the length of time to resolve cases and missed appearances. As shown in Figure 5, **NON-APPEARANCE RATES RISE AS CASES AGE, WITH A SIGNIFICANT JUMP IN NON-APPEARANCE RATES ONCE CASE DURATIONS REACH SIX MONTHS.** This data may be relevant to policy initiatives targeted at reducing disposition times.

<sup>11</sup> Administrative traffic offenses include regulatory offenses; traffic safety offenses include moving violations and other roadway safety offenses.

## DATA FINDINGS CONTINUED

Figure 5. Non-Appearance Rate by Case Duration, Statewide, 2021 - 2023



## JAIL DATA

When someone misses court, a common response is the issuance of an OFA, which results in an individual being booked into jail. Previous analyses in North Carolina demonstrated that an FTA on a misdemeanor was the most common charge among pretrial jail bookings in studied counties.<sup>12</sup> Similar results have been found in other projects.<sup>13</sup> While a jail booking may be an appropriate response to certain missed appearances, doing so in all cases can result in jail overcrowding, and put a strain on limited court, law enforcement, and county resources.

## STATEWIDE JAIL OVERCROWDING

Resource limitations are an important consideration for the operation of jails by counties and sheriffs, particularly in jurisdictions that face jail overcrowding. In 2021, 109 jails in 93 counties were operational and able to house people in North Carolina. That year, thirteen jails (12% of all jails) had an average annual occupancy over 100%. In other words, one in eight facilities had an average annual occupancy above stated capacity.

That annual measure understates the number of facilities that exceeded capacity at *any* point in 2021. Twenty-seven facilities (25%) exceeded 100% capacity during at least one month of the year. This ranged from a low of eight facilities from January through March to as many as twenty-one facilities in August.<sup>14</sup> Implementing strategies to reduce OFAs for non-appearance can help reduce jail populations without compromising public safety.

**1 in 4**  
jails exceeded  
capacity during at  
least 1 month in 2021

<sup>12</sup> North Carolina Court Appearance Project, *supra* n.3. Pilot counties were Orange, New Hanover, and Robeson.

<sup>13</sup> See, e.g., Smith, J. & Turner, H. North Carolina Rural Jail Project: Columbus County Stakeholder Report (UNC Criminal Justice Innovation Lab, January 2023). <https://cjlil.sog.unc.edu/resource/north-carolina-rural-jail-project-columbus-county-stakeholder-report/>.

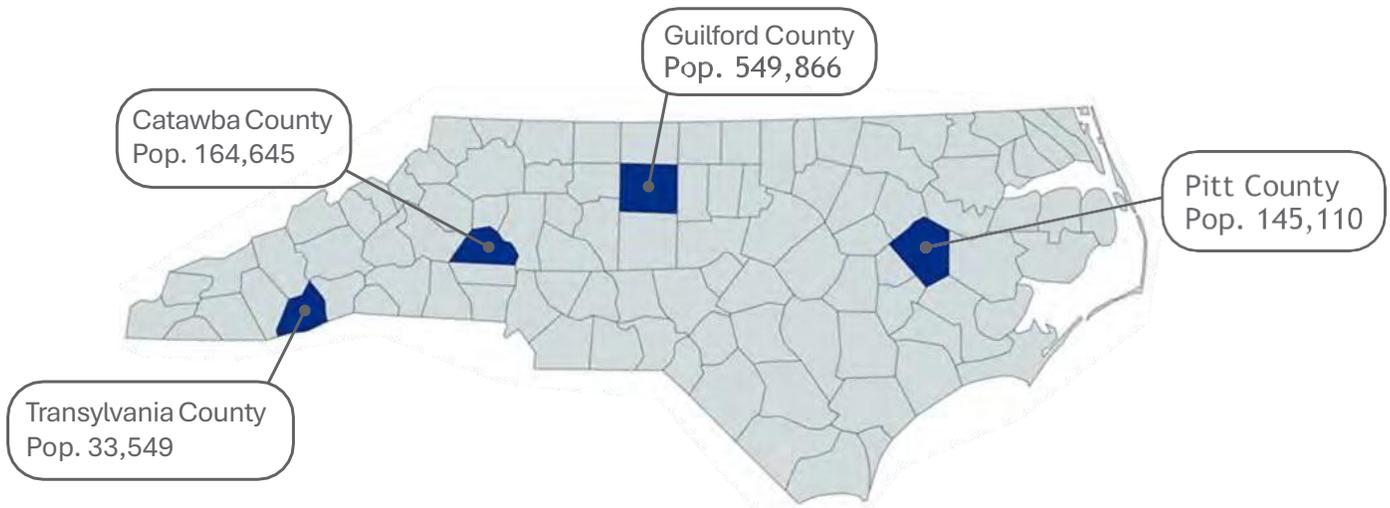
<sup>14</sup> Hatton, R. Changes in North Carolina Jail Populations During COVID-19 (UNC Criminal Justice Innovation Lab, September 2022). [https://cjlil.sog.unc.edu/wp-content/uploads/2023/07/2021-Confinement-Report-Final\\_2022.6.30.pdf](https://cjlil.sog.unc.edu/wp-content/uploads/2023/07/2021-Confinement-Report-Final_2022.6.30.pdf).

## DATA FINDINGS CONTINUED

### COUNTY LEVEL JAIL DATA

To support the Committee's work, jail data were solicited and received from four counties: Catawba, Guilford, Pitt, and Transylvania (Figure 6).<sup>15</sup> These counties were selected based on the quality and availability of local jail data, and to represent the geographic and demographic diversity of the state.

**Figure 6. Counties Selected for Jail Data Analyses<sup>16</sup>**



All analyses were conducted for the period from January 1, 2021, to December 31, 2023. Examining pretrial bookings over time is important because a longer-term analysis can reveal trends that are not discernable from daily population reports. For example, daily reports often do not capture bookings that last less than one day. While daily reports consistently capture people who have been incarcerated for longer periods (typically on more serious charges), they fail to reveal the volume of people quickly cycling in and out of the jail (typically on low-level charges) over time.

### PRETRIAL VERSUS NON-PRETRIAL BOOKINGS

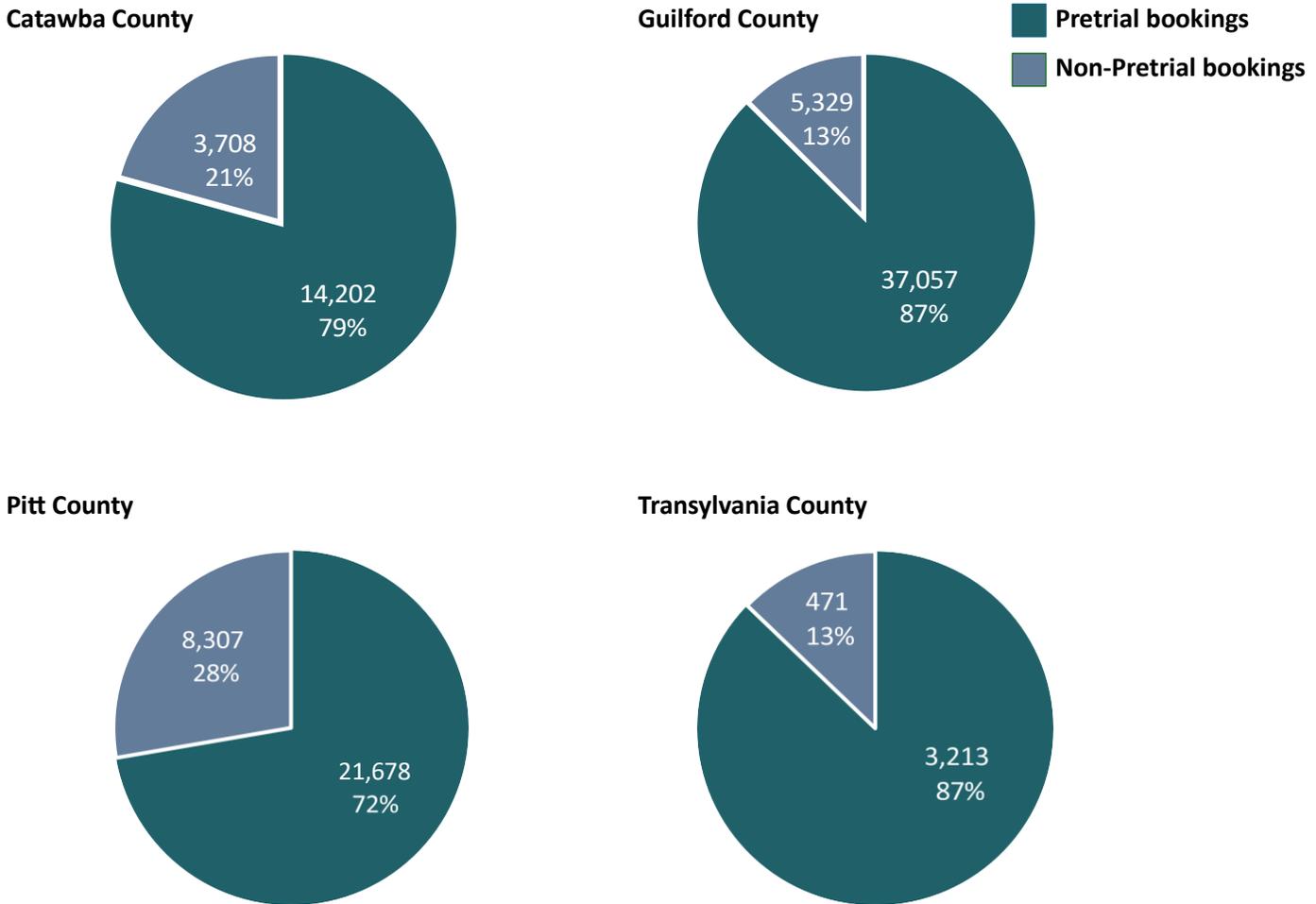
The analyses below focus on pretrial jail bookings - specifically, those where an individual is incarcerated in jail before their criminal case is resolved. Pretrial bookings typically make up a majority of jail bookings, as is the case for all of the selected counties (Figure 7). Non-pretrial bookings, which are excluded from the analyses below, include, for example, individuals who are serving a sentence or are being detained in connection with a federal hold.

<sup>15</sup> Since North Carolina does not have a uniform system for collecting jail data, every county has different procedures for recordkeeping. While the same analyses were conducted for all four counties, some counties had more detailed information than others. Notes throughout this section explain county-specific methodological choices, such as decisions to drop certain bookings.

<sup>16</sup> 2020-2023 American Community Survey 3-year Population Estimates (U.S. Census Bureau, 2024). Retrieved from <https://www.census.gov/quickfacts/>.

# DATA FINDINGS CONTINUED

Figure 7. Pretrial versus Non-Pretrial Bookings, Selected Counties, 2021 - 2023



## MOST COMMON PRETRIAL CHARGE DESCRIPTIONS

The analysis below shows a count of the most common charge descriptions in the pretrial population and the corresponding percentage of the total number of charges in the jail data. As noted above, in an earlier project conducted by the Lab, FTA on a misdemeanor was the most common pretrial charge description, and the same result has been found in other jail data projects. The four counties selected for this Report continue this pattern. As seen in Tables 3 through 6, **FTA ON A**

 **MISDEMEANOR WAS THE MOST COMMON PRETRIAL CHARGE DESCRIPTION FOR ALL FOUR COUNTIES IN THIS PROJECT BY A SIGNIFICANT MARGIN.**<sup>17</sup>

<sup>17</sup> Because these analyses are not limited to a single highest charge, someone may be booked on these charges and other offenses. Additionally, if someone is charged with multiple counts of the same charge, each charge will be counted separately. After the top ten, dozens of other less common charge descriptions make up very small percentages of overall pretrial charge descriptions.

## DATA FINDINGS CONTINUED

**Table 3. Most Common Pretrial Charge Descriptions, Catawba County, 2021 - 2023**

CHARGE DESCRIPTION	CHARGE COUNT	PERCENT OF PRETRIAL CHARGES
FTA on Misdemeanor	7,123	21%
FTA on Felony	1,774	5%
Possess Drug Paraphernalia	1,279	4%
Assault on a Female	921	3%
Felony Probation Violation	807	2%
Resisting Public Officer	757	2%
Misdemeanor Larceny	666	2%
Driving While Impaired	549	2%
Possession of Methamphetamine	546	2%
Non-Support of Child	490	1%

**Table 4. Most Common Pretrial Charge Descriptions, Guilford County, 2021 - 2023**

CHARGE DESCRIPTION	CHARGE COUNT	PERCENT OF PRETRIAL CHARGES
FTA on Misdemeanor	20,312	18%
FTA on Felony	5,374	5%
Assault on a Female	3,473	3%
Out of County Order for Arrest	3,365	3%
Driving While Impaired	3,342	3%
FTA, Second or Subsequent	2,807	3%
Resist Delay Obstruct Public Officer	2,491	2%
Guilford County Order for Arrest	2,447	2%
Misdemeanor Larceny	2,085	2%
Possessing Stolen Goods	1,974	2%

*Table Note: While "Out of County Order for Arrest" and "Guilford County Order for Arrest" may contain some bookings for FTA, the local jail explained that there are other reasons why this charge description might be used. As such, these are left as their own category and not grouped with other FTA bookings.*

## DATA FINDINGS CONTINUED

**Table 5. Most Common Pretrial Charge Descriptions, Pitt County, 2021 - 2023**

CHARGE DESCRIPTION	CHARGE COUNT	PERCENT OF PRETRIAL CHARGES
FTA on Misdemeanor	15,709	28%
FTA on Felony	1,736	3%
Assault on a Female	1,610	3%
Driving While Impaired	1,489	3%
Resisting Public Officer	1,454	3%
Misdemeanor Larceny	1,004	2%
Probation Violation	824	1%
Maintain a Vehicle, Dwelling, or Other Place for Storage or Sale of a Controlled Substance	789	1%
Possess Drug Paraphernalia	777	1%
Communicating Threats	727	1%

**Table 6. Most Common Pretrial Charge Descriptions, Transylvania County, 2021 – 2023**

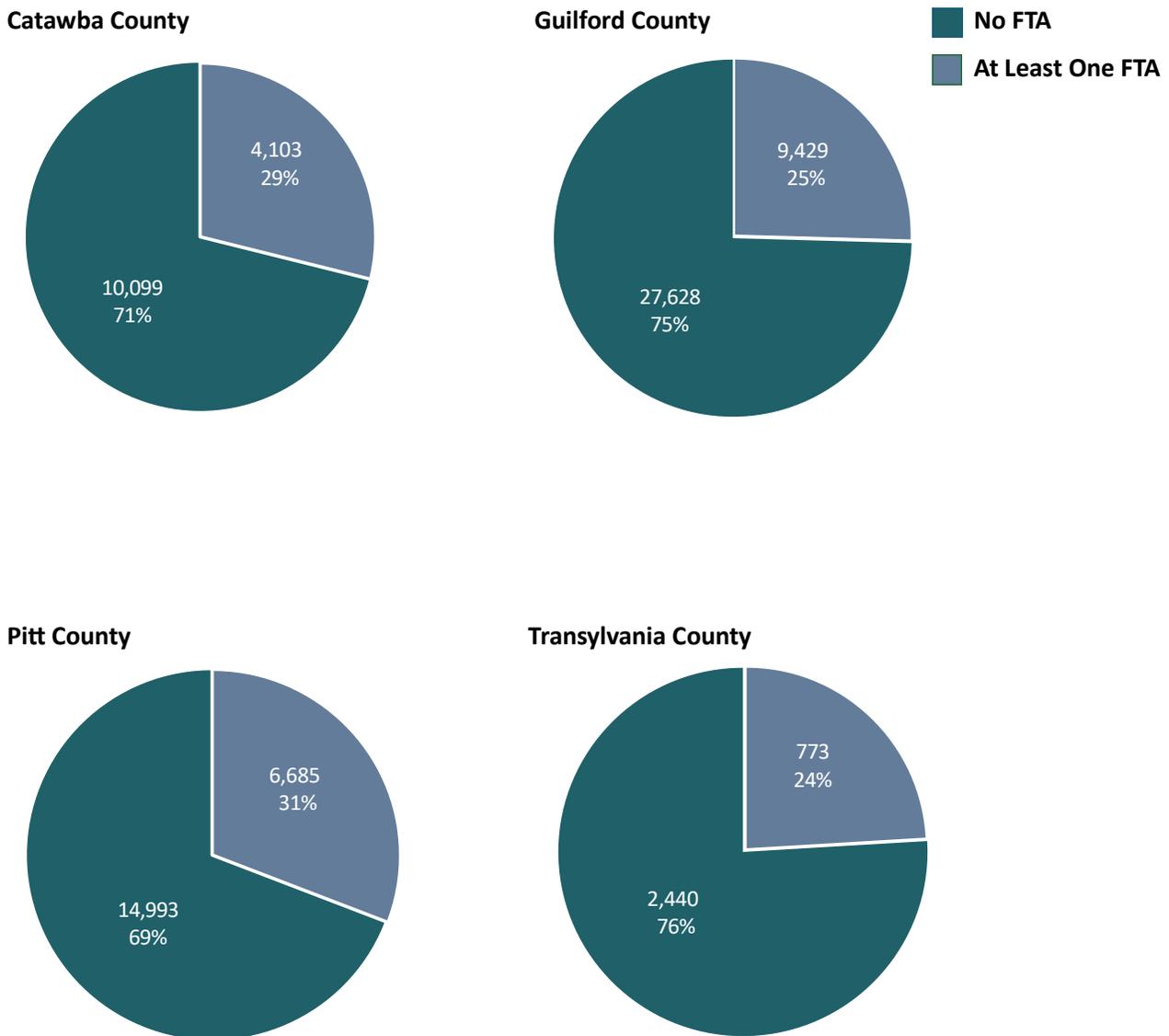
CHARGE DESCRIPTION	CHARGE COUNT	PERCENT OF PRETRIAL CHARGES
FTA on Misdemeanor	819	20%
Driving While Impaired	327	8%
FTA on Felony	200	5%
Assault on a Female	160	4%
Second Degree Trespass	158	4%
Simple Assault	158	4%
Possession of Methamphetamine	131	3%
DWLR - Driving While License Revoked	96	2%
Resisting Public Officer	91	2%
Probation Violation	88	2%

# DATA FINDINGS CONTINUED

## PRETRIAL BOOKINGS WITH AT LEAST ONE FTA

This analysis shows the number and percentage of pretrial bookings that include at least one FTA. In contrast to the analysis for the most common pretrial charge description above, which counted each FTA separately, here each FTA is counted only once. This gives a more complete picture of the total proportion of jail bookings that are impacted by an FTA, even if the person also had additional charges for which they were incarcerated. Across the selected counties, the percentage of pretrial bookings with at least one FTA charge ranged between 24% (Transylvania) and 31% (Pitt) (Figure 8).

Figure 8. Percentage of Bookings with At Least One FTA, Selected Counties, 2021 - 2023



# DATA FINDINGS CONTINUED

## PRETRIAL BOOKINGS BY HIGHEST CHARGE

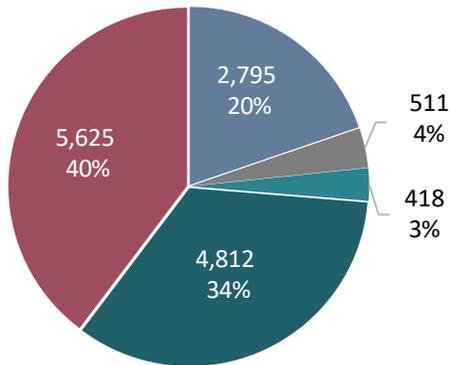
Figure 9 below shows the distribution of pretrial bookings for each county based on the most serious charge in the booking (the “highest charge”). If a booking is designated as “FTA-Only,” that means that FTA for a court date was the only booking reason listed in the charge description. In terms of severity, FTA-Only bookings are considered the least serious booking type.

**ACROSS THE FOUR COUNTIES, THE PROPORTION OF BOOKINGS SOLELY FOR FTA RANGED FROM 14% (GUILFORD) TO 22% (PITT), INDICATING THAT FTA IS A DRIVER OF JAIL BOOKINGS.<sup>18</sup>**

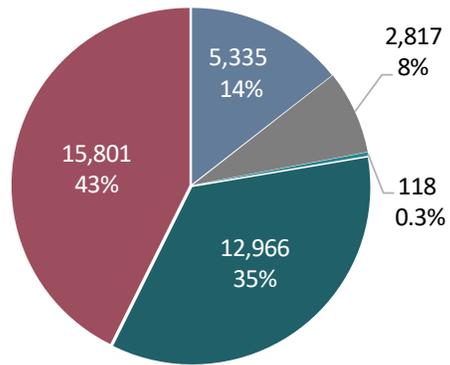
**Figure 9. Pretrial Bookings by Highest Charge, Select Counties, 2021 - 2023<sup>19</sup>**



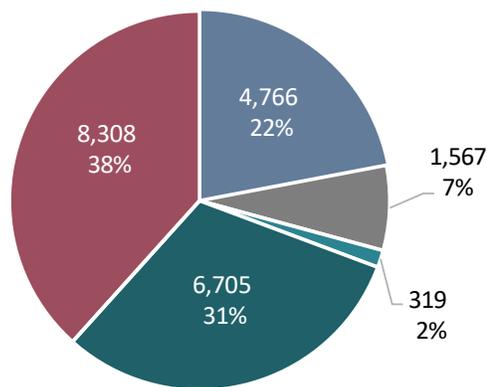
**Catawba County**



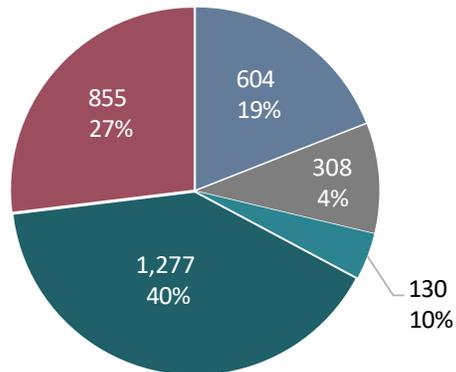
**Guilford County**



**Pitt County**



**Transylvania County**



<sup>18</sup> From most to least serious, the severity of charge type was ranked as follows (1) felony, (2) impaired driving, (3) non-traffic misdemeanor, (4) traffic misdemeanor, and (5) FTA-only.

<sup>19</sup> Across all counties, a small number of bookings had an unknown highest charge and were removed from the figures for clarity. The number of removed bookings include: Catawba County, 41 bookings; Guilford County, 20 bookings; Transylvania County, 39 bookings; and Pitt County, 13 bookings.

# DATA FINDINGS CONTINUED

## HIGHEST UNDERLYING CHARGE FOR FTA-ONLY BOOKINGS

When someone is booked solely for an FTA, some jails provide additional information about the underlying charge. Figures 10 and 11 show the highest underlying charge for FTA-Only pretrial bookings. The categories on the figures are slightly different depending on what was provided by the local jail. **NONETHELESS, FOR ALL COUNTIES, THE MAJORITY OF FTA-ONLY BOOKINGS ARE FOR UNDERLYING MISDEMEANOR CHARGES.**

Figure 10. FTA-Only Bookings by Highest Underlying Charge, Catawba and Pitt Counties, 2021 - 2023<sup>20</sup>

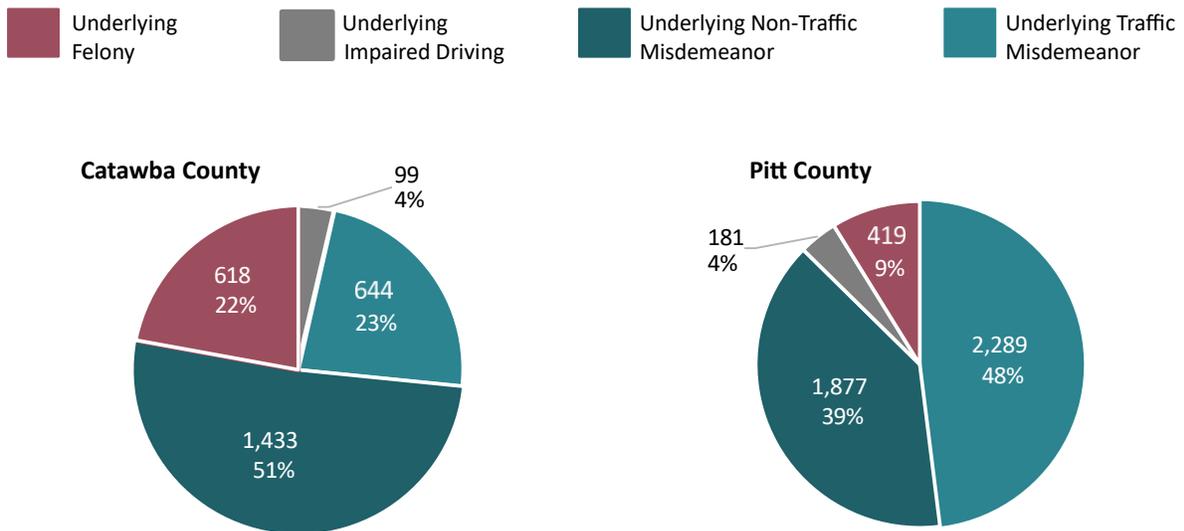
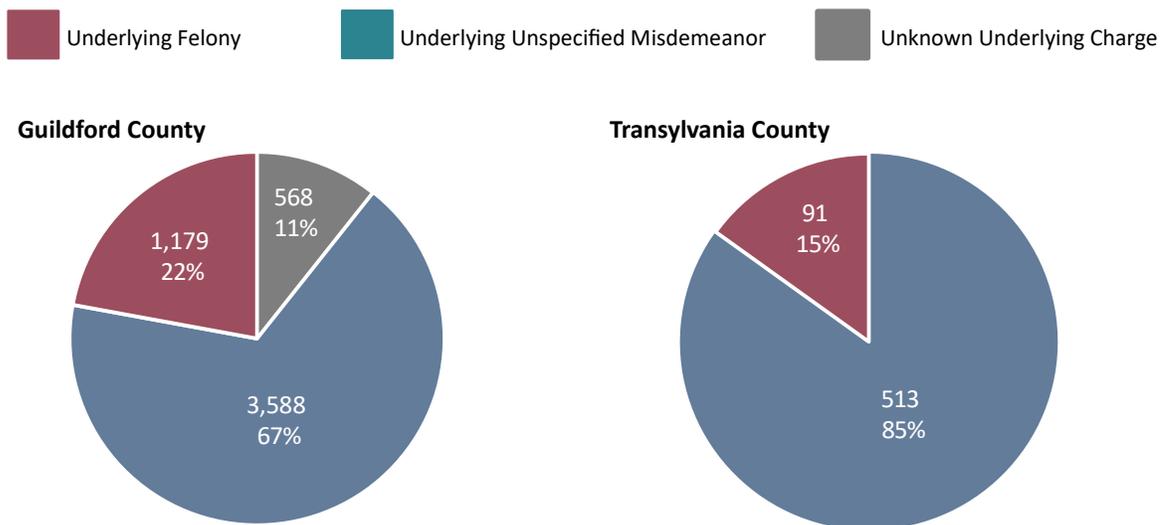


Figure 11. FTA-Only Bookings by Highest Underlying Charge, Guilford and Transylvania Counties, 2021 - 2023



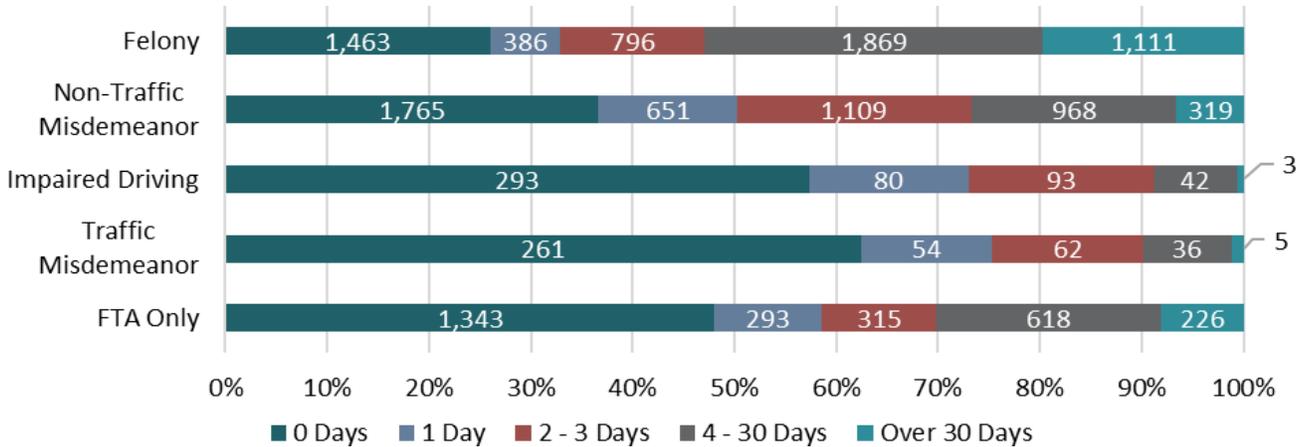
<sup>20</sup> In Catawba County, one booking had an unknown highest underlying charge and was removed from the figure for clarity.

# DATA FINDINGS CONTINUED

## LENGTH OF STAY

Figure 12 below shows pretrial booking length by highest charge in Catawba County. For these analyses, a 0-day stay occurs when someone is booked and released on the same calendar day.<sup>21</sup> In Catawba County, over 50% of FTA-Only bookings were booked and released within one day. The proportions are even higher in Transylvania and Pitt Counties, where approximately 70% (Transylvania) and 82% (Pitt) of FTA-Only bookings are released within one day. The proportion is lower in Guilford County, where 39% of FTA-Only bookings were booked and released within one day.

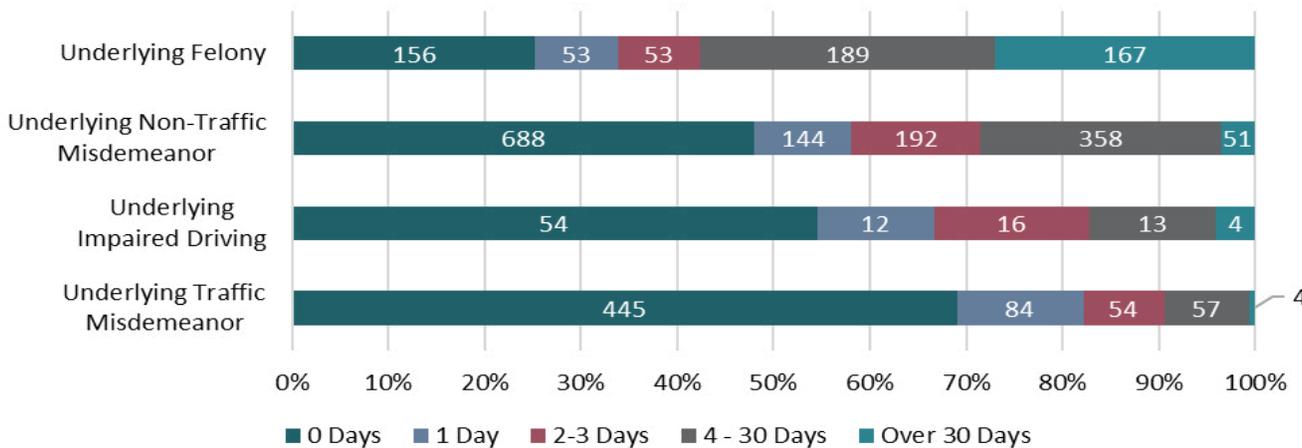
**Figure 12. Length of Stay for all Pretrial Bookings by Highest Charge, Catawba County, 2021 – 2023<sup>22</sup>**



## LENGTH OF STAY FOR FTA-ONLY BOOKINGS

Figure 13 shows the length of stay for FTA-Only bookings by the highest underlying charge in Catawba County. Over 80% of FTA-Only bookings for underlying traffic misdemeanors were booked and released within one day. This trend is virtually identical in Pitt County. In Guilford and Transylvania Counties, the jail data did not provide details as to whether an underlying misdemeanor was traffic related. However, in Transylvania County, 76% of FTA-Only bookings with underlying misdemeanor charges were booked and released within one day. In Guilford County, that rate was 45%.

**Figure 13. Length of Stay for FTA-Only Pretrial Bookings by Highest Charge, Catawba County, 2021 – 2023<sup>23</sup>**



<sup>21</sup> The other categories are defined as follows: 1 Day are individuals booked and released within 24 hours but not on the same calendar day; 2-3 Days are individuals booked and released between 24 to 72 hours; 4-30 Days are individuals booked and released after more than 72 hours and up to 30 days; and Over 30 Days are individuals whose time between booking and release was longer than 30 days.

<sup>22</sup> Forty-one bookings had an unknown highest charge and were removed from this figure for clarity.

<sup>23</sup> One Catawba County booking had an unknown highest charge and was removed from the figure for clarity.

# DATA FINDINGS CONTINUED

## DRIVER'S LICENSE REVOCATION DATA

### NUMBER OF REVOCATIONS DUE TO FTA

North Carolina law requires the Department of Motor Vehicles to revoke the license of an individual who fails to appear for a hearing on a motor vehicle offense. As seen in the court data above, non-appearances occur most commonly in cases that are related to administrative traffic offenses, not public safety offenses.<sup>24</sup> Specifically, Table 2 shows that Driving While License Revoked for a Non-Impaired Revocation has the highest number of missed appearances statewide.

Researchers have analyzed North Carolina data on license suspensions and found that more than one million people had active driver's license suspensions in 2018. The vast majority of those suspensions—more than 800,000—were solely for missing court. **THIS MEANS THAT FTA ALONE PREVENTS ONE IN TEN NORTH CAROLINIANS FROM DRIVING.**<sup>25</sup>

### EARNINGS IMPACT OF LICENSE REVOCATIONS

When a person's driver's license is revoked, it can impact their ability to appear in court in the future, fulfill family obligations, and maintain employment. Based on 2020 data from the Department of Motor Vehicles, the Lab estimated the earnings impact of driver's license revocations statewide. Assuming 500,000 North Carolinians were working at the time that their license was revoked, and those individuals were earning the state median wage (\$42,095), it is estimated the statewide earnings loss in one year after revocation is between \$6.5 billion and \$8.8 billion.<sup>26</sup>

**Figure 14. Estimated Earnings Impact of 1 Year After Revoking Driver's Licenses for Failure to Appear and Failure to Pay**



<sup>24</sup> For more information, see North Carolina Court Appearance Project, supra n. 3.

<sup>25</sup> See Driver's License Suspension in North Carolina (Wilson Center for Science and Justice, Duke University School of Law, 2019). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3355599](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3355599).

<sup>26</sup> For additional detail and methodology for this estimate, see Estimating Earnings Impact of Driver's License Revocations in North Carolina (UNC School of Government Criminal Justice Innovation Lab, May 2024). <https://cjl.sog.unc.edu/wp-content/uploads/2024/05/Earnings-Impact-of-License-Revocations-2024.5.7-v.2.pdf>. Note that this estimate includes revocations for both FTA and failure to pay fines and fees.

# DATA FINDINGS CONTINUED

## DATA FINDINGS CONCLUSION

These data findings provide context and evidence to support the Committee's recommendations designed to promote court appearance and provide alternative system responses to non-appearances when they occur.

The Committee highlights the following data points as informing its recommendations:

### NUMBER OF MISSED APPEARANCES

- Approximately 18% of North Carolina criminal incidents have at least one missed court date
- There are a minimum of 250,000 missed hearings per year

### OFFENSES WITH THE HIGHEST NUMBER OF MISSED APPEARANCES

- Administrative traffic misdemeanor charges account for the greatest number of missed appearances

### NON-APPEARANCE AND DISPOSITION TIMES

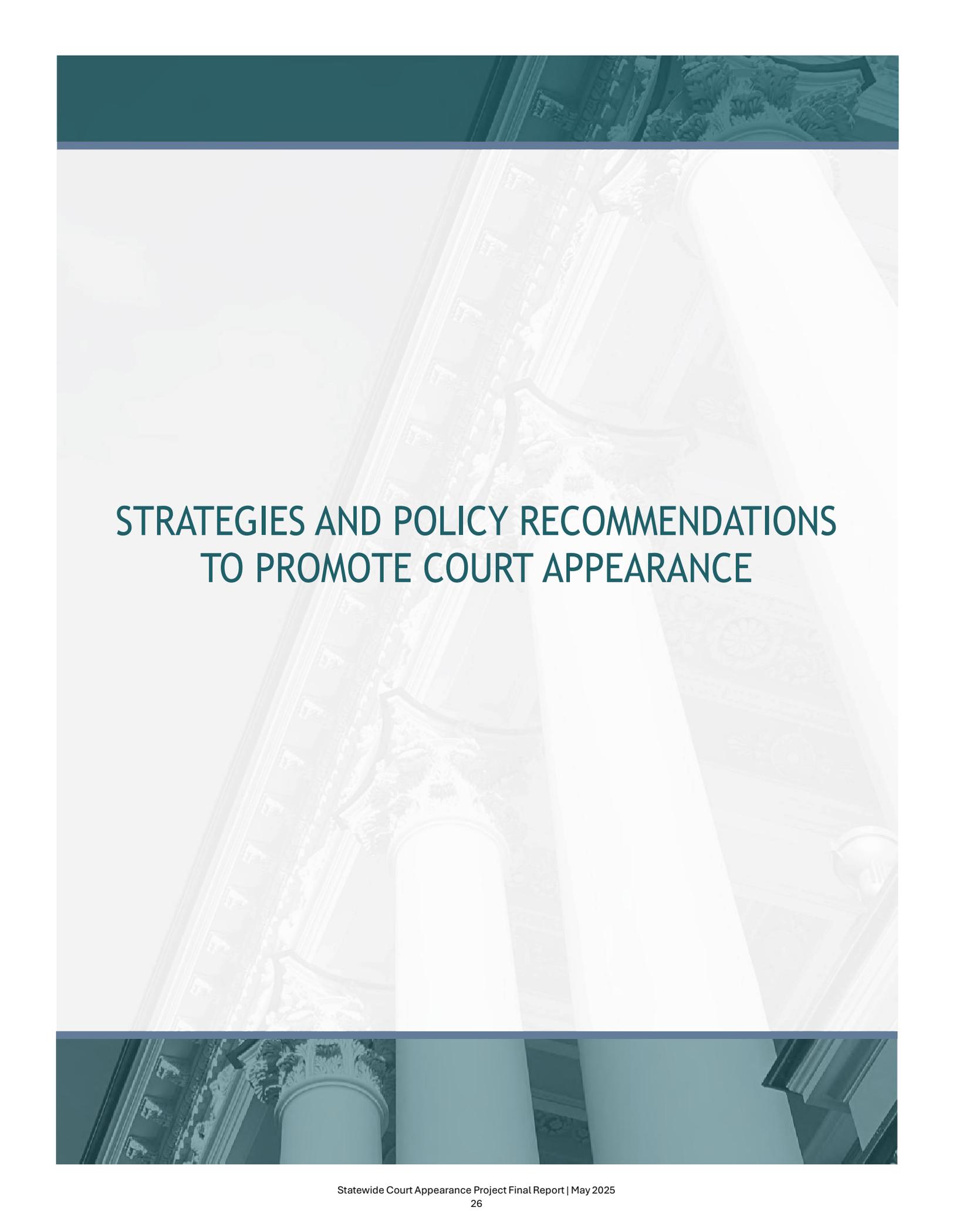
- Non-appearance rates rise as cases take longer to resolve
- There is a significant jump in the non-appearance rate after cases reach 6 months old

### FTA AND JAIL BOOKINGS

- FTAs are a significant driver of jail bookings
- FTA-only bookings often occur for low-level misdemeanor charges and result in very short jail stays, but they require significant resource investment from the courts, law enforcement, and detention centers

### FTA AND DRIVER'S LICENSE REVOCATION

- The offense of Driving While License Revoked for a Non-Impaired Revocation has the highest number of missed appearances
- FTA prevents one in ten driving-age North Carolinians from driving



# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE

The Committee's recommendations present strategies and policies both to promote court appearances and to provide alternative system responses to non-appearances when they occur. However, the Committee prioritized the strategies and policies that promote court appearance. The recommendations in this section represent scalable statewide policy solutions aimed at reducing the number of missed court dates.

The recommendations to promote court appearance, as determined by the Committee, are as follows:

- 1.** Ensure Efficiency with Every Court Date
- 2.** Improve Court Scheduling
- 3.** Promote Virtual Court and Online Case Resolution
- 4.** Make Court Information More Accessible
- 5.** Expand and Enhance Pretrial Services
- 6.** Develop and Enhance Court Date Reminders
- 7.** Expand the Use of Appearance Waivers
- 8.** Provide Resources for High Needs Court Users
- 9.** Address Ability to Pay Considerations
- 10.** Launch Initiatives to Foster Community Trust
- 11.** Support Transportation to Court

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## ENSURE EFFICIENCY WITH EVERY COURT DATE

### BACKGROUND

- As discussed in the Data Findings section, **NON-APPEARANCE RATES RISE AS CASES AGE, WITH A SIGNIFICANT JUMP ONCE CASE DURATION REACHES SIX MONTHS.** This aligns with common sense: the longer a case drags on, the more proceedings a person is required to attend, and the more likely they are to encounter a barrier to attending court, thereby increasing the likelihood of a non-appearance. Thus, **PROMOTING EFFICIENT COURT HEARINGS AND SHORTER DISPOSITION TIMES CAN HELP REDUCE NON-APPEARANCES AND PROMOTE COURT DATE EFFICIENCY.**

Barriers to court appearance are amplified when people are summoned to court unnecessarily for unproductive hearings, such as when the case is continued. Furthermore, findings from an NCAOC 2023 analysis showed a statistically significant relationship between a district having a local continuance policy and both shorter disposition times and lower age of pending cases.<sup>27</sup> To support efficient case resolution, the NCAOC has created model continuance policies for district and superior courts. However, the Committee’s review of a sample of local continuance policies found that many do not include core provisions from the NCAOC models.

Another issue is long case disposition times. Since at least the 1950s, court reform study commissions, state court system justices, judges, administrators, and local court officials have raised concerns about case processing times in the North Carolina trial courts. Session Law 1995-333 requested that the Supreme Court of North Carolina, “develop and implement a case flow management plan designed to avoid delay and unnecessary appearances and to increase efficiency in the handling of cases in North Carolina’s trial courts.”<sup>28</sup> In response, the Supreme Court of North Carolina issued the Caseflow Management Plan in May 1996.<sup>29</sup> These 1996 guidelines are the most current set of time standards to case disposition in the state.

The Committee believes that North Carolina would benefit from a revised set of time standards to case disposition that are aspirational, achievable, and most importantly, endorsed by most senior state court leadership.

### RECOMMENDATIONS

To reduce the number of unnecessary court dates, further improve system efficiency, and minimize opportunities to miss court, the Committee recommends the development of uniform rules regarding continuances and strongly recommends that the Judicial Branch update time standards to case disposition.



#### Establish Uniform Rules for Continuances

To support implementation of the NCAOC’s best practice guidance and establish uniform rules regarding continuances, the Committee recommends the Supreme Court of North Carolina, pursuant to G.S. 7A-34, amend Rule 3 (Continuances) of the General Rules of Practice for the Superior and District Courts for criminal cases to provide as follows:

<sup>27</sup> NCAOC Research, Policy, and Planning Division, “Case Processing Time Standards in the North Carolina Trial Courts”, (2023). On file with the NCAOC.

<sup>28</sup> North Carolina General Assembly, S.L. 1995-333. <https://www.ncleg.gov/enactedlegislation/sessionlaws/html/1995-1996/sl1995-333.html>.

<sup>29</sup> The Supreme Court of North Carolina, “Caseflow Management Plan Report to the General Assembly”, (issued May 1, 1996). Contained as “Appendix C” in: <https://www.ncleg.gov/Files/Library/studies/1996/st10739.pdf>. Pages C1 to C-15.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

- Unless otherwise required by law,<sup>30</sup> a continuance may be granted only on a showing of good cause.
- At least annually, the chief district court judge and senior resident superior court judge shall generate and review a report of pending cases and any data the NCAOC can make available regarding the number of court dates for each case. To promote the consistent application of this continuance rule, these reports should be reviewed and discussed with all other judges in the district, bar representatives, and other court-related agencies to seek resolution of any organizational or systemic problems causing unnecessary delay in the timely resolution of cases.

### Revise Time Standards to Case Disposition

The Committee recommends that a time standards committee be created to produce a revised set of aspirational, yet attainable, time standards to case disposition for all trial court case categories and that the Supreme Court of North Carolina adopt these revisions. The time standards committee should, at a minimum, include stakeholders from the Superior Court Judges Conference, the District Court Judges Conference, Indigent Defense Services, and the Conference of District Attorneys.

Any adopted time standards should incorporate the results of extensive qualitative and quantitative research, address as many stakeholder concerns as possible, and begin implementation following the completion of the statewide rollout of Enterprise Justice (Odyssey).

To encourage compliance with these standards, the Committee recommends that county and district performance relative to the standards be published on a public, online dashboard.

The Committee considers the development of uniform rules for continuances and updated time standards to be paramount to improving court appearance rates. A more effective case management process will result in fewer court dates, shorter case lengths, and reduced missed appearances.

<sup>30</sup> G.S. 15A-952(g) specifies the factors that judges must consider when ruling on pretrial continuance requests in criminal cases. Other statutes entitle defendants in criminal cases to continuances in certain situations without any showing of good cause. E.g., G.S. 15A-1023(b) (defendant must be granted continuance upon judge's rejection of plea arrangement); 15A-1024 (defendant is entitled to continuance upon withdrawal of plea following judge's determination to impose sentence other than as provided for in plea arrangement). G.S. 15A-1415(g) provides for one circumstance which entitles the state to a 30-day continuance - when made in response to defendant's amendment to a motion for appropriate relief).



## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

### Institute Alternative Scheduling Practices

The Committee recommends that individual courts and jurisdictions consider implementation of one or more of the following alternative scheduling options:

- **Self-Scheduling.** This form of scheduling offers the most flexibility to defendants and can be limited to certain offenses and/or hearing types that make sense for jurisdictions. Most notably, a court in Salt Lake City, Utah implemented self-scheduling via Doodle poll where individuals schedule their own arraignment for certain criminal cases. **Implementation of self-scheduling resulted in a 98% appearance rate for those who scheduled their own hearing.**<sup>35</sup> The Committee strongly recommends that this option be considered by jurisdictions also interested in implementing virtual traffic court, discussed below in this Report.
- **Block Scheduling.** Several North Carolina jurisdictions currently use, or have used, block scheduling practices for administrative court sessions in criminal and civil cases. For example, superior court in Orange County typically organizes two to three time “blocks” per session (e.g. 9:00am-12:00pm and 1:00pm-3:00pm), with defense counsel and prosecutors working together to create a calendar that accommodates the availability of witnesses, victims, and defendants.<sup>36</sup> This collaborative effort ensures that all parties are informed about when their case will be heard, leading to a more efficient and predictable process. Superior court in Catawba County schedules block times specific to defense attorneys and considers attorney caseloads when determining the length of each block.<sup>37</sup>
- **Staggered Scheduling.** Superior court in Chatham County, North Carolina has implemented a staggered schedule involving smaller blocks of time, (typically 30-minute intervals) and allows attorneys to set their cases during any session.<sup>38</sup>
- **Alternative Court Hours.** Courts outside of North Carolina, including in South Carolina and Tennessee, have seen considerable success when implementing alternative court hours outside of typical operations, such as early mornings, weeknights, and weekends.<sup>39</sup> In addition to reducing docket volume and decreasing missed appearances, offering alternative hours demonstrates the court system’s adaptability and responsiveness to community needs.

While changes to current practices may require additional work and planning, the benefits to the courts and parties may be significant.<sup>40</sup> The Committee strongly encourages creating a targeted marketing strategy for any jurisdiction that implements alternative court schedules to optimize utilization.

<sup>35</sup> McAuliffe, S., French, C., *2 Ways to Boost Court Flexibility, Improve Appearance Rates*, Law360, Nov. 15, 2024. <https://www.law360.com/articles/2260490/2-ways-to-boost-court-flexibility-improve-appearance-rates>.

<sup>36</sup> Comments of Judge Allen Baddour, Senior Resident Superior Court Judge in District 18 on October 31, 2024.

<sup>37</sup> Comments of Judge Nathaniel J. Poovey, Senior Resident Superior Court Judge in District 19 on November 5, 2024.

<sup>38</sup> *Id.*

<sup>39</sup> Presentation of Andy Wirkus, Senior Court Management Consultant, National Center for State Courts to the Committee on November 19, 2024, on file with NCAOC.

<sup>40</sup> For implementation resources, stakeholders can consult: A. Wirkus, Z. Zarnow. *Alternative Court Hours Toolkit*. (Williamsburg, VA: National Center for State Courts, 2023). [Alternative-Court-Hours-Toolkit.pdf | Powered by Box](#); and UNC School of Government Criminal Justice Innovation Lab. *Court Appearance Toolbox*. “Implement Alternative Court Schedules.” <https://courtappearance.cjil.sog.unc.edu/collection/implement-alternative-court-schedules/>.

## PROMOTE VIRTUAL COURT AND ONLINE CASE RESOLUTION

### BACKGROUND



**ALLOWING PEOPLE TO APPEAR REMOTELY OR RESOLVE SELECT CRIMINAL CASES ONLINE CAN HELP REDUCE MISSED APPEARANCES FOR THOSE WHO FACE BARRIERS TO COURT APPEARANCE LIKE TRANSPORTATION, WORK AND DEPENDENT CARE OBLIGATIONS, AND DISABILITIES.**

Although virtual appearance requires individuals to be available to the court on the hearing date, it removes certain barriers to appearance, such as arranging transportation, and reduces others, such as taking time off work and obtaining childcare.

N.C.G.S. 7A-49.6 authorizes judicial officials to conduct almost all types of trial court proceedings utilizing remote audio and video transmissions, provided certain safeguards are in place.<sup>41</sup> Defendants may use form AOC-CR-411<sup>42</sup> to file a waiver of in-person appearance pursuant to this statute. The form requires a witness's signature; the witness can be a defense attorney for represented defendants, or another individual for pro se defendants.

Because traffic cases account for so many missed appearances, virtual traffic court can be an important strategy to reduce non-appearance rates. Broadly speaking, virtual traffic court refers to the use of teleconferencing or videoconferencing in lieu of in-person hearings in criminal traffic cases. A 2020 Lab survey found that most North Carolina trial court actors supported holding some appearances virtually.<sup>43</sup> Virtual traffic court is made possible in North Carolina by the Courtroom Audio Visual Experience (CRAVE); a system of cameras and monitors installed in the courtroom and configured with specific software to enable people to attend court remotely through videoconferencing. At the time of writing, CRAVE systems are installed in ninety-nine of the state's 100 counties, with the one remaining county awaiting completion of a new courthouse prior to installation.<sup>44</sup>

In December 2021, Chief Justice Paul M. Newby convened the North Carolina Remote Proceedings Task Force (RPTF) to develop and standardize processes for using audiovisual technology in the trial courts statewide.<sup>45</sup> The Task Force recommended prioritizing remote first appearances for individuals who are in custody in either a county detention, Department of Adult Correction, or Division of Juvenile Justice facility, while also providing broader guidance on other types of hearings that may be conducted virtually.

Key considerations for expanding virtual traffic court include:

- **Practices and Procedures.** The RPTF has developed a model judicial district administrative order. The model order includes remote hearing procedures and provides instruction on how to manage the logistics of hybrid hearings, exhibits and evidence, recordings and transcripts, foreign language interpreters, and public access.<sup>46</sup>
- **Types of Hearings.** Local court officials should consider the benefits of conducting different types of virtual hearings, including careful planning for how the rights of the accused will be protected, including but not limited to the Sixth Amendment right to counsel.

<sup>41</sup> N.C.G.S. 7A-49.6.

<sup>42</sup> Form can be found here: <https://www.nccourts.gov/documents/forms/waiver-of-rights-and-consent-to-audio-video-proceeding>.

<sup>43</sup> Virtual Court Proceedings in North Carolina: Adapting to a Global Pandemic (UNC Criminal Justice Innovation Lab, March 2021), <https://cjjl.sog.unc.edu/wp-content/uploads/sites/19452/2021/03/Virtual-Courts-Findings-Report-FINAL-3.15.2021docx.pdf>.

<sup>44</sup> Comments of Michael T. Silver, NCAOC Training and Services Director, November 1, 2024.

<sup>45</sup> "Chief Justice's Remote Proceedings Task Force Holds Inaugural Meeting", <https://www.nccourts.gov/news/tag/press-release/chief-justices-remote-proceedings-task-force-holds-inaugural-meeting>.

<sup>46</sup> North Carolina Remote Proceedings Task Force, "Remote Hearing Model Administrative Order". <https://www.nccourts.gov/assets/news-uploads/Remote-Hearing-Model-Administrative-Order-Template-02152022.pdf>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

- **Accessibility.** Virtual traffic court only works for people with a reliable way to access remote proceedings. Jurisdictions in other states have developed ways to improve accessibility. In Texas, for example, virtual court kiosks are available in public places across the state and are outfitted with headphones and private spaces to allow individuals to attend court hearings virtually.<sup>47</sup> Another option for people without an internet connection is drive-in hotspots, such as those implemented in Washington State where individuals can remain in their cars and log in to court proceedings.<sup>48</sup>

## RECOMMENDATIONS

Maximizing opportunities for North Carolinians to attend court remotely, or to resolve their cases online without requiring in-person attendance, may reduce missed court appearances. The Committee recommends the expansion of virtual traffic court and increased awareness of existing online case resolution options.



### Expand Virtual Traffic Court

The Committee recommends that, as feasible, local judicial officials formalize processes to offer or expand virtual traffic court options in every district, using the RPTF model administrative order as a starting point.

The Committee also recommends that local court actors pursue strategies to enhance accessibility to virtual traffic court by partnering with local libraries and other public spaces to provide broader and free public internet access.

Additionally, allowing defendants to self-schedule a remote hearing, as discussed in the Improve Court Scheduling recommendation above, may further facilitate remote appearances.

Finally, the Committee recommends that the NCAOC, in consultation with the Office of Indigent Defense Services and the state's Chief Public Defenders, develop formal guidance on virtual court practices to ensure protection of individuals' constitutional rights, including but not limited to the Sixth Amendment right to counsel.

### Increase Awareness of Virtual Court Options

To promote virtual appearance, the Committee recommends that the NCAOC promote awareness of form AOC-CR-411 (Waiver of Rights and Consent to Audio-Video Proceeding) and the option of virtual court attendance, including but not limited to:

- Including information about the form in civics education curriculum and public education campaigns as outlined in the Foster Community Trust recommendation, below.
- Providing instructions and links to the form on the Judicial Branch Website (NCCourts.gov).
- Drafting and publishing a means for electronically filing this form and publicizing that option.
- Partnering with advocacy and pro bono groups to provide low- or no-cost legal assistance to help people complete and file the form.

<sup>47</sup> Texas Legal Services Center Virtual Court Kiosks. <https://www.tlsc.org/kiosks>.

<sup>48</sup> Washington State Department of Commerce, Drive-In Wi-Fi Hotspots. <https://www.commerce.wa.gov/wsbo/drive-in-wifi-hotspots/>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## Expand Use of Existing Options for Online Case Resolution

As demonstrated in the Data Findings section above, many missed appearances occur in administrative traffic offenses. The NCAOC already provides an option for individuals charged with select traffic offenses to resolve their case online using eCourts Guide and File software. One of the interviews offered through Guide and File, “Online Request for Dismissal or Speeding Reduction of a Traffic Citation,”<sup>49</sup> walks users through filing court paperwork to request a dismissal or reduction in select, low-level and compliance-related traffic charges.<sup>50</sup>

Notably, six of the offenses eligible for dismissal or reduction online through Guide and File are also included in the list of the top ten offenses with the highest incidence of missed appearance (Table 7). This creates considerable opportunity for fewer missed appearances with increased use.

**Table 7. Eligibility of Top Ten Offenses with the Highest Number of Non-Appearances for Dismissal/Reduction through Guide and File**

CHARGE DESCRIPTION	ELIGIBLE FOR DISMISSAL/REDUCTION THROUGH GUIDE AND FILE INTERVIEW?
DRIVING WHILE LICENSE REVOKED NOT IMPAIRED REVOCATION	No
EXPIRED REGISTRATION CARD/TAG	Yes
SPEEDING	Yes
NO OPERATORS LICENSE	Yes
OPERATE VEHICLE NO INSURANCE	Yes
FICTITIOUS/ALTERED TITLE/REGISTRATION CARD/TAG	No
DRIVE/ALLOW MOTOR VEHICLE NO REGISTRATION	Yes
CANCELLED/REVOKED/SUSPENDED CERTIFICATE/TAG	Yes
NO LIABILITY INSURANCE	No
RECKLESS DRIVING TO ENDANGER	No

The elected district attorney in each district has discretion to decide whether their district will accept these online dismissal and reduction requests. However, the Committee recommends that all elected district attorneys allow individuals to use the Guide and File interview to request a dismissal or reduction of select traffic offenses as a strategy to reduce traffic court dockets and reduce missed appearances.

Although the Guide and File interview already exists, it is not well known by the public.<sup>51</sup> The Committee recommends that the NCAOC promote the existence and use of the Guide and File interview to court users by displaying it more prominently on the Judicial Branch website and through the targeted community outreach initiatives discussed in this Report.

Additionally, the Committee recommends that information about the Guide and File interview be added on citations when making form improvements, as outlined under Make Court Information More Accessible below.

<sup>49</sup> eCourts Guide and File: <https://northcarolina.tylertech.cloud/SRL/SRL/ExecuteInterview>.

<sup>50</sup> Offenses eligible to be dismissed/reduced through the Guide and File interview include: License Not in Possession, Operating a Vehicle with No Insurance, Failure to Carry Registration Card, Failure to Carry Valid Driver’s License, No Operators License, Expired Operators License, Expired/No Inspection, Drive/Allow Plate to Not Display, Drive/Allow with No Registration, Canceled/Revoked/Suspended Certification/Tag, Speeding (Infraction), and Speeding (Misdemeanor).

<sup>51</sup> Request for Dismissal or Speeding Reduction for Traffic Citations User Guide, Guide & File Training and Resources. <https://www.nccourts.gov/ecourts/guide-file-training-and-resources#advanced-11255>.

## MAKE COURT INFORMATION MORE ACCESSIBLE

### BACKGROUND



**WHEN ACCESSING COURT INFORMATION IS CHALLENGING, CONFUSION ABOUT COURT OBLIGATIONS AND UNMET INFORMATIONAL NEEDS LEAD TO MISSED COURT APPEARANCES.**

Research has identified multiple barriers to accessing appropriate and timely court information. Findings broadly suggest that many court users may be confused by the information they receive about their court dates, are not fully aware that their appearance is required, and do not know how to navigate the courthouse once they arrive.<sup>52</sup>

A recent study found that 40% of survey respondents said that confusing information about an upcoming court date created challenges for attending court, and that they received conflicting information from different sources.<sup>53</sup> A lack of centralized, reliable information can be especially problematic for individuals who face additional barriers to appearing in court, such as cognitive disabilities, lower education and/or literacy levels, pro se individuals, and those who are not comfortable directing questions to the court or counsel.

In its 2017 final report, The North Carolina Commission on Administrative Law and Justice (NCCALJ) concluded that, “the fair administration of justice depends on an informed citizenry equipped with understandable legal forms, convenient access to public records, and information and resources that help them to navigate complicated judicial processes.”<sup>54</sup> The work of this Committee builds on that sentiment and offers recommendations aimed at achieving this goal, with a focus on access to information about the importance of attending scheduled hearings, what will happen at court, and what to expect from the court process more generally. Strategies for making court information more accessible include:

- **Improve high volume court forms.** Most court forms are designed for court processing, not court users, often using legal jargon and making key information difficult to locate. The National Association for Court Management recommends using plain language at a 6th grade reading level.<sup>55</sup> A recent form redesign in New York City found that improving the City’s summons form with common sense language and design led to a 13% reduction in FTAs.<sup>56</sup>
- **Enhance court system website design.** Court websites should be information hubs allowing users to access information about the court and court processes. Making sites simple yet informative is key to a good user experience and successful navigation of both the website and, ultimately, the courtroom. The NCSC has worked with counties in Arizona, Wisconsin, Washington, Georgia, and Alabama to increase court appearances by redesigning their websites.<sup>57</sup>
- **Increase advertising for the website.** While enhancing the design of the website is critical, advertising to encourage the public to seek out court system-generated online content is equally important. Increasing traffic to the court system’s landing page will strengthen communication with the public and build general knowledge of the court system, increasing public trust and confidence as well.

<sup>52</sup> Ideas42, “Navigating the real-life challenges of appearing in court”, (2022). <https://www.ideas42.org/wp-content/uploads/2023/02/Harris-County-Nonappearance-Study-and-Recommendations.pdf>.

<sup>53</sup> *Id.*

<sup>54</sup> The North Carolina Commission on the Administration of Law and Justice, “Public Trust and Confidence Committee Final Report”, page 70. (2017). [https://www.nccourts.gov/assets/documents/publications/nccalj\\_public\\_trust\\_and\\_confidence\\_committee\\_report.pdf?VersionId=hd44QBbBa2VG0klD1.OZJpWc4asDlu](https://www.nccourts.gov/assets/documents/publications/nccalj_public_trust_and_confidence_committee_report.pdf?VersionId=hd44QBbBa2VG0klD1.OZJpWc4asDlu).

<sup>55</sup> National Association for Court Management (NACM). “Plain Language Guide.” (2019). <https://nacmnet.org/wp-content/uploads/NACM-Plain-Language-Guide-20190107.pdf>

<sup>56</sup> Ideas42, “National Guide to Improving Court Appearances”, page 15. (2023). <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

<sup>57</sup> National Center for State Courts, “Court Appearance Rate Report,” (2024). <https://nationalcenterforstatecourts.app.box.com/s/1bxgs32ostpeiz5blv4ns2696n2pjijw>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## RECOMMENDATIONS

To allow North Carolinians to more easily access accurate and timely information about attending court, the Committee recommends strategic improvements to key court forms and enhancements to the Judicial Branch website.



### Improve Court Forms

The Committee recommends that the NCAOC redesign high-use criminal court forms to help people better understand and follow form instructions about appearing in court. The relevant high-use criminal forms include summonses, citations, hearing notices, and conditions of release forms.

Appendix B includes recommendations for improving high-volume criminal court forms in North Carolina, including mock-ups of certain design elements of the citation form for non-waivable offenses.<sup>58</sup> These same principles can be applied to other high-volume court forms such as the Uniform Citation for Waivable Offenses, the Criminal Summons, and Conditions of Release.

Specifically, Appendix B outlines the following form improvements:

- **Incorporate a phone number field.** To maximize the use of court reminders, a phone number field should be in the section of the Citation used for demographic information. Striking less critical fields such as “Age” to make room for the addition is appropriate, since date of birth is already collected on the form.
- **Highlighting consequences of non-appearance.** Strategically positioned consequences of non-appearance serve as a powerful motivator to act to avoid those negative outcomes. Studies have found that people tend to focus more on content placed at the top of a document. Courts can leverage this behavior by placing both the court date and the consequences of non-appearance at the top of forms. To further amplify this content, formatting the consequences of a non-appearance with bold or highlighted text could be helpful. Finally, the consequences of a non-appearance should be simplified and streamlined to reduce cognitive load and make the threat of the consequence more immediate and easier for people to internalize. See Appendix B for more detail.
- **Make required actions clearer.** Enhance clarity for those who are required to appear in court and make information more explicit. For example, rename the existing blank field on the Citation called “Appear in Court” as “Must Appear in Court” and include a “Yes/No” option for officers to circle. Additionally, add a section on the form to further explain the “Yes/No” options.

The Committee recommends that the NCAOC incorporate these recommendations into form revisions. Additionally, the Committee recommends that the NCAOC consider making similar updates to the Affidavit of Indigency form that follow these guidelines.

### Enhance Website Design and Promote eCourts Portal

While the North Carolina Judicial Branch website (NCCourts.gov) has information about what to do after a missed court date, this information is not located on a high-visibility page. Also, information about what to expect when attending court and what to anticipate during the criminal court process is spread across various site locations. Including all relevant information about court appearance on one high-visibility website page has the potential to reduce anxiety over missed court dates, improve trust and confidence by enhancing transparency, and reduce missed appearances.

<sup>58</sup> The content of Appendix B is as presented by Ideas42.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

The Committee recommends that the NCAOC Communications Office create a single, comprehensive landing page that serves as an intentional website space dedicated to information on the importance of appearing for criminal court hearings. This page should also promote the existence of eCourts Portal, which provides all relevant case information, as well as include potential consequences of failing to appear, ways to handle certain cases online, how to schedule virtual court, and the options available to defendants who have missed court.

The Committee recommends that the NCAOC Communications Office generate QR codes for the landing page to be used in template signage in the courthouse and in public education campaigns, as well as on high-volume forms like the Criminal Citation, as an easy way for courts to direct users to this information.



## EXPAND AND ENHANCE PRETRIAL SERVICES

### BACKGROUND

Pretrial services agencies perform two critical functions which can help reduce missed appearances:

First, they provide important information on individuals' likelihood of success pretrial—including appearing in court as required—to the judicial official setting or reviewing pretrial conditions. This information allows judicial officials to make better informed pretrial release decisions based on the person's risk of pretrial failure.

Second, these agencies provide supervision and support to people on pretrial release to promote court appearance and community safety.

#### Role of Pretrial Services

##### 1. Conducting Risk Assessments

To support judicial officials in making informed release decisions, best practices for pretrial services agencies call for the use of actuarial risk assessments to estimate a person's likelihood of appearing in court as required and remaining arrest-free during the pretrial period.<sup>59</sup> Although risk assessments are conducted statewide in some jurisdictions, that is not the case in North Carolina. As a result, most North Carolina judicial officials lack critical information to inform their pretrial release decisions.

Actuarial risk assessments are instruments that have been statistically validated to predict pretrial outcomes, including the likelihood that a person will appear in court as required.<sup>60</sup> They are developed using large datasets of information about people who have previously interacted with the criminal justice system to identify factors associated with the likelihood of pretrial success.<sup>61</sup> The assessments assign numerical values to each factor, which are then weighted and combined to produce risk scores.<sup>62</sup> The outcome of an actuarial pretrial risk assessment provides decision-makers with information about how people with similar profiles to the person in front of them have performed on pretrial release.<sup>63</sup> Importantly, assessments provide objective, empirical evidence to support judicial decision-making; they are not designed to replace or infringe on the exercise of judicial discretion.<sup>64</sup>

Research shows that actuarial risk assessments do a good job of predicting the likelihood of appearing in court and remaining arrest-free, and they predict these outcomes more accurately than human decision-making alone.<sup>65</sup> As such, they provide critical information to judicial decision makers.

Various pretrial risk assessment instruments are used nationwide. The most common actuarial risk assessment in North Carolina is the Public Safety Assessment (PSA), with six counties currently using that tool and two more preparing to do so.<sup>66</sup> Additional information about the PSA can be found in Appendix A.

<sup>59</sup> Presentation of Jessica Ireland, supra n. 1.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Desmarais and Lowder, Pretrial Risk Assessment Tools: A Primer for Judges, Prosecutors, and Defense Attorneys (Feb. 2019) at p. 3, <https://www.safetyandjusticechallenge.org/wp-content/uploads/2019/02/Pretrial-Risk-Assessment-Primer-February-2019.pdf>.

<sup>63</sup> Presentation of Jessica Ireland, supra n. 1.

<sup>64</sup> Pretrial Risk Assessment Tools: A Primer, supra n. 62 at p. 3 (“Pretrial risk assessment tools are designed to inform not replace the exercise of judicial decision-making and discretion.”).

<sup>65</sup> Presentation of Jessica Ireland, supra n. 1.

<sup>66</sup> Pretrial Risk Assessments in North Carolina (UNC School of Government Criminal Justice Innovation Lab, Dec. 2024). [https://cjl.sog.unc.edu/wp-content/uploads/2024/12/Pretrial-Risk-Assessments-in-NC\\_2024.12.10.pdf](https://cjl.sog.unc.edu/wp-content/uploads/2024/12/Pretrial-Risk-Assessments-in-NC_2024.12.10.pdf). Two counties in North Carolina use the Virginia Pretrial Risk Assessment Instrument (VPRAI).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

Even if a risk assessment has been validated elsewhere through a research study, best practices call for local validation to ensure that it is sufficiently predictive for the relevant population.<sup>67</sup> The PSA has been validated in numerous U.S. jurisdictions, including at least two North Carolina counties, which report the instrument to be sufficiently predictive.<sup>68</sup>

## 2. Providing Supervision and Support

In addition to executing risk assessments, pretrial services agencies provide supervision and support to people who are on pretrial release, with goals of promoting court appearance, public safety, and compliance with court-ordered conditions of pretrial release.<sup>69</sup> Pretrial supervision and support can include, among other things:

- providing court date reminders by telephone and other means;
- assisting with or coordinating transportation and childcare to support court appearance;
- preparing people to navigate the courthouse and answering their questions about court processes;
- making referrals to community-based services such as housing, employment, domestic violence resources, and substance abuse and mental health treatment;
- conducting regular pretrial services case manager check-ins;
- holding court date check-ins;
- tracking individuals' compliance with release conditions; and
- reporting to the court<sup>70</sup>

As discussed below, these critical services lead to improved pretrial outcomes, including fewer missed court dates.

Providing referrals to community-based services is an important pretrial services function. People eligible for pretrial services often have significantly higher rates of health, social, and economic issues than the general population.<sup>71</sup> These include, but are not limited to, homelessness, mental health, and substance use.<sup>72</sup> Pretrial services programs can serve as a navigator or connector, helping people access needed services, with the goal of improving outcomes.<sup>73</sup>

### **Benefits of Pretrial Services Agencies**

Pretrial services agencies offer significant benefits including reduced jail costs, better pretrial outcomes, and considerable cost avoidance for the justice system and the impacted people.

<sup>67</sup> Pretrial Risk Assessment Tools: A Primer, supra n. 62 at p. 9 (“[T]he implementation of a pretrial risk assessment tool should be accompanied by an evaluation of predictive validity and impact of the tool on pretrial decision-making and outcomes in that jurisdiction. While research demonstrates that the factors that predict criminal behavior are fairly stable across time and jurisdiction, there nonetheless may be factors that are jurisdiction-specific or whose relevance to failure to appear and/or rearrest change over time.” (footnotes omitted)).

<sup>68</sup> Pretrial Risk Assessments in North Carolina, supra n. 66.

<sup>69</sup> Presentation of Jessica Ireland, supra n. 1.

<sup>70</sup> See, e.g., *id.*; see also Welcome Letter provided by the Wake County Pretrial Service Program (listing provided services), on file with NCAOC.

<sup>71</sup> Presentation of Jessica Ireland, supra n. 1.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## 1. Less Expensive Supervision

As shown in Table 8, using pretrial services yields considerable cost savings as compared to incarceration in the county jail. From a sample of four North Carolina counties, cost savings ranged from a low of \$67.80 per day in Wake County to a high of \$211.92 per day in Mecklenburg. Multiplied across the many people who are supervised pretrial, the cost savings are considerable. In Wake County, for example, the Pretrial Services Programs average daily population under supervision is 1,023, yielding jail detention cost reductions of at least \$69,359 per day.<sup>74</sup>

**Table 8. Pretrial Services Cost/Benefit Data**

COUNTY	DAILY COST TO DETAIN ONE PERSON IN JAIL	DAILY SUPERVISION COST FOR ONE PERSON ON PRETRIAL SERVICES	DAILY SAVINGS
Durham	\$98.73	\$7.50	\$91.23
Mecklenburg	\$211.92	\$3.08	\$211.92
Orange	\$120	\$4 (regular) - \$9 (GPS)	\$111 - \$116
Wake	\$67.80*	\$2.20	\$67.80

\*Wake County will update daily jail cost data in the summer of 2025; current cost is likely significantly higher than shown here. Table note: GPS refers to global position monitoring supervision.

## 2. Improved Pretrial Outcomes and Cost Avoidance

Pretrial services agencies produce improved pretrial outcomes by increasing court appearance rates and reducing new pretrial criminal activity. The Wake County Pretrial Services Program reports that the court non-appearance rate for people under pretrial supervision is 3.5%, as opposed to 17.6% statewide. Likewise, people under supervision have a 9.5% new pretrial criminal activity rate, as compared to a statewide rate of 25.06%.<sup>75</sup> Research is consistent with these local results, showing that pretrial supervision can improve outcomes for those assessed to be less likely to succeed pretrial.<sup>76</sup>

Improved pretrial outcomes yield significant cost avoidance for the justice system and impacted people. As discussed above in this Report, missed appearances result in inefficiencies for court, law enforcement, and detention staff associated with continuances, orders for arrest, executing arrests, jail bookings, and pretrial supervision. As also discussed in this Report's introduction, eliminating just one missed appearance that involves arrest results in an estimated \$2,900 cost avoidance.<sup>77</sup> With at least 250,000 annual missed appearances in North Carolina, pretrial services agencies have the potential to produce substantial cost avoidance, even with conservative estimates of their impact on non-appearance rates.

<sup>74</sup> Data provided by the Wake County Pretrial Services Program, on file with NCAOC.

<sup>75</sup> *Id.*; statewide rates for non-appearance and new pretrial criminal activity are based on 2021 to 2023 data from the Lab's Measuring Justice Dashboard. <https://cjil.shinyapps.io/MeasuringJustice/>.

<sup>76</sup> Presentation of Jessica Ireland, *supra* n. 1.

<sup>77</sup> Presentation of ideas42, *supra* n.2.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## Model for Delivery of Pretrial Services

Recognizing the value of pretrial services agencies, several states provide pretrial services statewide, including Kentucky, New Jersey, New Mexico, and Illinois. Examining state-level practice provides a model for the delivery of pretrial services. In that model (Table 9), functions such as policy development, training, and conducting risk assessments are centralized while daily operations, supervision and support, and court functions are provided regionally to account for the needs and resources of local jurisdictions. In Kentucky, for example, the assessment function is centralized at the state level (i.e., the assessments are performed centrally), but supervision and related functions are regionalized and provided in the local community.<sup>78</sup>

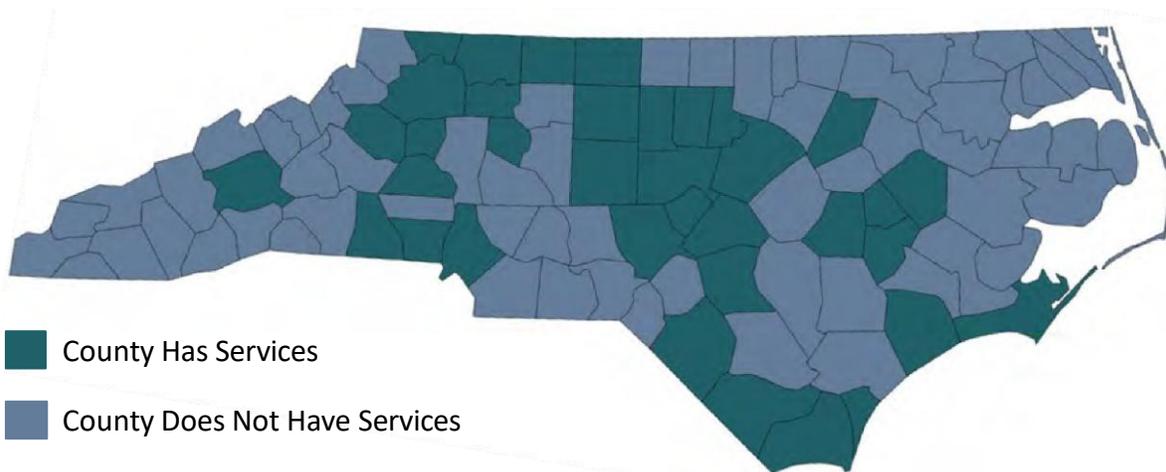
**Table 9. National Pretrial Models**

CENTRALIZED	REGIONALIZED
Policy	Daily Operations
Training	Supervision/Support
Assessments	Court Coverage

## Availability of Pretrial Services in North Carolina

North Carolina does not offer any statewide pretrial services. Pretrial services are funded at the local level and generally exist in larger and more resourced communities. In fact, only thirty-seven of North Carolina’s 100 counties currently offer pretrial services (Figure 15).<sup>79</sup>

**Figure 15. Availability of Pretrial Supervision and Support Services in North Carolina**



All existing pretrial services programs in North Carolina operate within single county jurisdictions, likely because funding is provided at the county level. However, a pilot project is underway in North Carolina’s Second Judicial District to assess the feasibility of a five-county, rural, regional pretrial services program.<sup>80</sup>

<sup>78</sup> *Id.*

<sup>79</sup> Pretrial Supervision & Support Services in North Carolina (UNC School of Government Criminal Justice Innovation Lab, Dec. 2024), <https://cjl.sog.unc.edu/resource/pretrial-supervision-support-services-in-north-carolina/jil.sog.unc.edu/resource/pretrial>.

<sup>80</sup> The pilot project is being led by Committee member Honorable Chief District Court Judge Regina Parker. It is supported by the Lab and the Center for Effective Public Policy.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

Furthermore, services provided by local agencies vary widely in North Carolina. For example, one county may provide only global position monitoring supervision while another may offer that service along with risk assessments, referrals to community services, telephone meetings or check-ins, in-person meetings or check-ins, criminal record checks, and drug testing.<sup>81</sup> There is also variation in the administering agency, which in North Carolina can include the sheriff's office, a local government agency, a non-profit organization, a private company, or the probation office.<sup>82</sup>

### RECOMMENDATIONS

To allow North Carolina to realize the benefits of the pretrial services discussed above, the Committee recommends a statewide pretrial risk assessment service and resources to support the development and enhancement of county and regional pretrial services statewide. It further recommends that local governments prioritize the creation of county-level and regional pretrial services programs.



#### Centralized Statewide Pretrial Risk Assessments

Even if a county does not currently have local pretrial services, risk assessment reports would provide judicial officials with critical information to better inform their pretrial release decisions, including information about a person's likelihood of appearing in court. Additionally, because risk assessment is a foundational element of an effective pretrial services program, providing centralized, statewide risk assessment would support the future development of pretrial services across North Carolina.

The Committee recommends centralizing within the NCAOC, a statewide pretrial risk assessment service and resources to support development and enhancement of county and regional pretrial services throughout North Carolina. The Committee recognizes that financial resources are required for these services and recommends that the NCAOC seek funding for the creation of a dedicated unit or division with the organization.

Furthermore, and as explained above, the use of an actuarial pretrial risk assessment instrument is a core function of pretrial services agencies and provides critical information to judicial officials when making pretrial decisions, including information about an individual's likelihood of appearing in court. The Committee recommends that the centralized NCAOC risk assessment function use the PSA risk assessment tool.

A centralized approach to actuarial risk assessment with the PSA has been successfully used in Kentucky for many years.<sup>83</sup> Centralizing the service in North Carolina would ensure that all 100 counties benefit from the information provided by the assessment, including less resourced rural communities that generally have been unable to fund this core pretrial function. Centralizing the service will also ensure economies of scale and facilitate training and quality control.

The Committee recommends that North Carolina use the PSA risk assessment tool for several reasons. First, it has been validated nationally and in at least two North Carolina jurisdictions. Second, it is the most commonly used tool in North Carolina and the NCAOC could draw on the expertise already developed in counties currently using the PSA. Lastly, because it does not require an interview, the PSA can be executed remotely by the above-recommended centralized staff with access to court and criminal history records. To ensure that centralized staff have access to needed criminal history records, the Committee recommends that they be provided with access to the Criminal Justice Law Enforcement Automated Data Services (CJLEADS).

<sup>81</sup> Pretrial Supervision & Support Services in North Carolina, supra n. 79.

<sup>82</sup> *Id.* (listing various services provided in North Carolina, by county).

<sup>83</sup> Presentation of Jessica Ireland, supra n. 1.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

The Committee recommends that risk assessment reports be produced, at a minimum, to the court and counsel (or the defendant, if not represented) for use at the first appearance<sup>84</sup> and any subsequent bail hearings. The Committee further recommends that the NCAOC pursue all options to provide risk assessments reports to magistrates for use when setting pretrial release conditions at the initial appearance, consistent with the statutory mandate that the initial appearance be held without unnecessary delay.<sup>85</sup>

It also recommends that the NCAOC leverage resources of the Lab and/or the North Carolina Judicial College and provide robust initial and ongoing training for judges, prosecutors, and defense attorneys on pretrial risk assessments.<sup>86</sup>

Finally, the Committee recommends that the NCAOC seek grant and/or other funding to initiate a pilot project involving a limited roll-out of the PSA risk assessment, including a validation study. Rolling out this new service in a pilot project will facilitate process improvements and produce data informing a broader statewide roll-out.

### **Supporting the Development and Enhancement of County and Regional Pretrial Services Agencies**

As noted above, the prevailing pretrial services model centralizes functions such as risk assessment and policy and provides other functions—such as supervision and support—at the local or regional level. The Committee finds that, due to the wide variation in resources and needs in North Carolina’s 100 counties, pretrial supervision and support services should be administered locally. It thus recommends that local jurisdictions pursue the creation of pretrial supervision and support services, with a focus on evidence-based and evidence-informed practices that conform to national standards.<sup>87</sup>

The Committee endorses a centralized approach for policy development and further recommends that the NCAOC develop best practice guidelines for pretrial services in North Carolina, based on national standards.<sup>88</sup> It recommends that the NCAOC develop capacity to provide, or develop collaborations to provide, technical assistance to single or multi-county jurisdictions as they seek to stand up or improve local pretrial services. This assistance can include face-to-face and on-demand trainings on pretrial services and risk assessment and data support for measuring local pretrial outcomes, including FTA and new pretrial criminal activity. Potential partners in this work may include the North Carolina Pretrial Services Association; pretrial service directors at established, successful North Carolina pretrial services agencies; North Carolina research and policy support organizations such as the Lab; and well-credentialed national organizations with relevant expertise and knowledge of North Carolina, such as the Center for Effective Public Policy.

<sup>84</sup> N.C.G.S. 15A-601.

<sup>85</sup> N.C.G.S. 15A-511.

<sup>86</sup> Pretrial Risk Assessments in North Carolina, *supra* n. 66 (pretrial services staff noted the importance of formal, ongoing training and education about the risk assessment instrument for judges and other stakeholders).

<sup>87</sup> Standards produced by the National Association of Pretrial Services Agencies are posted here: <https://napsa.memberclicks.net/standards>. These standards were updated in 2024.

<sup>88</sup> *Id.*

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## DEVELOP AND ENHANCE COURTDATE REMINDERS

### BACKGROUND

 Like notices sent from doctors, dentists, and hairdressers, court date reminders are an effective tool to remind people of their court dates and encourage them to appear. **RESEARCH SHOWS THAT COURT DATE REMINDERS ARE COST-EFFECTIVE AND REDUCE NON-APPEARANCES BY 20% TO 40%.**<sup>89</sup>

Although research finds that all forms of reminders (e.g., calls, emails, text messages) are effective, the content of reminders should be carefully tailored. The best court date reminders encourage plan making (e.g., arranging for a ride to court and getting time off from work), prominently flag consequences for non-appearance (e.g., arrest), and offer links to assistance.<sup>90</sup> Reminders should also be sent out consistently for every court date and should be sent sufficiently in advance to allow for planning, preparation, and to mitigate forgetfulness.<sup>91</sup>

Finally, while messages before a court date can help reduce non-appearances, there is an important role for messages after an FTA. Sending a notification immediately after a missed court date, with instructions on how to address the matter without arrest, can reduce paperwork, avoid unnecessary use of resources, and help get cases back on track.<sup>92</sup>

The NCAOC offers a court date notification system in its legacy court records system, the Automated Criminal Infraction System (ACIS). This system provides notifications by text or email of changes to court dates for criminal and infraction cases to individuals who subscribe to the service. This “opt-in” model of court date reminders has unfortunately resulted in few sign-ups and few reminders sent. The court system’s new Enterprise Justice (Odyssey) integrated case management system, which is scheduled to replace ACIS in all of North Carolina’s 100 counties by the end of 2025, is not currently configured to send court date notifications, however, the NCAOC is actively exploring possible solutions.

To date, one impediment to having an “opt-out” model of court date notification was concern regarding compliance with the federal Telephone Consumer Protection Act. However, new information provided to the Committee suggests that this may not be a barrier to an opt-out model for court date reminders.

### RECOMMENDATIONS

To help remove barriers to attending court and to inform the public of the importance of appearing in court, the Committee strongly recommends the development of an opt-out system of court date notifications in Enterprise Justice (Odyssey). The Committee also recommends that procedures be put in place to encourage system sign-ups.



#### Develop an Automated Statewide Opt-Out Court Date Reminder System

The Committee recommends that the NCAOC explore development of a statewide, opt-out, automated court date reminder system to reduce non-appearances.

The Committee recommends that the new reminder system be set up to issue multiple, timely notifications before court dates and after missed appearances. At a minimum, messages should include reminders to make a plan to ensure a successful and timely arrival at court. They also should include information about the potential consequences of missing court, highlighting the potential for arrest. After a missed appearance occurs, messages should provide information about how to remedy the missed appearance and avoid further consequences.

<sup>89</sup> See, e.g., Zottola, S. A., Crozier, W. E., Ariturk, D., & Desmarais, S. L. (2022). Court date reminders reduce court nonappearance: A meta-analysis. *Criminology & Public Policy*, 22(1), 97-123. <https://doi.org/10.1111/1745-9133.12610>.

<sup>90</sup> Ideas42, "National Guide to Improving Court Appearances", page 10. (2023). <https://www.ideas42.org/wp-content/uploads/2023/05/national-guide-improving-court-appearance.pdf>.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

To maximize effectiveness, the Committee recommends that the NCAOC develop a workflow to enroll every user for whom the court has a phone number in the new statewide reminder system, with a simple, user-friendly process for opting out.

To maximize the impact of the “opt-out” model, the Committee also recommends that the NCAOC partner with the North Carolina Sheriffs’ Association, the North Carolina State Highway Patrol, and the North Carolina Association of Chiefs of Police to encourage law enforcement to make all reasonable efforts to collect individuals’ phone numbers at the time of citation or arrest.

### **Develop Tools and Procedures to Maximize Reminder System Enrollment**

It is not enough simply to have a court date reminder system. To maximize effectiveness, it is essential to develop tools and procedures to maximize the collection of contact information.

#### 1. Integrate Sign-Up Processes into the New Enterprise Justice System

The Committee recommends that the NCAOC build steps into the Enterprise Justice (Odyssey) workflow to enter a person’s information into the system at every opportunity. A prompt might appear, for example, for the magistrate at the initial appearance when setting conditions of release, a process that is conducted in the charged person’s presence and thus presents an in-person opportunity for a court official to initiate the sign-up process. Similar workflow changes should be made for other court actors who have opportunities to capture and enter this information, including clerks and public defenders.

The Committee is sensitive to the workload pressures of court system actors and recommends that workflow changes minimize, to the greatest extent possible, additional work required.

#### 2. Use Court Date Reminder Cards and Posters

Court date reminder cards can be used to encourage individuals to provide their contact information for use in the recommended automated court date reminder system. Additional advertising can also help encourage sign-ups among people other than defendants, including witnesses, victims, family members, and friends, who may also benefit from court date reminders.

Working with the NCAOC, the Lab developed a court date reminder card template for use with the ACIS reminder system (Figure 16). Once the new court date reminder system is configured for use in Enterprise Justice (Odyssey), the NCAOC should update the template with a QR code, print and distribute cards statewide, and undertake efforts to encourage their public distribution.

The Committee recommends that the NCAOC prepare and disseminate guidance for distribution of reminder cards every time a person has contact with law enforcement, detention staff, court staff and officials, and related service organizations, including:

- when charges are initiated by law enforcement (e.g., handed out with the citation);
- when charges are initiated by law enforcement (e.g., handed out with the citation);
- when people facing charges interact with magistrates, the clerk’s office, pretrial services, probation, and public defenders; and
- when people facing charges interact with community and faith-based services

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

Figure 16. Court Date Reminder Card Template



Court date reminder posters can also be used to encourage individuals to provide their contact information so they can benefit from the reminder system.

Working with the NCAOC, the Lab developed a court date reminder poster template for use with the ACIS reminder system (Figure 17). The NCAOC should update the template with a QR code for the new court date reminder system and print and distribute the posters statewide. The Committee recommends that the NCAOC develop and distribute guidelines for deployment of the posters, including:

- in courthouse lobbies, elevators, hallways, restrooms, and other places where people congregate;
- in court system offices, such as the clerk's office, magistrate's office, and the public defender's office;
- at the jail;
- in public lobbies of Department of Motor Vehicle offices; and
- in other public places, such as libraries and bus stops

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

Figure 17. Court Date Reminder Poster Template

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## DON'T RISK ARREST.

Sign up for free criminal court date reminders!

**Missing court has consequences.**  
If you don't show up to court or resolve your case, you may be **arrested**. For many traffic violations, if you fail to appear your **driver's license will be revoked**.

**STEP 1:  
KNOW YOUR CASE NUMBER.**  
If you don't know your case number, go to [nccourts.gov/court-dates](https://nccourts.gov/court-dates) to find it and see other details about your case.

**STEP 2:  
ENROLL ONLINE.**  
Use your phone to scan the QR code on the left, then enter your county and case file number. Choose to receive text message or email reminders about your court dates. Standard message rates apply but the service is free. Reminders are not just for defendants – anyone can enroll, including friends and family!

### Implement Public Service Messaging

The Committee recommends that the NCAOC develop and distribute public service messages through web-based and social media platforms encouraging individuals to provide their contact information to the court system for use in the reminder system.



# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## RECOMMENDATIONS

To address the appearance requirement for calendar calls in superior court, the Committee recommends that senior resident superior court judges adopt administrative orders authorizing defense counsel to file a Certificate in Lieu of Attendance motion, which would relieve the defendant's requirement to appear.

In addition, the Committee recommends that the NCAOC explore production of a statewide standard form for a Certificate in Lieu of Attendance motion, using Figure 18 as a starting point.



## PROVIDE RESOURCES FOR HIGH NEEDS COURT USERS

### BACKGROUND

Navigating the court system can be hard for everyone. **SOME PEOPLE FACE ADDITIONAL CHALLENGES APPEARING IN COURT, INCLUDING PEOPLE WHO ARE UNFAMILIAR WITH COURT PROCESSES AND PROCEDURE; PEOPLE WITH DISABILITIES; AND PEOPLE WHO, FOR SOME OTHER REASON, NEED ADDITIONAL COMMUNITY SUPPORT TO ENSURE A SUCCESSFUL COURT APPEARANCE.**

One way that courts seek to assist high needs users, including encouraging their appearance in court, is through the creation of court “navigator” positions. Court navigators guide people through the court process and can play a crucial role in establishing connections to a variety of community-based behavioral health, social, and human services.<sup>93</sup> Navigators are not lawyers and do not provide legal counsel. Rather, they equip people with practical information, resources, and support them as they move through the court process.<sup>94</sup>

Responsibilities of court navigators may include, but are not limited to:

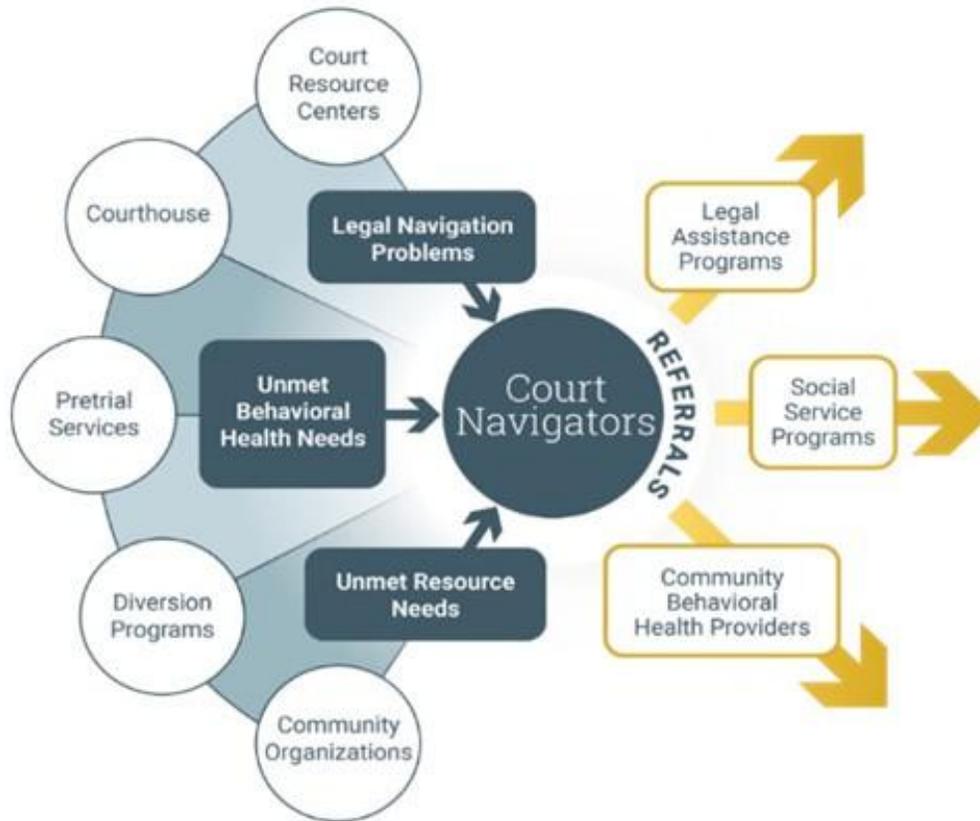
- **Facilitating people's logistical needs**, such as finding the right courtroom, the clerk's or public defender's office, language access services, or connecting defendants with the appropriate judicial official.
- **Helping people sign up for court reminders.**
- **Linking people to community resources**, such as transportation assistance and support for food and housing insecurities.
- **Providing referrals to other needed services**, like pretrial services, driver's license restoration efforts, mental health providers, reentry services, and expungements.
- **Informing people about the court process**, including what they can expect in court and who can answer their questions.
- **Supporting people who may be fearful or worried about court**, and thus less likely to attend as required.

<sup>93</sup> Brandon Morrissey et al., “Court Navigation Programs: Providing Connections and Support Across the Legal and Behavioral Health Systems”, (2024).

<sup>94</sup> Zottola, S. A., Morrissey, B., Massey, I., Hope, E.C., & Desmarais, S. L. “A National Compendium of Court Navigation Programs.” (Troy, NY: Policy Research Associates), (2023). <https://www.prainc.com/wp-content/uploads/2023/05/CourtNavigatorCompendium-508.pdf>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

**Figure 19. The Role of Court Navigators<sup>95</sup>**



## Options Available for the Creation and Continuation of Navigator Positions

The greatest barrier to providing enhanced services to high needs court users is often the financial resources needed to create and support navigator positions. The spectrum of services can range from light to heavy engagement with each user, depending on the credentials of the individual hired, community resources, and the navigator’s job description and workload.<sup>96</sup> Cost and resources to fill and maintain these positions will be commensurate with the anticipated services provided.

For example, Buncombe County, North Carolina partnered with a non-profit to create and fund a full-time navigator position under the light-engagement, single-navigator model. It is classified as such because the position’s credentials are limited, their interactions with court users are brief, and they do not collect contact information, engage in follow-ups, or provide direct services.<sup>97</sup> By contrast, in Orange County, North Carolina, the navigator was considered a heavy-engagement, multi-navigator model; their navigator was a licensed social worker and assisted with direct and concerted referrals to housing and food insecurity organizations, as well as mental health, medical needs, and substance use services.

<sup>95</sup> *Id.*

<sup>96</sup> Zottola, S. A., Morrissey, B., Massey, I., & Desmarais, S. L. “A resource guide on court navigator programs: Providing connections and support across the legal and behavioral health systems.” Policy Research Associates. (2024). <https://www.prainc.com/wp-content/uploads/2024/09/Court-Navigator-Resource-Guide.pdf>.

<sup>97</sup> *Id.*

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

### RECOMMENDATIONS

To reduce missed appearances that result from a lack of logistical assistance, information, and referrals for higher-needs court users, the Committee recommends that judicial officials coordinate with local governments, non-profits, and faith-based organizations to consider establishing court navigators in each courthouse. These positions should be filled in a way that is commensurate with the community's needs and available resources, whether that be through volunteers, full-time light-engagement staff, or full-time licensed professionals. Leaving these needs unmet not only negatively impacts public trust and confidence in the state courts, but also exacerbates challenges to timely resolution of cases due to missed court appearances.



## ADDRESS ABILITY TO PAY CONSIDERATIONS

### BACKGROUND

 **INABILITY TO PAY MONETARY OBLIGATIONS CAN MAKE PEOPLE FEARFUL OF ATTENDING COURT; ADDRESSING THIS ISSUE CAN REDUCE BARRIERS TO COURT APPEARANCE.** Committee members noted that individuals report failing to appear out of fear of being unable to pay fines, fees, and other costs that might be imposed in their cases. Many reason, “Why should I go to court if I can’t pay what I might owe?”

Ability to pay issues impact people with lower means. Specifically, the odds of having criminal justice debt are 51% higher for those who receive public assistance than for those who do not.<sup>98</sup>

Lastly, efforts to collect outstanding court debt likely impose considerable financial burdens on the state. Research indicates that some jurisdictions spend more money collecting, or attempting to collect, court debt than what they actually obtain through debt collection activities. For example, it is reported that Bernalillo County, New Mexico spends \$1.17 in collection efforts for every one dollar it collects in outstanding court fines and fees.<sup>99</sup>

### The Role of Indigency Standards

Establishing a clear and consistent standard for determining indigency can assist the court in making evaluations of a defendant’s ability to pay, allowing for the remittance of financial obligations for those found to be eligible under these standards.

Some states have clear and consistent indigency guidelines as part of their assessment of ability to pay.<sup>100</sup> In Minnesota, for example, a defendant must be represented by legal aid and have an income within 125% of the federal poverty line to qualify as indigent. In California, Connecticut, Illinois, and Massachusetts, a defendant must either receive public benefits or have an income within 125% of the federal poverty line. Nevada requires a defendant to either receive public benefits, reside in public housing, or have an income within 200% of the federal poverty guidelines. Additionally, Texas requires courts to conduct assessments of ability to pay for all fine-only offenses<sup>101</sup> and requires either a payment plan, fine waiver, or alternative sentence (such as community service) if an individual is unable to pay.

In North Carolina, G.S. 7A-498.5(c)(8) directs the Indigent Defense Services (IDS) Commission to develop standards governing the provision of indigent defense services in criminal cases, including, “[s]tandards for determining indigency.”<sup>102</sup> However, IDS reports that developing nuanced standards has proved challenging. Currently, defendants submit affidavits of indigency<sup>103</sup> and each judge makes their own determination as to whether individuals qualify as indigent. In its report, the North Carolina Commission on the Administration of Law and Justice (NCCALJ) recommended that, “the IDS Commission develop easily implemented uniform standards for indigency. To promote efficiency, it further recommends that those standards employ presumptions of indigency to avoid a full screening in every case.”<sup>104</sup>

<sup>98</sup> Sykes, B. L., Ballard, M., Giuffre, A., Goodsell, R., Kaiser, D., Vicente Celestino Mata, & Sola, J. (2022). “Robbing Peter to Pay Paul: Public Assistance, Monetary Sanctions, and Financial Double-Dealing in America”. (RSF: The Russell Sage Foundation Journal of the Social Sciences, 8(1), 148–178). <https://doi.org/10.7758/rsf.2022.8.1.07>.

<sup>99</sup> Menendez, M., Eisen, L.-B., Atchison, N., & Crowley, M. (2019). “The Steep Costs of Criminal Justice Fees and Fines”. (Brennan Center for Justice). <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

<sup>100</sup> Reducing the Harms of Court Debt: Driver’s License Revocations are an Ineffective Policy for Increasing Court Collections. (n.d.). <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>.

<sup>101</sup> Fine-only offenses in Texas are Class C Misdemeanors. They are the lowest level of criminal offenses such as speeding, parking within 15 feet of a fire hydrant, driving without a valid inspection sticker, and some traffic and parking related city ordinances. <https://statutes.capitol.texas.gov/docs/pe/htm/pe.12.htm>

<sup>102</sup> N.C.G.S. 7A-498.5(c)(8).

<sup>103</sup> The affidavit of indigency is AOC-CR-226. <https://www.nccourts.gov/documents/forms/affidavit-of-indigency>.

<sup>104</sup> North Carolina Commission on the Administration of Law and Justice, Criminal Investigation and Adjudication Committee. Final Report. (2017). At Appendix D: Improving Indigent Defense Services, pg. 24. [https://www.nccourts.gov/assets/documents/publications/nccalj\\_criminal\\_investigation\\_and\\_adjudication\\_committee\\_report.pdf](https://www.nccourts.gov/assets/documents/publications/nccalj_criminal_investigation_and_adjudication_committee_report.pdf).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## Options for Relief of Monetary Obligations

The North Carolina General Rules of Practice for the Superior and District Courts allow for judicial discretion when imposing select court costs, fees, fines, restitution, and other monetary obligations in criminal and infraction cases based on the defendant's ability to pay. However, these terms are not clearly defined. The court may also grant any relief permitted by law.<sup>105</sup>

Defendants who are found guilty or responsible can file a motion for relief of court fines and fees using the statewide form AOC-CR-415 (Request for Relief from Fines, Fees, and Other Monetary Obligations, and Order on Request).<sup>106</sup> The first page of this form contains an ability to pay worksheet which provides the court with information on the defendant's assets, liabilities, and other financial obligations. Once this form is filed, the court must consider the motion and rule on it before imposing any monetary obligations on the defendant.

As discussed above in the Promote Virtual Court and Online Case Resolution section, the NCAOC provides electronic filing assistance software, eCourts Guide and File, for court users. Guide and File includes an interview for form AOC-CR-415 that walks a user through completing and filing of the form to seek relief from financial obligations.<sup>107</sup>

## RECOMMENDATIONS

Addressing ability to pay issues can lead to fewer missed appearances if individuals understand the available options for relief of monetary obligations on both the front and back end of the court process. The Committee recommends the development of statewide indigency standards and an increased awareness of how people can use form AOC-CR-415 to request relief from some or all of their court debt.



### Develop Statewide Indigency Standards

This Committee echoes the NCCALJ recommendations and recommends that the IDS Commission develop statewide indigency standards in criminal cases and draft procedures for implementation. To further ensure that the process of determining indigency is robust and maintains its integrity, the Committee encourages the use of pretrial services, where available, to assist in the determination.

### Increase Public Awareness of Option for Relief of Monetary Obligations

The Committee notes the importance of raising public awareness about the option to request a reduction or elimination of criminal justice debt, in whole or in part, by appearing in court. It thus recommends that local officials increase public awareness of form AOC-CR-415 and of a defendant's ability to file it.

<sup>105</sup> Supreme Court of North Carolina. General Rules of Practice for the Superior and District Courts. June 18, 2024. <https://www.nccourts.gov/courts/supreme-court/court-rules/general-rules-of-practice-for-the-superior-and-district-courts>.

<sup>106</sup> Available at <https://www.nccourts.gov/documents/forms/request-for-relief-from-fines-fees-and-other-monetary-obligations-and-order-on-request>.

<sup>107</sup> Interview is titled, "Request For Relief From Fines, Fees And Other Monetary Obligations, And Order On Request", available at <https://northcarolina.tylertech.cloud/SRL/>.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

The Committee also recommends that the NCAOC provide better awareness of form AOC-CR-415 and the associated Guide and File interview, including but not limited to:

- include information about the form in civics education curriculum and public education campaigns as outlined in the Launch Initiatives to Foster Community Trust section of this Report;
- increase advertising of the eCourts Guide and File interview;
- provide instructions and links to the form on the Judicial Branch Website (NCCourts.gov);
- partner with advocacy and pro bono groups to provide low- or no-cost legal assistance to defendants to fill out and file the form; and
- include information about the form and the Guide and File interview at judicial trainings and educational conferences.

## LAUNCH INITIATIVES TO FOSTER COMMUNITY TRUST

### BACKGROUND

The Committee recognizes that thousands of people come into North Carolina courthouses daily, where they interact with court system officials and form impressions about their local courts. These impressions are then shared with friends and family and spread through the community at large. These individuals include, among others, jurors, witnesses, and interested family members and supporters.



**BECAUSE PEOPLE WHO HAVE HIGH LEVELS OF TRUST AND CONFIDENCE IN THE COURT SYSTEM ARE MORE LIKELY TO APPEAR, CONTINUED WORK TO ENHANCE COMMUNITY TRUST AND CONFIDENCE CAN BE AN EFFECTIVE COURT APPEARANCE STRATEGY AND MAKE THE COURT SYSTEM EVEN STRONGER.<sup>108</sup>**

National public opinion polls suggest that community trust and confidence in state court systems is waning. In 2020, the NCSC's State of State Courts poll found that 70% of those surveyed had "a great deal" or "some" confidence in the state court system.<sup>109</sup> Three years later, that figure dropped to 61%.<sup>110</sup> Currently, the only data on public opinion of the North Carolina courts is ten years old and thus may not reflect current perceptions.

Improving public trust and confidence, even in small ways, can help promote court appearance and make the court system even stronger. Although building trust and confidence is a complex process, implementing thoughtful and intentional initiatives to foster community trust and confidence in the state courts could pay dividends in promoting court appearance. Successful strategies are outlined in greater detail below.

### Public Opinion Polls

Conducting regular public opinion surveys can provide concrete information on public trust and confidence, and demonstrate the court system's commitment to transparency, self-evaluation, and improvement. In its 2017 final report, the North Carolina Commission on the Administration of Law and Justice (NCCALJ) recommended that the NCAOC establish and conduct a public opinion survey once every two years, noting that evaluating results from year to year would allow the system to, "address perceived weaknesses, either substantively or through public relations, to track progress over time, and to capitalize on acknowledged strengths."<sup>111</sup>

<sup>108</sup> Bornstein, Brian H., Tomkins, Alan J., and Neely, Elizabeth M., "Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach", (US Department of Justice, 2011). <https://www.ojp.gov/pdffiles1/nij/grants/234370.pdf>.

<sup>109</sup> National Center for State Courts. "The State of State Courts in a (Post) Pandemic World." (2020).

<sup>110</sup> National Center for State Courts. "The State of State Courts". (2023).

<sup>111</sup> The North Carolina Commission on the Administration of Law and Justice. "Public Trust and Confidence Committee Final Report", pages 67-68. (2017). [https://www.nccourts.gov/assets/documents/publications/nccalj\\_public\\_trust\\_and\\_confidence\\_committee\\_report.pdf?VersionId=hd44QBblBa2VG0kl.D1.OZjpWc4asDlu](https://www.nccourts.gov/assets/documents/publications/nccalj_public_trust_and_confidence_committee_report.pdf?VersionId=hd44QBblBa2VG0kl.D1.OZjpWc4asDlu).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## Community Listening Sessions

Community engagement events, designed to give the public the opportunity to share their experiences and concerns, can provide important information on how courts can improve and promote trust and confidence.

Community listening sessions have been conducted by court systems in Oregon and Minnesota with considerable success.<sup>112</sup> For example, Multnomah County, Oregon held three public listening sessions in 2016 and 2017 in different locations around the county to provide an opportunity for community members to express concerns and experiences with the county's justice system directly to judges.<sup>113</sup> Based on the county's experience, it recommended the following best practices for listening sessions:

- set ground rules for community members and judges that are enforced by a moderator;
- hold sessions in different parts of the county to access different populations; and
- listen to community members' concerns and experiences with an open mind.

Multnomah County officials also suggest holding a follow-up session where community members can ask questions of judicial officials and be provided with updates on progress towards addressing concerns raised in the listening sessions.<sup>114</sup>

## Civics Education

Only 13% of respondents in a 2015 North Carolina public opinion survey indicated that they were knowledgeable about the state courts.<sup>115</sup> Civics education serves to foster citizen engagement and increase transparency - two overarching principles that are widely recognized to enhance the public's trust in government institutions.

For example, the award-winning Colorado "Our Courts" program<sup>116</sup> allows the public to learn from judges and other speakers about the Colorado courts. Topics include discussing how judges are selected, disciplined, and retained; what happens throughout the life of a criminal and civil case; and how divorce, immigration, and bankruptcy courts work. In Louisiana, the Center for Law and Civic Education's ACE program<sup>117</sup> developed a series of law-related activities that members of the legal community can use in presentations to adult non-partisan groups. Finally, Minnesota's Justice and Democracy Centers<sup>118</sup> focus on civic education and house exhibits for school-aged children and adults to explore successes and failures of justice in Minnesota and beyond.

The NCAOC currently provides civics education through an initiative called the Speakers Bureau. This initiative allows members of the public to request judicial branch speakers including judicial officials, court staff, and lawyers to present to their school, civic group, or faith-based organizations. Its goal is to educate North Carolinians about the Judicial Branch, its role in protecting constitutional rights, and its impact on communities. With materials such as word searches and coloring sheets, the focus of the Speakers Bureau is school-aged children. However, the Bureau also provides handouts like bookmarks, a Judicial Branch reference guide, and an overview of the trial courts that are geared more towards adults.

<sup>112</sup> A. Black & L. Joplin. (2018). "The Multnomah County Judicial Listening Sessions: A Case Study". (Justice System Partners). <https://justicesystempartners.org/wp-content/uploads/2018/10/MultCo-Judicial-Listening-Sessions-Case-Study-Final-2018-09-26-.pdf>. The Lab provides an overview and information on the Minnesota model of community listening sessions. See "Community Listening Sessions: Implementation Guide", [https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Community-Listening-Sessions-Implementation-Guide\\_2023.10.10.pdf](https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Community-Listening-Sessions-Implementation-Guide_2023.10.10.pdf).

<sup>113</sup> *Id.* "The Multnomah County Judicial Listening Sessions: A Case Study."

<sup>114</sup> *Id.*

<sup>115</sup> *Supra* n. 111 at p. 66.

<sup>116</sup> Colorado Judicial Institute. "Our Courts Colorado". <https://coloradojudicialinstitute.org/what-we-do/public-education/our-courts-colorado.html>.

<sup>117</sup> Louisiana Center for Law and Civic Education. "Adult Civics Education". <https://www.lalce.org/courts-and-the-judicial-branch---ace.html>.

<sup>118</sup> Justice and Democracy Centers of Minnesota. "Justice and Democracy Centers of Minnesota". <https://justicedemocracymn.org/>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## **Public Education Campaigns**

Public education campaigns can improve communications and provide community members with critical information about the court system, including the importance of court appearance.

Improving court system communications on public transit, in libraries and community centers, and at local parks and recreational facilities would provide the public with critical information about the court system and the importance of appearing for court hearings. Communication materials should remind people of the consequences for non-appearance and about advance preparations to ensure that they arrive to court on the right date and time, such as requesting time off from work and arranging child or dependent care.

Models exist for this work. In 2019, Mecklenburg County launched a public information campaign aimed at increasing awareness of a new court date reminder service. The campaign ran for six months and included billboard ads, radio announcements, advertisements on light rail and transit systems, and courthouse advertising such as flyers and information boards.

## **Jury Service**

Every week, jurors are summoned to courthouses to get a front row seat to how justice is dispensed in criminal matters. Jury service affords a unique opportunity for the public to learn more about their local courts, and for judicial officials to have positive interactions with the public that can result in spreading goodwill throughout the broader community.

## **RECOMMENDATIONS**

The Committee recommends a number of initiatives to enhance public trust and confidence in the Judicial Branch, as research suggests that those who have higher levels of trust are more likely to appear in court. Specifically, the Committee recommends recurring public opinion polls, community listening sessions, targeted civics education curriculum, public education campaigns, and reevaluation of jury procedures.



### **Conduct Recurring Public Opinion Polls**

The Committee agrees with the NCCALJ that routine public opinion surveys would allow the Judicial Branch to serve the public more effectively and increase public trust and confidence.

The Committee recommends that the NCAOC develop a public opinion questionnaire and conduct surveys at least every two years to allow for trend analysis. Special attention should be given to the development of questions aimed at monitoring factors that impact court appearance rates.

### **Conduct Community Listening Sessions**

Community listening sessions allow government institutions to hear directly from the public they serve. As discussed above, court systems in other jurisdictions have embraced this practice and shared their models and key findings for replication elsewhere.

The Committee recommends that each district's judicial system leaders explore options for conducting listening sessions in their communities and advertise them to the public, including on the Judicial Branch public website (NCCourts.gov). Following the listening session, local leaders are encouraged to work together to debrief and assess policies or practices based on community feedback.

### **Expand and Enhance Civics Education Curriculum**

Building on the work of the Speakers Bureau, the Committee recommends that the NCAOC develop civics education materials including PowerPoint presentations, handouts, and presenter scripts specifically focused on content designed to promote court appearance, knowledge of court systems and processes, and trust and confidence in the courts.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

It further recommends that the NCAOC actively recruit at least one state court official in every district to present these materials at least annually at local community gatherings and events. Finally, it recommends that the NCAOC publicize this initiative once it is launched.

### **Implement Public Education Campaigns**

The NCAOC Communications Office currently provides signage and information about court operations and services for use in county courthouses. However, expanding communications outside of the courthouse could help to promote court appearance.

The Committee recommends that the NCAOC Communications Office develop template materials for public education campaigns that can be used across North Carolina. When developing the templates, special attention should be given to information to promote court appearance, such as how to sign up for court date reminders, which provide information about upcoming court dates and the consequences of failing to appear.

The Committee further recommends that local judicial system officials partner with the NCAOC and local government entities to conduct a public information campaign using the template materials.

### **Evaluate Juror Procedures**

The Committee recommends that local court officials in every county evaluate their juror orientation process and procedures for selecting jurors to ensure a positive juror experience. Special attention should be paid to minimizing the amount of time that jurors are asked to wait without status updates.

After a jury trial has fully concluded, the Committee recommends that the presiding judge conduct a post-trial conference with the jurors to ensure that all of their questions are answered and that they feel valued for their service.

## SUPPORT TRANSPORTATION TO COURT

### BACKGROUND

 **A LACK OF RELIABLE TRANSPORTATION CAN BE A DRIVER OF MISSED COURT DATES.** Even in North Carolina communities with public transit, people can experience transportation barriers, such as an inability to afford fares and a lack of service to courthouse locations. These barriers are more pronounced in rural communities where there are no public or private transportation options, such as taxis and rideshare companies.

### Direct Transportation Support

 **VARIOUS STRATEGIES CAN REDUCE TRANSPORTATION BARRIERS AND PROMOTE COURT APPEARANCE.** These strategies can be implemented by pretrial services, local criminal justice resource departments, the clerk's office, and other court officials. They include:

- **Public transportation vouchers.** Provide vouchers for free or reduced-price public transit. This option is currently provided in Orange County, NC, where users can obtain bus vouchers through the Criminal Justice Resource Department.<sup>119</sup>
- **Optimize public transportation routes and schedules.** Work with local transit officials to ensure that major transportation routes service the courthouse, arrive at times when court sessions are scheduled to begin, and provide service after court ends.
- **Parking vouchers.** Provide vouchers for free or reduced-price parking at or near the courthouse.
- **Subsidized rideshare accounts.** Create codes using organizational accounts with rideshare companies that people can use to book rides for free or at a reduced price. This option is currently provided in Orange County, NC. A local Bail Bond Justice Project provides funds for Uber services; users can access assistance through the pretrial services office or the Criminal Justice Resources Department.<sup>120</sup>
- **Partner with existing resources.** Explore partnerships with local providers and entities to expand transportation options to court. Local providers may already offer transportation for people with low-income or disabilities. Also, local entities, such as faith-based organizations, may be willing to partner with the court system to provide rides to court. This option currently is provided in rural Robeson County, where stakeholders partnered with Southeast Area Transit System (SEATS), a state and federally funded service that provides transportation to medical appointments for \$2 per trip. SEATS added stops at the main courthouse and at traffic court held at the community college, giving court users a new transportation option.<sup>121</sup>

<sup>119</sup> Criminal Justice Resource Department Public Service Announcement, "Need help with transportation to or from Court In Hillsborough?"; <https://www.orangecountync.gov/DocumentCenter/View/18032/transportation-flyer?bidId=>

<sup>120</sup> *Id.*

<sup>121</sup> Transportation Options to Help People Get to Court (UNC School of Government Criminal Justice Innovation Lab), [https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/06/Transportation-Options-to-Help-People-Get-to-Court\\_2023.9.14.pdf](https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/06/Transportation-Options-to-Help-People-Get-to-Court_2023.9.14.pdf).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

## Considerations for Courthouse Planning



**OPTIMIZING THE PHYSICAL LOCATION, DESIGN, GROWTH POTENTIAL, AND FUNCTION OF THE COURTHOUSE IS CRITICAL TO PROMOTING COURT APPEARANCE.** According to the NCSC,<sup>122</sup> courthouses should:

- be accessible, with low-cost, nearby parking options;
- be on public transportation routes;
- include a carpool area and/or drop lanes for ride sharing; and
- be close to major roads

Additionally, courthouses should be located within walking distance of libraries, copy centers, and other government buildings and services (e.g., the Register of Deeds Office), to allow for court users to complete their necessary business in one central location.

Attention should be given to ensuring the proper number of public parking spaces near the courthouse. This determination depends on a number of factors, including the number and types of courtrooms, the availability of and expected use of public transit, the number of court employees, docket size, the average number of daily court visitors (including lawyers, jurors, witnesses, etc.), and the average daily number of expected official vehicles (e.g., law enforcement officers, jail transports, etc.). Jurisdictions can work with an urban planner or traffic engineer to determine the needed number of parking spaces. However, a general rule of thumb for commercial property is between five and ten spaces per 1,000 square feet of public area.<sup>123</sup> The total number of parking spaces required will inform the number of handicapped-accessible spaces that are needed per the Americans with Disabilities Act.<sup>124</sup>

Consideration should also be given to the potential need for courthouse expansion as communities grow and change. Caseload types, trends, and projections should be regularly monitored and updated to allow ample time for counties to accommodate courthouse renovation and expansion needs.

Courthouses should have abundant signage, clearly displaying courtroom names and numbers. Where funding is available, counties should invest in digital signage that displays courtroom names, numbers, case types to be heard, and docket lists showing which cases are in each courtroom. Courts should consider placing signage on the floor directing users from security checkpoints to high-volume courtrooms, such as traffic or district court. Signage should also be posted outside each courtroom instructing individuals when to enter and what to do upon entry.

## RECOMMENDATIONS

The Committee recommends that local judicial officials in each district explore these options to support transportation to court, implement strategies that are practical for their communities, and advertise solutions to the public. Advertisement can be done through court date reminder messages, palm cards, posters, and related tools discussed in this Report. To the extent funding is required to implement these strategies, the Committee recommends local leaders explore funding from non-profit and charitable organizations, counties, and municipalities.



The Committee also recommends that each district's local justice system leaders, in partnership with the Board of County Commissioners, evaluate their courthouse(s) with respect to the above outlined best practices and implement needed changes and updates.

<sup>122</sup> National Center for State Courts. "Courthouse Planning & Security." <https://www.ncsc.org/resources-courts/technology/courthouse-planning-security>.

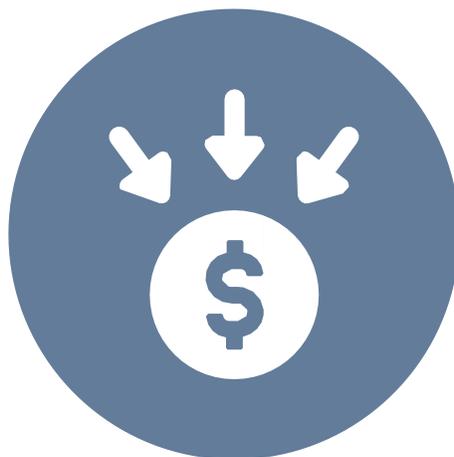
<sup>123</sup> First National Realty Partners. "What is a Parking Ratio & How to Calculate It for Commercial Real Estate?"; (2021). <https://fnrpusa.com/blog/parking-ratios/>.

<sup>124</sup> American Disabilities Act. (n.d.). "Accessible Parking Spaces". <https://www.ada.gov/topics/parking/>.

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE COURT APPEARANCE CONTINUED

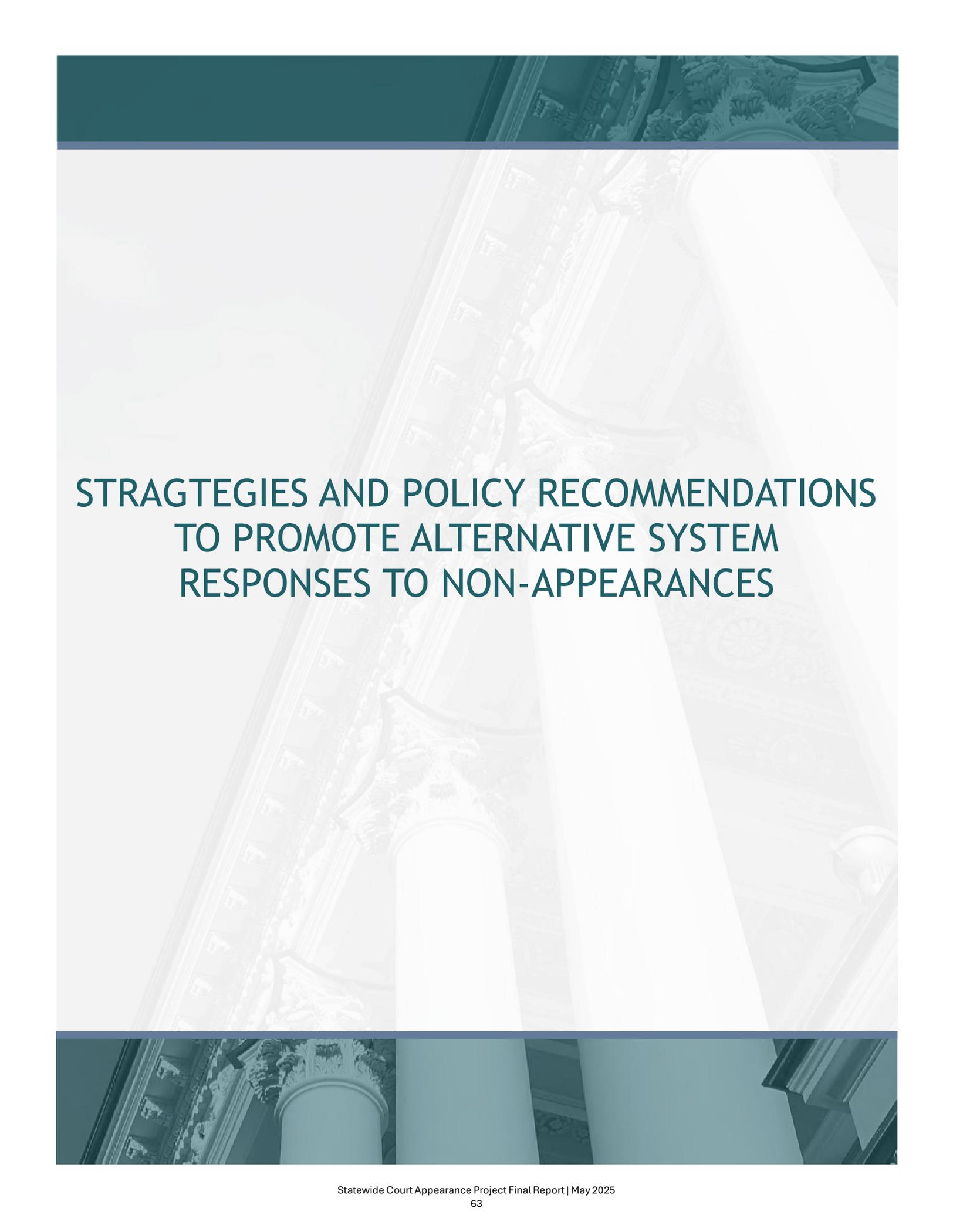
Special attention to these considerations should be given when a new courthouse is constructed or renovated. At that time, the Committee recommends that county governments review the NCSC's best practice resources and planning guides.<sup>125</sup>

Finally, the Committee recommends that county governments consider multiple funding sources to finance courthouse renovations aimed at increasing court appearance, especially those funding strategies highlighted by the NCSC.<sup>126</sup>



<sup>125</sup> National Center for State Courts. (n.d.). "The Courthouse: A Guide to Planning & Design." <https://cdm16501.contentdm.oclc.org/digital/collection/facilities/id/74>.

<sup>126</sup> National Center for State Courts. "Financing Court Facility Construction." <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/1/rec/1>.



# STRATEGIES AND POLICY RECOMMENDATIONS TO PROMOTE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES

## STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES

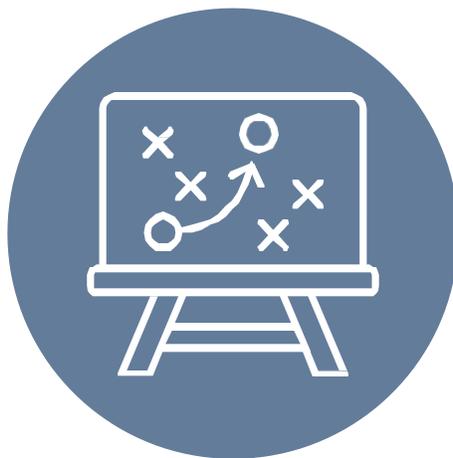
When people miss court, a common response is issuance of an Order for Arrest (OFA). While this is an appropriate response in some cases, other options exist to effectively respond to non-appearance in certain circumstances.

Alternative system responses to non-appearance can help to avoid unnecessary incarceration, minimize case delays, and ensure efficient and effective use of court, county, and law enforcement resources. The recommendations in this section are scalable statewide policy solutions aimed at improving system responses to missed appearances.

The Committee recognizes that these alternatives may not be feasible in all communities. The Committee encourages stakeholder consideration and collaboration at the local level to adapt policies as appropriate to meet the unique needs and circumstances of each jurisdiction.

The Committee's recommendations include the following:

1. Implement Alternatives to Immediate Issuance of OFAs.
2. Minimize Appearance Barriers from the Loss of Driver's License.
3. Implement Procedures for the Resolution of Outstanding OFAs without Arrest.





## STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

In addition to variation in the length of grace periods, there is variation among the states with respect to the charges for which grace periods apply. For example, Kansas<sup>128</sup> and New York<sup>129</sup> have a thirty-day grace period for all charges. In Michigan, however, the three-day grace period applies only to non-violent charges; for charges involving domestic violence and assaults, OFAs are issued immediately.<sup>130</sup> In Georgia, there are tiers for grace periods based on the severity of the charge and release condition. There, OFAs are issued at the end of the day for a non-appearance after bond release while people who FTA on a traffic citation for a misdemeanor have a thirty-day grace period.<sup>131</sup>

The Lab's Court Appearance Toolbox<sup>132</sup> provides the following guidance on implementing grace periods:

- **Determine criteria for application of the grace period.** Begin by setting the length of grace period, with specificity. For example, if the grace period is two days, the meaning of a “day” should be defined (e.g. business day). Next, decide which offenses and defendants are eligible for the grace period and if different offenses will have different grace periods. For example, a jurisdiction might opt for a longer grace period for low-level, non-impaired driving motor vehicle and other non-violent misdemeanor offenses; a shorter one for more serious misdemeanors; and no grace period for defendants who present a risk to community safety. Finally, decide if the grace period will be automatically applied, but with a judicial override, or if the judge must specifically order the grace period on a case-by-case basis.
- **Develop procedures.** Establish clear guidelines for handling cases during and after the end of the grace period, including steps to follow once a defendant appears.
- **Codify policy.** Once the criteria and procedures are finalized, issue an administrative order to implement the policy.
- **Implementation and adjustment as needed.** After implementation, assess the policy's impact by collecting data and tracking metrics, like the number of cases resolved during the grace period versus those requiring further enforcement. Use this information to identify trends and adjust the policy as necessary.

<sup>128</sup> Failure to appear; aggravated failure to appear, Kan. Stat. § 21-5915

[https://www.kslegislature.gov/li/b2023\\_24/statute/021\\_000\\_0000\\_chapter/021\\_059\\_0000\\_article/021\\_059\\_0015\\_section/021\\_059\\_0015\\_k/](https://www.kslegislature.gov/li/b2023_24/statute/021_000_0000_chapter/021_059_0000_article/021_059_0015_section/021_059_0015_k/).

<sup>129</sup> Failing to respond to an appearance ticket, NY Penal L § 215.58 <https://www.nysenate.gov/legislation/laws/PEN/215.58>.

<sup>130</sup> Failure to appear; rebuttable presumption for first failure; revocation of release order or forfeiture of bail; issuance of warrant; conditions and reasons, MI Comp. L § 764.3 <https://legislature.mi.gov/Laws/MCL?ObjectName=MCL-764-3>.

<sup>131</sup> Issuance of uniform traffic citation; failure to appear or dispose of charges; examination of driver's license at motor vehicle scene for organ donor designation, O.C.G.A. § 17-6-11; Execution hearing on failure of principal to appear; notice of judgment and writ of fieri facias, O.C.G.A. § 17-6-71. <https://law.justia.com/codes/georgia/title-17/chapter-6/>.

<sup>132</sup> Grace Periods for Arrest Orders after a Missed Appearance: Implementation Guide (UNC Criminal Justice Innovation Lab, September 2023). [https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Grace-Periods-Implementation-Guide\\_2023.9.15.pdf](https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Grace-Periods-Implementation-Guide_2023.9.15.pdf).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

## RECOMMENDATIONS

The Committee recommends a more nuanced and case-specific approach for issuance of OFAs following a missed appearance. Specifically, the Committee recommends changes to bail policies to introduce a decision-making framework for when an OFA is most appropriate and when a missed appearance might be excused. The Committee also recommends implementing a grace period between a missed appearance and an OFA.



### Implement Changes to Local Bail Policies

To promote more nuanced, case-specific responses to non-appearances, the Committee recommends that local bail policies contain language:

- considering whether a defendant’s non-appearance should be excused before an OFA is issued;
- creating a presumption that first missed appearances in low-level cases may not automatically result in an OFA;
- having judges set conditions when issuing OFAs; and
- fully preserving the exercise of judicial discretion.

Model bail policy language is provided below. It is adapted from a successful pilot project in Orange County, North Carolina. Optional language to be modified by each district is indicated in brackets and italics. Should jurisdictions wish to implement these procedures through a non-appearance bench card, resources are in the accompanying footnote, and the model language can be modified accordingly.<sup>133</sup>

As with all bail policy matters, the senior resident superior court judge should consult with the chief district court judge on local bail policy modifications.<sup>134</sup>

<sup>133</sup> Resources on non-appearance bench cards are available in the Lab’s Court Appearance Toolbox here: <https://courtappearance.cjil.sog.unc.edu/collection/reduce-unnecessary-orders-for-arrest-through-a-nonappearance-bench-card/>.

<sup>134</sup> N.C.G.S. 15A-535(a).

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

## Model Bail Policy Sample Language:

Before issuing an OFA for a non-appearance, the judicial official shall consider whether the non-appearance should be excused; if so, the judicial official shall reset the court date with notice to the defendant and counsel (if the defendant is represented). Appropriate grounds for excusing a non-appearance include but are not limited to: the defendant did not receive proper notice of the court date; the defendant is incarcerated; the defendant is physically unable to appear (e.g., admitted to a medical facility); the defendant previously was excused from appearing for the proceeding; the state is not prepared to proceed; *[add other reasons, if any]*.

In all matters before the court, the judicial official retains discretion, consistent with the law, to decide whether to issue an OFA for a non-appearance. However, for first unexcused absences in cases where the most serious offense is *[specify low-level charges here, e.g., charges or probation violations that are a non-DWI Class 1-3 misdemeanors or technical probation violations]*, the preferred resolution is resetting the court date with notice to the defendant and counsel (if the defendant is represented).

Judicial officials retain discretion, on appropriate evidence, to deviate from the preferred resolution.

In all cases where the judicial official issues an OFA for a non-appearance, the judicial official shall specify the conditions of release to be imposed at the initial appearance; as allowed by law, those conditions include a written promise, custody release, unsecured bond, or secured bond with or without house arrest and electronic monitoring. This procedure ensures that the judicial official makes the determination of the appropriate conditions of release and avoids bond doubling in cases where the official determines that result is not appropriate.

## Adopt Administrative Orders

To promote implementation of the bail policy provisions described above, the Committee recommends that each Chief District Court Judge adopt an administrative order providing:

Absent specific instructions to the contrary from the presiding judge, the clerk shall not issue an order for arrest for a defendant's first missed appearance in a case where the most serious offense is *[specify the same low-level charges here that are specified in the bail policy above]*; the clerk shall instead reset the court date with notice to the defendant and counsel (if the defendant is represented).

## Implement Grace Periods

The Committee recommends that judicial officials in each district develop policies to allow judicial discretion for setting grace periods of at least, but not limited to, two business days before issuing an OFA for a missed court appearance, particularly for low-level misdemeanors and traffic offenses.

Following the guidelines set forth in the Background section above, policies should account for special considerations, such as cases scheduled for trial and the need for discretion based on the nature of the offense (domestic violence, serious offenses, violent felonies, etc.).

The Committee recommends against enacting a grace period for more serious offenses or cases scheduled for trial.

## Implement Training

To promote adoption of these recommendations, the Committee recommends that the NCAOC ensure that appropriate training is included in District Court Judges' conferences and events, including through coordination with the North Carolina Judicial College.

## MINIMIZE APPEARANCE BARRIERS FROM LOSS OF A DRIVER'S LICENSE

### BACKGROUND

Charges of Driving While License Revoked (DWLR) for a Non-Impaired Revocation have the highest rate of non-appearance statewide, as discussed in the Data Findings section of this report. Therefore, strategies to reduce the number of suspended licenses, and to restore revoked licenses, could result in fewer missed appearances systemwide.

Under North Carolina law, if a person fails to return to court within twenty days of an FTA in a motor vehicle case, the court must notify the North Carolina Division of Motor Vehicles (DMV),<sup>135</sup> and the DMV must suspend the person's driver's license after sixty days. The suspension remains in effect until the defendant reappears or the case is resolved, as well as satisfying monetary obligations to the court, paying the \$200 FTA fee in criminal cases,<sup>136</sup> and \$133.50 in fees to the DMV.<sup>137,138</sup> The law also calls for driver's licenses to be automatically suspended if an individual has not resolved court debt resulting from a traffic offense within forty days.<sup>139</sup> The combined effect of these laws is that some people are unable to have their licenses reinstated, making it even more difficult to return to court, potentially resulting in further missed appearances.

 **ACCORDING TO THE DMV, AS OF NOVEMBER 2024, 1,214,940 PEOPLE HAD ACTIVE LICENSE SUSPENSIONS SOLELY FOR FTA.**<sup>140</sup> Driver's license suspensions disproportionately impact people who have limited financial resources and are unable to pay court-ordered monetary obligations and costs imposed by the DMV for license revocation and reinstatement. The impact of limited financial resources and non-appearances is exacerbated for those in rural areas who do not have access to transportation alternatives such as public transit.

License suspensions also impact the state economy. In Arizona, the Phoenix Driver's License Reinstatement Program reinstated licenses for approximately 8,000 drivers who signed up for income-adjusted payment plans. Prior to reinstatement, over 60% of drivers who participated in the program worked fewer hours and almost 50% could not find a job because they did not have a driver's license. Program participants reported a median lost income of more than \$35,000. During the nine-month study period following reinstatement, an estimated \$87 million in labor income and \$149.6 million in Gross Domestic Product were contributed to the economy.<sup>141</sup>

 **NORTH CAROLINA DRIVER'S LICENSE SUSPENSIONS RESULT IN AN ESTIMATED STATEWIDE EARNINGS LOSS OF BETWEEN \$6.5 BILLION AND \$8.8 BILLION ONE YEAR AFTER REVOCATION**<sup>142</sup> and create significant barriers to future court appearances, maintaining stable employment, honoring family obligations, and obtaining medical assistance. Implementing policies to reduce license suspensions and support existing restoration efforts after suspension can reduce these barriers and improve court appearance rates.

<sup>135</sup> N.C.G.S. 20-24.2(a)(1).

<sup>136</sup> N.C.G.S. 7A-304(a)(6).

<sup>137</sup> N.C.G.S. 20-24.1.

<sup>138</sup> North Carolina Department of Motor Vehicles. (2024, October). *Driver License Restoration*. <https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/driver-license-restoration.aspx>.

<sup>139</sup> N.C.G.S. 20-24.2(a)(2).

<sup>140</sup> Department of Motor Vehicles Data Extract received November 26, 2024. The DMV also reported that an additional 412,053 drivers had active suspensions solely for failure to comply (FTC) and another 577,103 had suspensions for having a record of both FTA and FTC.

<sup>141</sup> The City of Phoenix Municipal Courts Compliance Assistant Program, "2016 An Economic Assessment Final Report". (2017). <https://finesandfeesjusticecenter.org/content/uploads/2018/11/Phoenix-license-restoration-pilot-THE-CITY-OF-PHOENIX-MUNICIPAL-COURT%E2%80%99S-COMPLIANCE-ASSISTANCE-PROGRAM.pdf>

<sup>142</sup> Estimating Earnings Impact of Driver's License Revocations in North Carolina (UNC Criminal Justice Innovation Lab, May 2024), <https://cjlil.sog.unc.edu/wp-content/uploads/2024/05/Earnings-Impact-of-License-Revocations-2024.5.7-v.2.pdf>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

Research demonstrates that driver's license revocations are largely ineffective in deterring further driving. Approximately 75% of those with a suspended license<sup>143</sup> continue to drive, suggesting that suspensions have limited utility in compelling court appearance, while also increasing the risk of future charges for driving with a suspended license. This leads to a revolving door of justice involvement, where people feel forced to drive with a suspended license over losing their jobs, leading to repeat charges and further fines and fees that can accumulate beyond their ability to pay.

Finally, revoking driver's licenses may also be an ineffective method of increasing payment rates of court costs. A 2022 analysis of a policy in Tennessee that paused revocations for unpaid court debt for three years found no statistically significant change in court debt collection rates when revocations were prohibited compared to when they were permitted.<sup>144</sup>

 Furthermore, **IN NORTH CAROLINA, THE AVERAGE LENGTH OF DRIVER'S LICENSE SUSPENSION FOR UNPAID COURT FINES AND FEES IS ABOUT 8.5 YEARS, AND SOME COUNTIES HAVE A MEDIAN LENGTH OF UP TO NINETEEN YEARS.**<sup>145</sup> These long suspension times highlight the difficulty for many people in affording to have their licenses reinstated. The median suspension time of nineteen years in some counties also means the state has not received court fines and fees for almost two decades in those cases. More information on the relationship between an individual's ability to pay and court appearance is in the Address Ability to Pay Considerations section of this Report.

## RECOMMENDATIONS

Reducing the number of driver's licenses that are suspended for FTA and restoring licenses that have already been suspended can reduce transportation barriers to getting to court for future hearings. The Committee recommends changes to the process of revoking licenses for FTA and lending support for existing driver's license restoration efforts.



### Increase Time before License Revocation

To afford individuals additional time to remedy a missed appearance before their license is revoked, the Committee recommends the North Carolina General Assembly amend G.S. 20-24.2(a)(1) to lengthen the period between an FTA and the court's notice to the DMV of the FTA, from twenty to thirty days. The Committee also recommends the General Assembly amend G.S. 20-24.1(a) to lengthen the period between the DMV's receipt of this notice and license revocation, from two months to six months.

### Reduce FTA Fee and Make Adjustments for Those on Payment Plans

Compliance and rate of payment increase when fines and fees are set at a rate people can afford, and as such, the Committee recommends reducing the FTA fee from \$200 to \$100. One study found that only about 25% of people pay in full when their fines and fees are \$500 or more, but that payment rates increase to 70% when fines and fees are \$100 or less.<sup>146</sup> Decreasing the FTA fee in North Carolina could ultimately increase the amount collected, benefiting both taxpayers and defendants.

Additionally, the Committee encourages local officials to make people more aware of the form AOC-CR-415 (Request for Relief from Fines, Fees, and Other Monetary Obligations, and Order on Request) and the associated Guide and File interview, discussed in the Address Ability to Pay Considerations section of this report.

Regardless of the amount of the FTA fee, the Committee recommends that legislation be enacted to carve out an exception prohibiting license revocation when the defendant signs up for, and complies with, an income-adjusted payment plan.

<sup>143</sup> Crozier, W.E., & Garrett, B.L. "Driven to failure: An empirical analysis of driver's license suspension in North Carolina". *Duke Law Journal*, 69(8), 1585-1641. <https://scholarship.law.duke.edu/dlj/vol69/iss7/4/>.

<sup>144</sup> "Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections." (n.d.). <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>.

<sup>145</sup> North Carolina Equal Access to Justice Commission. "When debt takes the wheel: Why suspending the driver's licenses of North Carolinians for unpaid traffic court fines and fees is unjust and counterproductive". (2020). ArcGIS StoryMaps. <https://storymaps.arcgis.com/stories/8c48ba140a7a496b98fa916c08467f24>.

<sup>146</sup> Report to the Legislature: Online Infraction Adjudication and Ability-to-Pay Determinations - Fines and Fees Justice Center. (2023). Fines and Fees Justice Center. <https://finesandfeesjusticecenter.org/articles/report-to-the-legislature-online-infraction-adjudication-and-ability-to-pay-determinations/>.

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

## **Support Driver's License Restoration Programs**

The Committee recommends a robust expansion of driver's license restoration efforts. Currently, the North Carolina Pro Bono Resource Center operates the Driver's License Restoration Project, affording district attorneys the opportunity to engage in statutorily authorized<sup>147</sup> mass relief of fines and fees for individuals with license suspensions solely due to failure to pay court-related debt. In addition to debt remittance, this project also assists defendants with restoring their driving privileges once they receive debt relief. As of late 2024, approximately 56,000 people have received assistance through this project across 22 counties.<sup>148</sup>

The Committee recommends that the Pro Bono Resource Center expand its current relief efforts to include those whose licenses are suspended for FTA, and that District Attorneys engage the Pro Bono Resource Center to undertake this level of relief for FTA-related suspensions.

<sup>147</sup> N.C.G.S. 15A-1363.

<sup>148</sup> Comments of Jennifer Lechner, Executive Director, NC Equal Access to Justice Commission, presentation to the Committee on November 19, 2024.

## IMPLEMENT PROCEDURES FOR THE RESOLUTION OF OUTSTANDING OFAS WITHOUT ARREST

### BACKGROUND

People miss court for many reasons, including some that may be outside of their control. For example, a person may miss court due to hospitalization, a family emergency, inability to be excused from work or school, a lack of available child or dependent care, or being detained in another county.

 **ALLOWING DEFENDANTS THE OPPORTUNITY TO RESOLVE AN OFA FOR A MISSED COURT APPEARANCE WITHOUT ARREST CAN SAVE COURT, COUNTY, AND LAW ENFORCEMENT RESOURCES.** Authorizing judicial officials other than a judge to recall OFAs and implementing “strike order courts” expands opportunities for defendants to resolve OFAs without arrest.

### Recall of OFAs by Magistrates and Clerks

G.S. 15A-301(g)(2) provides, in part, that “[a]ny criminal process other than a warrant or criminal summons may be recalled for good cause *by any judicial official of the trial division in which it was issued*” [emphasis added].<sup>149</sup> The NCAOC Office of General Counsel advises that this statute permits magistrates to recall district court OFAs and clerks to recall superior and district court OFAs, if they have not yet been served.

At the request of the Committee, the NCAOC drafted and adopted two new forms to allow magistrates and clerks to recall OFAs in accordance with G.S. 15A-301(g)(2):

- form AOC-CR-414 (Order by Magistrate Recalling Order for Arrest for Failure to Appear); and
- form AOC-CR-416 (Order by Clerk Recalling Order for Arrest for Failure to Appear).

G.S. 15A-301(g) provides, in part, that an unserved criminal process, other than a citation, can be “recalled by a judicial official or by a person authorized to act on behalf of a judicial official” [emphasis added].<sup>150</sup> As such, the NCAOC authorizes the use of these forms only in judicial districts where an administrative order is on file with the Office of General Counsel permitting their use. At a minimum, this administrative order must:

- **Specify when magistrates and clerks may recall OFAs.** To avoid conflicts that may arise from undermining judicial discretion, the administrative order must clearly outline the case types and under what circumstances magistrates and clerks may act as the recalling official.
- **Outline the procedure for scheduling the next court date.** If the recall is performed by the clerk, the court date should be rescheduled at the time of recall. If the recall is performed by a magistrate, the form should be sent to the clerk’s office for rescheduling.
- **Outline the procedure for striking the underlying FTA.** While a clerk or magistrate can recall OFAs as prescribed above, only a judge may strike the underlying FTA. At the next scheduled hearing date, the clerk (or other court official as specified in the order) should present form AOC-CR-408 (Order Striking Failure to Appear) to the judge for signature to strike the underlying FTA, thereby reversing the FTA fee and avoiding any statutory notification to the DMV. The NCAOC Office of General Counsel advises that any “Called and Failed” event recorded for the case need not be stricken because it does not trigger any other actions.

<sup>149</sup> N.C.G.S. 15A-301.

<sup>150</sup> *Id.*

# STRATEGIES AND POLICY RECOMMENDATIONS TO PROVIDE ALTERNATIVE SYSTEM RESPONSES TO NON-APPEARANCES CONTINUED

## Strike Order Court for Missed Appearances

Strike order courts, sometimes called warrant resolution courts in other jurisdictions, allow individuals to seek a recall for an OFA that was issued because of a missed court date and to have their case rescheduled. These courts help individuals avoid arrest or detention and can assist them in retaining or restoring their driving privileges, while providing increased court efficiency.

## RECOMMENDATIONS

Allowing defendants who have missed court the opportunity to resolve their missed appearance without arrest results in better outcomes for the individual and saves court, county, and law enforcement resources. The Committee recommends implementing procedures allowing for the recall of unserved OFAs by judicial officials other than judges and to implement strike order courts.



## Allow Magistrates and Clerks to Recall OFAs in Appropriate Circumstances

The Committee recommends that all districts draft and adopt an administrative order permitting magistrates and clerks to recall OFAs for FTA in accordance with G.S. 15A-301(g)(2).

While each district should determine the cases and circumstances in which magistrates and clerks may act as the recalling official, the Committee strongly recommends that, at a minimum, this order permit magistrates and clerks to recall OFAs for FTA in non-impaired driving and other vehicle misdemeanor cases when it is the defendant's first FTA.

To facilitate the promulgation of these administrative orders, the Committee also recommends that the NCAOC draft model language that guides magistrates and clerks on when they are authorized to recall an OFA through the use of forms AOC-CR-414 and AOC-CR-416. This model should include a suggested list of both acceptable reasons and required documentation, while allowing for judicial discretion.

## Implement Strike Order Courts

The Committee recommends that all districts consider implementing a strike order court in their jurisdiction, based on the volume of OFAs in that district. Districts should follow the implementation steps set forth below.<sup>151</sup>

- **Establish a team of stakeholders.** Identify and include all impacted stakeholders, such as clerks of court, judges, prosecutors, and defense attorneys.
- **Assess space and staff capacity.** This will determine how frequently a district can hold strike order court (e.g., weekly, monthly, etc.). Decide who will staff hearings, where hearings will take place, and who will oversee general operations.
- **Decide on criteria.** Determine eligibility criteria and establish presumed outcomes and exceptions.
- **Codify the policy.** Adopt an administrative order formalizing criteria, staffing, and scheduling.
- **Training.** Train all relevant personnel on the new procedures and have a plan to train new hires as they come on board.
- **Notify the community.** Develop a plan to tell the public about the new strike order court. Training for the defense bar, social media posts, local news stories, and distribution of printed materials in the courthouse may be helpful communication strategies.
- **Hold hearings and adjust if needed.** Feedback from court users and stakeholders can point to areas for improvement. Data collection can help determine the policy's impact.

<sup>151</sup> UNC School of Government, "Strike Order Court for Missed Appearances: Implementation Guide". [https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Strike-Order-Court-Implementation-Guide\\_2023.9.14-1.pdf](https://courtappearance.cjil.sog.unc.edu/wp-content/uploads/2023/10/Strike-Order-Court-Implementation-Guide_2023.9.14-1.pdf).



# CONCLUSION

# CONCLUSION

The Committee's recommendations hold great promise to improve court appearance rates, promote court efficiency, yield savings to state and local law enforcement and county jails, and avoid unnecessary incarceration and loss of driver's licenses, all while protecting public safety. The Committee's common-sense recommendations are supported by data and evidence and have the unanimous support of all Committee members.



# APPENDIX A: THE PUBLIC ASSESSMENT (PSA)

The PSA uses a set of nine factors that have been tested for predictiveness and can be determined from court and criminal history records.<sup>152</sup> They are:

1. the person's age at the time of arrest,
2. whether the current offense is a violent one,
3. whether the person has pending charges at the time of arrest,
4. whether the person has a prior misdemeanor conviction,
5. whether the person has a prior felony conviction,
6. whether the person has a prior violent conviction,
7. whether the person has a prior failure to appear in the past two years,
8. whether the person has a prior FTA older than two years, and
9. whether the person has previously been sentenced to incarceration.

Points are assigned to the factors to produce a raw score, which then is converted into a six-point scaled risk score for failure to appear and new criminal arrest.<sup>153</sup> The PSA also assigns a “flag” if the person is at risk of arrest for a violent crime.<sup>154</sup>

Risk assessment scores are used in conjunction with locally created tables or matrices that recommend pretrial supervision levels. In the tables and matrices, supervision levels increase in intensity as risk scores increase (Figure A1). The number and nature of supervision levels depends on resources available for those purposes in the local community.



<sup>152</sup> Advancing Pretrial Policy & Research. (July 2023). *How the PSA Works* | Advancing Pretrial Policy & Research (APPR). <https://advancingpretrial.org/psa/factors/>.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

# APPENDIX A: THE PUBLIC ASSESSMENT (PSA) CONTINUED

**Figure A1: Sample Supervision Matrix, with Service Levels<sup>155</sup>**

Failure to Appear (FTA) Scaled Score	New Criminal Arrest (NCA) Scaled Score					
	1 91% Likely Arrest-Free	2 85% Likely Arrest-Free	3 78% Likely Arrest-Free	4 68% Likely Arrest-Free	5 55% Likely Arrest-Free	6 47% Likely Arrest-Free
<b>1</b> 89% Likely to Appear	Release Level 1	Release Level 1				
<b>2</b> 85% Likely to Appear	Release Level 1	Release Level 1	Release Level 1	Release Level 1	Release Level 2	
<b>3</b> 81% Likely to Appear		Release Level 1	Release Level 1	Release Level 1	Release Level 2	Release Level 3
<b>4</b> 73% Likely to Appear		Release Level 1	Release Level 1	Release Level 1	Release Level 2	Release Level 3
<b>5</b> 69% Likely to Appear		Release Level 2	Release Level 2	Release Level 2	Release Level 2	Release Level 3
<b>6</b> 65% Likely to Appear				Release Level 3	Release Level 3	Release Level 3

Release Activities and Conditions	Pretrial Release Level		
	1	2	3
Mandatory Statutory Conditions	Yes	Yes	Yes
Court Date Notifications	Yes	Yes	Yes
Criminal History Checks Once per Month		Yes	Yes
Check-in Once per Month			Yes
Other Case-Specific Conditions			If court-ordered

<sup>155</sup> Advancing Pretrial Policy & Research. (April 2021). *Release Conditions Matrix* | Advancing Pretrial Policy & Research (APPR). <https://advancingpretrial.org/psa/factors/release-conditions-matrix/>.

## APPENDIX B: FORM RECOMMENDATIONS

### North Carolina: Suggested Citation Improvements<sup>156</sup>

The North Carolina Uniform Citation is already a solid example of a straightforward, clear format. To enhance both appearance and compliance rates, applying behavioral science principles will improve attention, clarity, impact of consequences of inaction, as well as allow for the delivery of reminders. Below are a few general recommendations to improve effectiveness.

1. **INCORPORATE A PHONE NUMBER FIELD:** To ensure court reminders are sent, officers will need to collect phone numbers. This requires adding a dedicated phone number field to the citation form.

**PLACEMENT AND SPACE OPTIMIZATION:** The phone number field can be added within the demographic information. To make room, consider removing less critical fields such as “Age” (date of birth is already collected) or “SSN” (if rarely collected). Regardless, a simple realignment of the existing layout will make space for the new field. To further encourage officers to collect this information, the phone number box could be highlighted in red or another color, making it visually prominent and helping officers to remember to ask for it.

2. **MAKING CONSEQUENCES SALIENT:** Understanding the serious consequences of nonappearance serves as a powerful motivator, as people act to avoid negative outcomes.
  - a. **STRATEGICALLY POSITIONING FOR MAXIMUM ATTENTION AND IMPACT:** Studies show that people focus more on content placed at the top of a document. By positioning both the court date and the consequences of noncompliance prominently at the top, we leverage this natural behavior. This increases visibility and ensures that recipients are immediately aware of the serious consequences of nonappearance.
  - b. **FORMATTING TO BOOST SALIENCE:** To heighten the perceived importance of the consequences, we recommend using formatting tools such as bold, shading, or highlighting to make this section stand out. This draws the reader’s attention immediately to the critical information, leveraging the behavioral principle that visually distinctive elements are more likely to be noticed and remembered (see the Design Example below for one possible version of how this could look).
  - c. **SIMPLIFY AND STREAMLINE:** Behavioral science shows that concise, clear messages are more likely to be understood and acted upon. The current detailed explanation of penalties, especially distinguishing between cases with and without a cash bond, can overwhelm the reader. We suggest simplifying the language, focusing on the most salient consequences. For example, a streamlined message such as “You must appear in court to avoid an arrest warrant, license revocation, additional fees, and other penalties” captures the critical information in a direct and digestible format. This approach reduces cognitive load and makes the threat of consequences more immediate and easier to internalize.

<sup>156</sup> The information in this appendix was provided to the Committee by Ideas42.

## APPENDIX B: FORM RECOMMENDATIONS CONTINUED

3. **MAKE REQUIRED ACTIONS CLEARER:** Currently, the citation includes a blank field for “Appear in Court” and directions further down identifying when one may not need to appear. Understanding one’s obligations requires careful attention to the entire citation, something that most people are unlikely to do.
  - a) **ENHANCE CLARITY:** For those who are required to appear in court, make that requirement more explicit. This can be done in many ways, but one approach is to rename the existing field to “Must Appear in Court” and include a “Yes/No” within for the officer to circle. This simple change can enhance clarity and ensure that people understand the consequences of their actions.
  - b) **BEHAVIORALLY GROUNDED INSTRUCTIONS:** The explanatory section below can further explain the “Yes/No” courses with clear, actionable guidance. For “When “Yes” is circled, you **MUST** appear in court. Go to court to avoid a warrant, suspended license, additional fees, and other penalties. When “No” is circled, you may pay the amount due without a court appearance at [OnlineServices.NCCourts.org](https://www.nccourts.org). If you do not resolve the offense online before your court date, you **MUST** appear in court.”

These suggestions are grounded in evidence-based principles that have been proven to decrease nonappearance.<sup>157</sup><sup>158</sup> The same principles should be applied to additional high-volume court forms such as the Criminal Summons and Conditions of Release. Importantly, any form redesign can be tailored to focus on the most essential categories, or it can be more comprehensive, incorporating additional elements to increase attention and follow-through.

To ensure that the new citation works effectively for all stakeholders—including law enforcement agencies, clerks, judges, and prosecutors—it’s crucial to gather feedback from each group. This feedback will help identify areas where further adjustments can streamline the process and improve efficiency for everyone involved.

Lastly, providing training for law enforcement on the new citation format, the importance of phone number collection and how to request phone numbers will be vital to uptake and significantly broaden the reach of reminders.



<sup>157</sup> Ideas42, “Using Behavioral Science to Improve Criminal Justice Outcomes”, (2018). <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>.

<sup>158</sup> Alissa Fishbane et al., “Behavioral nudges reduce failure to appear for court.” *Science* 370, eabb6591 (2020). [DOI:10.1126/science.abb6591](https://doi.org/10.1126/science.abb6591).

# APPENDIX B: FORM RECOMMENDATIONS CONTINUED

## Design Example: Salient Consequences Section

**ACT BY THIS DATE TO AVOID A  
WARRANT OR ADDED FEES**

## Current North Carolina Citation:

NORTH CAROLINA UNIFORM CITATION - DEFENDANT'S COPY - Side One												
STATE OF NORTH CAROLINA			County District Court				Citation No. _____					
TO THE DEFENDANT NAMED BELOW: You have been charged with the misdemeanor(s) or infraction(s) specified below. Read this Citation carefully.												
YOUR COURT DATE AND LOCATION												
Court Day Of Week	Date	Appear In Court			Court Location							
<small>[Interpreter information not included on this copy]</small>												
THE STATE OF NORTH CAROLINA VS.												
Name Of Defendant			Address					City		State		Zip
Drivers License No.	State	Source	CDL	Class	Race	Sex	Date Of Birth	Age	Social Security No.			
WHAT YOU ARE CHARGED WITH												
See Side Two for the charge(s) against you in this Citation.												
YOUR VEHICLE												
Vehicle License No.	State	Trailer Type	CMV	Vehicle Type			Make	Year	Haz. Mat.			
OTHER INFORMATION												
Area		Weather		Visibility			Traffic		Accident	Speed		
<input type="checkbox"/> Injury or Serious Injury		SHP Code		On Highway No./Street								
<input type="checkbox"/> Passenger(s) Under 18		In Vicinity/City Of										
										At/Near Intersection		
CHARGING OFFICER INFORMATION												
Date	Signature Of Officer			No.	Law Enforcement Agency				Troop/Squad	District/Zone		
IMPORTANT NOTICE												
<p><b>You must appear in District Court</b> on the court date, time, and location shown above. If this is a speeding offense, you may be able to dispose of it <b>online</b> without appearing in court at <a href="https://www.nccourts.org">OnlineServices.NCCourts.org</a>, but if you do not dispose of the offense online prior to your court date, you must appear in court. Spoken language court interpreters for any party, victim, or witness are provided for all court proceedings at no cost.</p> <ol style="list-style-type: none"> <li>1. If you fail to appear and you did not post a cash bond, criminal process may be issued against you and <b>you may be arrested</b> for your failure to appear, <b>your drivers license may be revoked</b>, and <b>certain fees</b> may be assessed <b>along with</b> all other costs.</li> <li>2. If you fail to appear and you did post a cash bond, criminal process may be issued against you and <b>you may be arrested</b> for your failure to appear, <b>certain fees</b> may be assessed <b>along with</b> all other costs, the cash bond will be forfeited and your failure to appear will be treated as a conviction resulting in points against your driving and insurance records or possible license revocation, and the forfeiture of your cash bond will not dispose of the charge(s) against you in court.</li> <li>3. If you have any questions regarding your legal rights and obligations, consult a licensed attorney.</li> </ol>												
(Over)												
<small>AOC-CR-500 (eCitation), Rev. 7/24 © 2024 Administrative Office of the Courts</small>												

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