

MEMO: TO THE JOINT JUSTICE OVERSIGHT COMMITTEE

From: Tari Scott, Chief of Trial Court Operations, Vermont Judiciary

RE: Potential Initiatives for Reducing the Risk of Non- Appearance of Court Proceedings

What we know now: When a defendant receives a citation to appear in court, they are typically required to appear approximately six to eight weeks from the date of the citation. In conducting a random survey of medium sized courts, it was reported that on average, 4-6 defendants (out of approximately 30-60 scheduled defendants) fail to appear for their hearing at the cited date and time.

Due to many factors, a number of defendants fail to appear for their initial court hearings. Some of these factors include:

- Substance abuse issues
- Mental Health issues
- Lack of transportation
- Lack of housing
- Lack of social support systems
- Lost or misplaced citation

Other hearings that occur when a defendant may fail to appear might include:

- Calendar calls
- Pre-trial hearings
- Jury draws

At the time of these additional appearances, most of the defendants are represented by Public Defenders or private counsel. The attorneys receive notice of the court hearings and inform their clients of the court date and time. Pro-Se defendants receive court hearing notices by mail for calendar calls, pre-trial hearings and jury draws.

The current process of acquiring essential information to contact defendants:

- Currently, the arresting law enforcement agencies collect information from the defendant at the time of arrest and file a

document called the Arrest Custody Sheet. These sheets are created by the individual Law Enforcement Agencies, so while they all collect most of the same information, they are not standardized and may collect different information. (see attached Arrest Custody Sheet from Springfield PD.)

What would be needed to supplement the current notice and further notify defendants of their pending court hearings:

- In order to utilize an automated message system for notifying defendants of their pending court hearings, the court would need to have accurate and up to date cell phone numbers added to all arrest custody sheets. It would be incumbent on the arresting officer to collect this information. Defendants would need to be in an area with cell phone coverage. Defendants would need to notify the courts with ANY changes to their cell phone numbers. Defendants with landlines would not be able to receive text message reminders.
- We note that information from the National Center for State Courts indicates that other states and jurisdictions have utilized other means of notification that include mailed letters or post cards, telephone calls (live caller), and telephone calls, (automated calls). These systems all require additional costs and resources to implement.

As previously reported to the committee, the ability to notify parties via email or text messaging will be available in the Judiciary's Next Generation Case Management System (NG-CMS). Our NG-CMS initiative, in which we are implementing Tyler Technologies Odyssey Court Case Management System, is underway and the first phases of our geographically-based rollout will occur in 2019. In the meantime, the Judiciary has explored the possibility of providing an automated process to send text messages to specific defendants on the day before their hearing to remind them of the date and time of their court hearing and determined that it is technically feasible. Requirements to deliver this interim solution include:

- Establishing a relationship with a third-party automated text messaging provider.
- Development of a custom WEB API to perform texting and associated database setup and configuration.
- Modification of our legacy case management system, VTADS.
- Establishment of a mobile phone number collection and update frequency plan.

Financial Impact of providing a text messaging service to defendants:

- For the above identified requirements, the cost for implementing is expected to be approximately \$48,000 - \$50,000. Ongoing costs of the system include:
 - \$0.0075 per text
 - Software licensing costs of \$2750/year.
 - The cost of one FTE to be added to our centrally based Information Center to manage the program, \$50,700/year.

Risks that may occur if text based notification of defendants is piloted:

- Fees for receiving the text message may be charged to the defendants, depending on their cell phone plans.
- Dependence this notification in areas with spotty cell service may be problematic.
- Incorrectly reported or collected mobile phone numbers will drive nuisance texts and result in complaint calls to the courts.
- Pilot would distract Judiciary technical and operations teams from our NG-CMS initiative and increase risk of that effort.

In conclusion, while the Judiciary understands that texting additional hearing notifications to defendants may in some cases reduce the numbers of failures to appear for court hearings, we would recommend, that due to our current lack of staff and financial resources and the intensive work we are currently undertaking for the success of our NG-CMS, we should wait until the first rollout of the NG-CMS before attempting to pilot this project.

