



Removing Barriers to Pretrial Appearance

Lessons Learned from Tulsa County, Oklahoma, and Hennepin County, Minnesota

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The United States has approximately 3,300 jails that, on average, hold more than 700,000 people on a given day and admit nearly 11 million people a year—a number that has nearly doubled since 1978 (Zeng 2020).¹ Moreover, jail incarceration rates are higher for communities of color: in 2018, Black people were held in jail at a rate of 592 per 100,000 US residents and American Indian/Alaska Native people at a rate of 401 per 100,000 US residents, whereas white people were held in jail at a rate of 187 per 100,000 US residents (Zeng 2020). In addition, roughly 75 percent of the nation’s jail population is awaiting trial at a given time, a population commonly referred to as the pretrial population.²

Along with longer pretrial jail stays, increased rates of pretrial detention have driven overall growth in the jail population nationwide and carry significant individual and systemic impacts for people of color, who are disproportionately affected by pretrial policies. Being detained for just three days can jeopardize a person’s employment and housing and stress their familial relationships, among other negative impacts.³ Research also indicates that pretrial detention is costly in other ways: it is associated with low-risk defendants being less likely to appear in court and more likely to commit new crimes (Heaton, Mayson, and Stevenson 2017; Lowenkamp, Van Nostrand, and Holsinger 2013); it is also fiscally expensive to hold people in jail even for a few days.⁴ As such, jurisdictions across the country are working to reduce their jail populations (particularly their pretrial populations) and address racial disparities by issuing court reminders, pursuing bail reform, reducing unnecessary arrests and bookings into jail, and applying pretrial risk assessments (among other alternatives).

This case study, part of a series highlighting work supported by the Safety and Justice Challenge Innovation Fund, examines the experiences of Tulsa County, Oklahoma, and Hennepin County, Minnesota, which implemented strategies to reduce rates of failure to appear (FTA) in court and to reduce their respective jails' pretrial populations. The Tulsa County Public Defender's Office partnered with Uptrust, a California-based technology firm that builds software to help people navigate and successfully exit the criminal justice system, to implement a two-way text messaging app that reminds clients of upcoming court dates and reduces barriers to court appearance by connecting clients to an embedded social services case manager who helps them access services and assistance with basic needs such as transportation. The Minneapolis City Attorney's Office, the Hennepin County Public Defender's Office, and the Hennepin County Criminal Justice Coordinating Committee (CJCC) partnered with Hitch Health, a local health care technology company that connects patients with ride services to medical appointments, to implement Court Ride, which provides free rides to court and court-related appointments to defendants who lack reliable access to transportation.

This case study draws on regular communication between the Urban Institute and Tulsa and Hennepin Counties during the 18-month Innovation Fund implementation period (October 2018 to March 2020), analysis of program materials, administrative data, a survey of public defenders in Hennepin County, and a dozen interviews with public defenders, judges, community partners, and other stakeholders in both sites affiliated with Innovation Fund work.

BOX 1

The Safety and Justice Challenge's Innovation Fund

The John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge in 2015 to address the misuse and overuse of jails, a main driver of incarceration in America. In 2016, the foundation established the Innovation Fund to provide jurisdictions small grants to test ideas for safely reducing the US jail population while maintaining or enhancing public safety. Innovation Fund jurisdictions received small grant awards, technical assistance from the Urban Institute, and access to the Challenge's peer learning network. The initial Innovation Fund cohort included 20 competitively selected jurisdictions in 2017, and in June 2018, Urban added 12 sites through a second competition, to expand the breadth and variety of initiatives.

Factors Contributing to and Strategies to Reduce Failure to Appear

Targeting rates of failure to appear in court in local jurisdictions is key to reducing pretrial jail populations, especially because FTA can result in bench warrants and ultimately detention. Although the term "failure to appear" may imply intentional fleeing from court or a "failure" on a defendant's part,

the reality is usually far more innocuous. Factors contributing to FTA include lack of transportation, work conflicts, child care obligations, and people simply forgetting their court dates (Schnacke, Jones, and Wilderman 2012; Tomkins et al. 2012). Some of these factors can influence a person’s decision to appear—for example, one might consider the cost of appearing in court (and thereby missing work, having to arrange child care, etc.) to outweigh the cost of not appearing (Cooke et al. 2018). Vulnerable populations, including people experiencing homelessness, mental illness, or substance use disorders, particularly struggle to appear for their court dates and might benefit from interventions designed to reduce FTA.⁵

Failure to appear (that is, the missing of appointments) is not unique to the justice system, and other fields have found ways to address it. Health care providers have found effective methods—such as mailed appointment reminders, phone calls, and text messages—to address this issue without imposing sanctions on patients who miss appointments (Barron 1980). Similar strategies have been adapted for the justice system: jurisdictions across the United States attempting to reduce FTA rates primarily use court date notification and reminder programs, although court reminders have not yet been widely adopted (PJCC 2017). Such programs have varied in format and have taken different approaches to reminding people of court dates. For instance, Coconino County, Arizona, implemented a live-caller program in 2006 through which volunteers called defendants five to seven days before their scheduled appearances; the program reduced FTA rates by 19.5 percent (PJCC 2017). Multnomah County, Oregon, implemented the Court Appearance Notification System, which delivered defendants automated reminders via phone approximately three days before scheduled court dates and reduced the county’s FTA rate by 13 to 16 percent among people who were successfully contacted (Nice 2006). Nebraska fielded a pilot program in 2009 and 2010 to test postcard notifications and reduced its FTA rate from 12.6 to 8.3 percent by including language about sanctions for nonappearance (Tomkins et al. 2012). Studies have also shown that reminders that address behavioral barriers for nonappearance by including “plan-making” elements in messaging (what time a person should appear, whether they have arranged transportation, etc.) help reduce FTA rates (Cooke et al. 2018). Overall, substantive reminders that include plan-making elements and information on sanctions have proved effective for reducing FTA rates (Bornstein, Tomkins, and Neeley 2011).

Though the programs described above had success in reducing FTA rates, they tended to provide simple reminders and/or highlight the consequences of failing to appear. And although court date notification is the most commonly evaluated method of reducing FTA, jurisdictions are employing innovative strategies to address other barriers to appearance, such as lack of transportation, work conflicts, and child care needs. For example, in 2016 the Pima County Consolidated Justice Court in Tucson, Arizona, began offering extended evening and weekend hours and opportunities for defendants who miss their court dates to appear and quash their warrants (Bernal 2017). Like Hennepin and Tulsa Counties, it implemented the intervention as part of its work with the Safety and Justice Challenge.

Interventions to Address Barriers to Pretrial Appearance

In this section, we provide an overview of Tulsa County’s and Hennepin County’s interventions to reduce FTA rates in their communities.

Uptrust in Tulsa County

Tulsa County is located in northeastern Oklahoma and is the second-most-populous county in the state. Tulsa County Jail, which is operated by the Tulsa County Sheriff’s Office, can hold nearly 2,000 people (its reported capacity is 1,970). When it applied for an Innovation Fund grant in 2018, the county reported that the incarceration rate in the jail had increased approximately 43 percent in the previous two decades and had exceeded the national average since 2012.⁶ Roughly 14 percent of people detained in the jail were there for failing to appear, most of whom were not facing new charges. People incarcerated for FTA were detained for 15 days on average, resulting in nearly \$1.2 million in jail costs.

In 2017, Tulsa County enlisted the help of the Vera Institute of Justice to examine drivers of growth and overcrowding at its county jail, where the population increased by nearly 200 percent from 2016 to 2017 (Fishman et al. 2017). Vera found that a key driver was people jailed because of warrants (30 percent of jail admissions), particularly warrants for failure to pay fines and failure to appear in court, which accounted for 14 percent of the jail’s 26,000 admissions in 2017. One of Vera’s recommendations was to institute a court reminder system in the municipal and district courts and to examine the actual current rates, timing, and causes of FTA.

In response to this feedback, the Tulsa County Public Defender’s Office partnered with [Family & Children’s Services](#) (FCS), Oklahoma’s largest nonprofit community mental health center, to implement Uptrust, a two-way text messaging tool, to remind clients of upcoming court dates, facilitate transportation, and connect clients with an FCS case manager embedded in the Tulsa County Public Defender’s Office. Tulsa used the Innovation Fund both to facilitate the implementation of Uptrust and to hire a part-time FCS case manager who would work out of the public defender’s office to enroll clients in Uptrust, monitor Uptrust messages, and refer public defenders’ clients to services such as counseling, addiction recovery support, and psychiatric medication, as well as linkages to transportation, regardless of their ability to pay.

BOX 2

Uptrust

Having worked with public defenders’ offices since 2016, Uptrust (a California-based technology firm) “builds software to help people navigate and successfully exit the criminal justice system.” Per its [website](#), its mission is to “keep people out of jail who should not be there. We are focused on reducing incarceration and humanizing the experience of going through the justice system.” Uptrust, an app that enables two-way text messaging, allows public defense clients and others involved in the justice system to receive updates about court appearances and supervision appointments. The app also includes built-in data dashboards that can be tailored to local needs. As of October 2020, nearly 500 counties

nationwide were using Uptrust to help people navigate the justice system both pretrial and postconviction.

Before it implemented the Uptrust app, Tulsa County had a basic court reminder system that was rarely used to notify people via phone, text, or email about upcoming court dates. Further, public defenders did not record or track social service referrals. By implementing a program that reminds people of their court appearances and provides linkages to transportation and social services, Tulsa County aimed to reduce FTA and reduce the county jail's pretrial population by addressing underlying issues that may impact people's ability to appear in court.

Court Ride in Hennepin County

Hennepin County is the most populous county in Minnesota and contains the county seat of Minneapolis. Hennepin County Jail, also known as the Adult Detention Center, has 839 beds and a functional capacity of 755 beds across two buildings—the Public Safety Facility and City Hall—that are treated as one facility. The average daily count of people in custody in the jail was 705 in 2019, of which 82 percent were in custody for felonies, 6 percent for gross misdemeanors, 7 percent for misdemeanors, and 4 percent for probable cause. Further, on average in 2019, 61 percent of people in custody were Black, 29 percent were white, 8 percent were Native American, and 2 percent were Asian. The average length of stay was 17.7 days for felonies, 2.9 days for gross misdemeanors, and 1.9 days for misdemeanors.

In 2015, Hennepin County issued 17,000 warrants on low-level misdemeanor cases for defendants who failed to appear in court (Minneapolis City Attorney's Office 2017). One of the most common reasons cited for FTA was the defendant being unable to find or pay for transportation to court. Public defenders reported that their clients were not often able to access reliable transportation; public transportation costs in the Minneapolis–Saint Paul metropolitan area were an issue for clients, and courthouses in suburban areas of the county were inaccessible to many clients.

The Hennepin County Criminal Justice Coordinating Committee—a committee of local justice system stakeholders including members of law enforcement, prosecutors, public defenders, and public officials at the county and city levels—established the Adult Detention Initiative, which worked on reducing bench warrants and created a program to send email reminders to people with upcoming court dates. The Court Transportation Pilot, eventually named Court Ride, was an extension of those efforts to reduce FTA and bench warrants.

Court Ride provides eligible defendants free rides to and from court and court-related appointments through a partnership with [Hitch Health](#), a local partner company that focuses on improving transportation services for people served by Hennepin Healthcare (Hitch Health began as a mechanism to address the social determinants of health in historically disinvested communities). Hitch Health adapted its model to serve Hennepin County's criminal justice system by using data to contact

eligible defendants and coordinate free rides using Lyft. Before their appointment or court date, a defendant receives a text message prompting them to opt in to the program. After doing so, they receive another text asking whether they need a ride. If they indicate yes, a Lyft driver picks them up and drives them to their appointment or court date. When the defendant is finished, they text “Ready” and a Lyft driver picks them up from the original drop-off location and returns them to their original pickup location. Unlike app-based rideshare clients, defendants do not need a smartphone to access the service; any cell phone with texting capability is sufficient. Importantly, the project experienced critical challenges implementing this automated process and instead relied heavily on manual input by multiple stakeholders to ensure defendants received rides during the first several months of implementation.

BOX 3

Hitch Health

Hitch Health is a Minneapolis-based technology startup that Upstream Health Innovations (created by Hennepin Healthcare) launched in 2017 to find new ways to provide health care at lower costs for patients through free rides to medical appointments. According to its [website](#), Hitch Health provides “an innovative software product that integrates any appointment system with any ride service to seamlessly and proactively remove transportation barriers and reduce no-show rates.”

Implementing Uptrust Technology in Tulsa County

Tulsa County has a history of high incarceration rates related to its pretrial population. As of 2018, its rate of incarceration had grown 43 percent since 1999, and since 2012 this rate has exceeded the national average. Vera found that of the nearly 26,000 jail admissions in Tulsa County in 2017, 14 percent resulted from FTA, and of these 14 percent, nearly one-third involved no new charges. In response to these findings and supported by its Innovation Fund grant, the Tulsa County Public Defender’s Office partnered with Family & Children’s Services to implement a text messaging tool to remind clients of upcoming court dates and improve communication between public defenders and clients, and it embedded an FCS-contracted case manager in its office to link clients to services and remove barriers to appearing in court.

Having heard about Uptrust from other Safety and Justice Challenge sites, the Tulsa County Public Defender’s Office reached out to Uptrust to implement its app. A unique aspect of Tulsa’s strategy is the partnership between the public defender’s office and FCS, which embedded a case manager in the public defender’s office. Although Uptrust had worked with other sites (including Spokane, Washington) in the Safety and Justice Challenge network, it developed data on social service referrals specifically for Tulsa County. The implementation team recognized the county’s residents were experiencing multiple structural barriers to court appearance, such as lack of transportation, child care, and employment

support, and decided to embed a case manager from FCS in the public defender's office to help clients address them.

In addition to reminding public defender clients of court appointments, the implementation team envisioned the Uptrust app as a tool clients could use to flag transportation needs or needs for other assistance which the embedded FCS case manager could work to address by linking clients to services (behavioral health, child care, etc.). The case manager would end up managing the day-to-day responsibilities related to Uptrust, often responding to requests that came through the system and interfacing with public defenders' clients. The embedded FCS case manager would also attend court, enroll clients in Uptrust, administer the public defender's office's Uptrust-specific release of information, explain to clients how the app works, and provide examples of ways FCS can link clients to services including transportation.

Before piloting the app in December 2018, the Tulsa County implementation team and an Uptrust representative spent nearly two months modifying the public defender's office's [defenderData](#) case management system to facilitate transmittal of targeted reminders, to record social service referrals, and to ensure proper data-security provisions were in place consistent with Health Insurance Portability and Accountability Act protections. During this period, FCS also recruited and hired a case manager who would work in the Tulsa County Public Defender's Office approximately 12 hours a week, and developed "cohesive working strategies" to support the onboarding and integration of the case manager into the public defender's office.

Despite this planning, Tulsa County encountered several challenges implementing the app. Integrating existing technology platforms was more challenging than anticipated, and piloting the app highlighted several data-quality issues that needed to be addressed: court dates were missing, inaccurate, or did not transport seamlessly between platforms, and client contact information changed often, requiring frequent manual updates to the database. Although a release of information addressed Health Insurance Portability and Accountability Act issues, public defenders were concerned that privileged or sensitive case details might be conveyed in Uptrust text messages; public defenders eventually became comfortable using Uptrust when they realized text messages were not very detailed. Issues around data integration, however, persisted throughout implementation. For example, Uptrust automatically generated court reminders based on the information in the public defender database, so messages would occasionally be sent to people who were still in custody; conversely, Uptrust sometimes failed to send court reminders to clients whose release from jail had not been recorded in that database. The critical task of maintaining and updating the custodial status of each client in a timely manner proved to be resource and time intensive for the FCS case manager and public defenders, so the site engaged a social work intern to assist, monitor, and resolve data-quality issues.

In addition to technology-related challenges, the site initially struggled to hire a designated case manager. Efforts to recruit and hire one for only 12 hours a week yielded few applications. In late 2018, the site secured additional funding to support a full-time position, revised the position, and launched a new search for a case manager. Making the position full time produced a more robust candidate pool and helped the county quickly fill the position in early 2019.

The initial launch of the Uptrust app highlighted other issues not previously encountered and yielded lessons for future adaptation. For example, an after-hours message from a client seeking emergency services prompted the site to add a statement directing clients to call 911 in case of emergency. Uptrust reportedly planned to incorporate such messaging into its work in other jurisdictions going forward. Anticipating clients' levels of need also proved challenging for the Tulsa County team. Most clients lacked reliable transportation, and the need for transportation outpaced resources. Few clients had reliable phone access, and many used burner phones they could activate as needed; this resulted in frequent phone number changes, and the team struggled to keep up with those changes and update Uptrust. Keeping up with changing court dates and updating relevant databases to generate accurate messages was another challenge. Adding a social work intern who would work with the site's case manager to monitor such changes proved successful. As of the end of the implementation period in March 2020, the Tulsa County team was exploring options to sustain both positions.

Implementing Court Ride in Hennepin County

Before Hennepin County began planning its intervention, stakeholders there had heard from people involved in the justice system—more specifically, from clients of public defenders—that transportation was a barrier for defendants with court appointments. Hennepin County has three courthouses—two in the Minneapolis suburbs and one downtown—that may be inaccessible for defendants who must attend court or court-related appointments. In addition, county and city stakeholders identified that local affordable housing is not always near good public transportation options. Upon learning that Hitch Health was already working with the county health department to provide patients free rides through Lyft to medical appointments, the Minneapolis City Attorney's Office reached out to the Hennepin County Public Defender's Office to gauge its interest in piloting an initiative (Court Ride) using the Hitch Health platform. The Hennepin County Criminal Justice Coordinating Committee was also included to support the project with research, marketing, and additional funding. The project was designed to complement previous criminal justice reform efforts to reduce bench warrants and FTA rates through the county's Adult Detention Initiative.

The coordinating committee convened key county stakeholders and Hitch Health staff to design program operations and eligibility requirements. Court Ride was initially designed specifically to provide free transportation to and from court for defendants who are assigned a Hennepin County public defender and who have an open case with the City of Minneapolis in the Hennepin County District Court involving either a misdemeanor or gross misdemeanor. Court Ride quickly expanded its eligibility criteria to include adult public defender clients at all offense levels (i.e., misdemeanors, gross misdemeanors, and felonies) at the downtown Minneapolis courthouse and to provide rides for court-related appointments (in addition to court appearances). This was done to provide more rides, as uptake of rides was initially slow. In April 2019, the program expanded to serve clients at the two suburban courthouses in addition to the one in downtown Minneapolis. Further, whereas defendants initially needed to be picked up or dropped off at an address within Hennepin County, Court Ride expanded this to a 20-mile radius of the courthouse or public defender's office, and then finally to a 25-mile radius.

We opened up eligibility for broader court appearances and court-related appointments. We found that people can get a ride to court because everyone knows they are going to get arrested if they don't go to court—perhaps the same urgency isn't there for doing a psych eval or meeting with probation. We expanded to things that clients told us they needed.

—Hennepin County stakeholder

Hennepin County experienced many challenges implementing Court Ride, as expressed in stakeholder interviews conducted in February 2020 and a web-based Qualtrics survey administered between March 2020 and May 2020 that was distributed to 112 Hennepin County public defenders using a list provided by site partners. The survey achieved a response rate of 30 percent, with 34 people completing it.

Of the public defenders who responded to the survey, 56.67 percent indicated that increased workload was a key challenge, meaning they were struggling to find time to inform clients of Court Ride. In addition, 33.33 percent of respondents cited technological issues, 26.67 percent reported issues with clients not obtaining rides after requesting them, 10.00 percent said messages were not delivering to clients, and 10.00 percent had difficulty explaining Court Ride to clients (table 1).

TABLE 1
Challenges with Court Ride, According to Public Defenders

	Frequency	Percentage
Challenges		
Increased workload (i.e., I struggle to find time to inform clients of Court Ride)	17	56.67
Technological issues	10	33.33
Issues with clients not obtaining rides after requesting	8	26.67
Messages not delivering to clients	3	10.00
Difficulty explaining Court Ride to clients	3	10.00
Other	11	36.67

Source: Urban Institute survey administered to Hennepin County public defenders, March 2020–May 2020.

Importantly, public defenders noted there is no standardized script to use when telling clients about Court Ride. Some attorneys are more proactive than others about informing clients, something that requires attention to clients, the time to discuss Court Ride with them, and an understanding of the Court Ride program. Stakeholders we interviewed indicated that the challenges caused by the lack of a standardized script or messaging were exacerbated by frequently changing eligibility criteria, which confused public defenders responsible for communicating Court Ride to their clients.

It has been difficult to implement because it requires the client to have a home, an address, and some ability to coordinate those things. It also requires that his or her public defender take the time to explain and set up the ride, which is worthwhile but means the lawyer has to understand the program and use it.

—Hennepin County public defender

In terms of technological issues, one of Hitch Health's main features is the automation of rides for clients, which it also provides in the health sector. In the justice setting, offering defendants rides automatically for every appearance registered in the system proved difficult. While designing Court Ride, county stakeholders were hopeful that the district court would be able to automate data sharing directly to the Hitch Health portal. Unfortunately, the district court, governed by data-sharing practices through the state court, was not able to share personally identifying information such as defendants' names and phone numbers, and ultimately decided not to provide the necessary data. One proposed solution was to set up data-sharing capacity and automation with Hennepin County Jail through the sheriff's office to enroll people being released from jail in Court Ride so they could receive free rides to court. However, county stakeholders involved in the project did not all agree that rides should be provided to everyone exiting the jail, and instead wanted the rides to be reserved for public defenders' clients. Although the work of setting up the data-sharing capacity was completed, this solution was ultimately not pursued because key stakeholders opposed its implementation.

In response to technological issues and a lack of automation, the Hennepin County Public Defender's Office had to expend extensive staff resources to manually input client information and set up each needed ride. This was incredibly time consuming for staff and undermined the main benefit of Hitch Health's technology.

If there was a way once we set up the first ride for them to set up additional rides on their own, that would be a great help. Having to set it up each time is time consuming. Also, sometimes, clients need a ride and are notified that day and I wish we could set it up the same day but so far we are not able to. The process of Court Ride can be time consuming for me since I must fill out a form for each court appointment for the same client. Most clients have several court appointments.

—Hennepin County stakeholder

In addition, Hitch Health technology is designed to schedule rides five to seven days in advance. Stakeholders said this presented another challenge because most public defender clients have court dates scheduled months in advance for which they need transportation. Hitch Health adapted the software to allow rides to be scheduled two weeks in advance, but this still proved insufficient. Public defenders had to send email requests to a program administrator for each ride requested, and program administrators at the public defender's office then kept track of clients' court dates and court-related appointments to schedule rides through Hitch Health's software two weeks before the relevant dates. Public defenders already have busy caseloads and juggle many client needs, and this added a task that takes time and resources that are already scarce. Further, this created a heavy workload for program administrators.

Another challenge is that they only had two weeks to schedule. The clients have conversations with attorneys probably a month before they agree to have a ride. That's such a large gap that the trust the client has in the program was gone by the time they were able to schedule ride appointments. It would have been useful to be able to schedule the rides immediately, in advance.

—Hennepin County stakeholder

Court Ride was the first time Hitch Health had worked in the criminal justice space and there was a steep learning curve in understanding the quality of justice data and processes across justice agencies. Furthermore, stakeholders we interviewed indicated that Hitch Health's software was very structured, allowing for minimal adaptation.

Lastly, 36.67 percent of public defenders who responded to the survey indicated other challenges, such as clients not having cell phones, public defenders not understanding the program and not remembering to mention it to clients, needing to manually schedule rides and only being able to do so within a two-week time frame, clients requesting rides and not taking them, and Court Ride not providing enough reminders for clients.

What I'd love to see happen is a way to get my clients without phones a ride. Those are the ones most in need of a ride and a reminder.

—Hennepin County public defender

In response to issues with the Hitch Health technology and the need to create more efficiencies, the Hennepin County Public Defender's Office decided to take the program in house and partner with Lyft Concierge to provide rides and integrate automated rides into its case management system.

Implementation Outputs and Early Outcomes

As part of our case study of Tulsa and Hennepin Counties' Innovation Fund work, we explored early outcomes resulting from the implementation of Uptrust and Court Ride.

Client Outcomes in Tulsa County

The Tulsa County Public Defender's Office, in partnership with Uptrust, provided the Urban research team first-year implementation data from (roughly) February 2019 through March 2020. The data offer a sense of the app's utilization and impact. During the first year that the county used Uptrust, an estimated 10,241 public defender clients (or roughly 67 percent of 15,281 defendants) had enrolled to access the Uptrust app. These clients accounted for roughly 35,000 court cases or an average of 3.45 court dates per client. Importantly, only 1,256 clients (10 percent) had access to a cell phone, suggesting that only 10 percent could readily use Uptrust, although approximately 30 percent of those public defender clients were in the community and able to engage with Uptrust through some other device.

Of the 10,241 public defender clients enrolled in Uptrust during the first year of operation, two-thirds (65 percent) identified as male. Most client cases involved felonies and misdemeanors: 4,903 were felonies and 2,593 were misdemeanors. With respect to barriers to court appearance, approximately 32 percent of enrolled clients registered child care as a need. Roughly 9 percent indicated they had a way to get to court, suggesting that a large percentage of clients did not. Indeed, as we discuss, Tulsa stakeholders struggled to meet the high demand for transportation assistance.

As of the first year of Uptrust's implementation, roughly half of the court cases (16,000) for clients who had used Uptrust had occurred. Only 9 percent of those cases (1,376) resulted in FTA while 44 percent were excused, suggesting clients could not make the court appearances but were able to obtain a waiver from the court. Conversely, almost half (47 percent) of these cases appeared in court. Approximately 13 percent of cases were removed from the court calendar (that is, rescheduled or dismissed). Although Tulsa County could not furnish a baseline FTA rate before implementing Uptrust, stakeholders credit the app with having significantly reduced FTAs. One stakeholder noted that "courtrooms are so full it's standing room now with people waiting in the hallway [for court] ... before [Uptrust], 50 percent of clients didn't show, now it's about 15 percent." This perception was shared widely by other Tulsa stakeholders. Perhaps most importantly, stakeholders reported that clients give Uptrust high marks: clients are relieved to receive a reminder and appreciate the services and assistance that are available through the case manager.

Uptrust sent 14,480 messages to clients during the first year of operation. Most messages (75 percent) were successfully delivered to clients. The most common type of assistance requested by

clients involved transportation, which was typically fulfilled by calling Ubers or Lyfts, though the public defender’s office also provided bus tokens and gas cards. Other assistance included employment information, general court information, child care, housing, and mental health referrals.

Performance Data from Hennepin County

The Hennepin County Public Defender’s Office provided the Urban research team ride-level data from February 2019 (when Court Ride launched) through March 2020, representing the entire Court Ride implementation period under the Innovation Fund grant. During this 14-month period, Court Ride provided 1,079 rides to an estimated 551 people.⁷ Out of the rides offered, 38.65 percent were for people facing misdemeanor charges, 23.73 percent were for people facing gross misdemeanor charges, and 37.44 percent were for people facing felony charges.⁸

Most rides (74.14 percent) provided transportation to court. People also used the rides for court-related appointments, including meetings with attorneys (3.15 percent), nonattorney meetings with social workers or probation officers at the court building (2.50 percent), and other appointments (20.20 percent) for mandated programming or community supervision conditions, including work programs, picking up electronic home-monitoring equipment, and attending substance use treatment (table 2). Notably, because use of Court Ride was initially low, it was expanded in March 2019 to allow rides beyond court appearances.

TABLE 2
Clients’ Reasons for Using Court Ride

	Frequency	Percentage
Reason		
Court	800	74.14
Attorney meeting	34	3.15
Nonattorney meeting	27	2.50
Other	218	20.20
Total	1,079	100.00

Source: Urban Institute survey administered to Hennepin County public defenders, March 2020–May 2020.

Although the types of hearings that participants used rides for varied, most (57.95 percent) were for pretrial hearings (table 3). After January 2020, the Hennepin County Public Defender’s Office stopped recording the type of hearing each ride was used for, which is why data are only available for 881 rides rather than the full sample of 1,079.

TABLE 3

Types of Hearings People Used Court Ride to Attend

	Frequency	Percent
Type		
Pretrial hearing	474	57.95
Other	234	28.61
Jury trial	42	5.13
Sentencing	28	3.42
Arraignment	28	3.42
Probation violation	12	1.47
Total	818	100.00

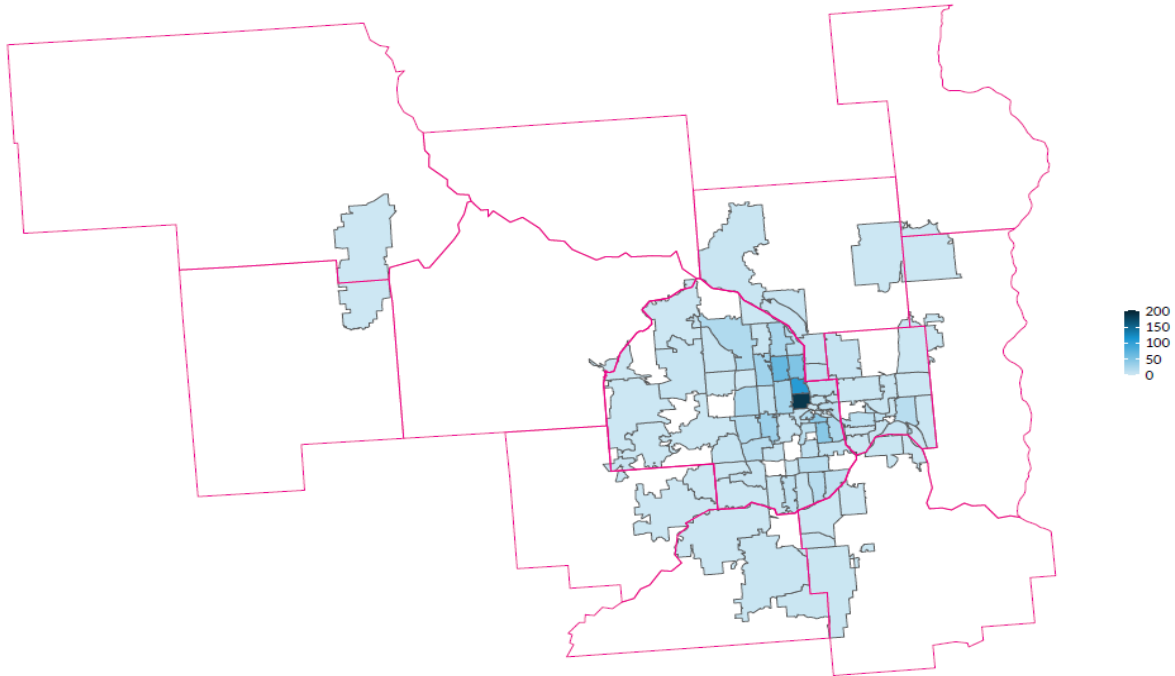
Source: Urban Institute survey administered to Hennepin County public defenders, March 2020–May 2020.

Approximately 551 people were identified as users of Court Ride during the Innovation Fund grant period. The largest age cohort comprised people between the ages of 25 and 34 (35.21 percent), and 77.13 percent of users were younger than 45. In addition, information on race was collected for 67.70 percent of Court Ride users. Of those who self-reported race (373 users), 61.93 percent identified as Black or African American, 27.61 percent identified as white (non-Hispanic or non-Latinx), 6.17 percent identified as American Indian or Alaska Native, 2.95 percent identified as two or more races or ethnicities, 1.07 percent identified as Hispanic or Latinx, and 0.24 percent identified as Asian. Information on gender identity was not collected.

It is important to highlight that Court Ride experienced significant cancellations from users and drivers. Ride outcomes as recorded by the Hennepin County Public Defender’s Office showed that 46.31 percent of rides (814) were cancelled by Court Ride users. Unfortunately, data on why these cancellations occurred were not collected. Furthermore, 6.76 percent of rides for which the rider did not show up resulted in the issuing of a bench warrant, and 2.21 percent of rides for which the rider did not show up did not result in the issuing of a bench warrant. Moreover, 36.86 percent of rides were successful and on time, and 4.30 percent were successful but late. Lastly, as shown in figure 1, rides were heavily concentrated in downtown Minneapolis, although need existed in areas outside of downtown. Rides were also provided to people in surrounding counties who had court cases in Hennepin County.

FIGURE 1

Number of Court Ride Trips Originating in Each Zip Code Tabulation Area in Minneapolis and Surrounding Area, February 2019 through March 2020



URBAN INSTITUTE

Source: Urban analysis of Court Ride data.

Hennepin County Public Defender Survey on Court Ride

In terms of survey respondents, the largest share of respondents (45.5 percent) indicated that they had been practicing law for less than 5 years, 18.2 percent had been practicing law for 5 to 10 years, 12.1 percent had been practicing law for 11 to 15 years, and 24.2 percent had been practicing law for more than 15 years. In addition, the largest share of respondents (38.2 percent) reported having worked at the Hennepin County Public Defender’s Office for 1 to 2 years, 17.7 percent for less than 12 months, 17.7 percent for 3 to 5 years, 11.8 percent for 6 to 10 years, and 14.7 percent for more than 10 years. Moreover, 47.1 percent of respondents were 25 to 34 years old, 35.29 percent were 35 to 49, and 17.7 percent were 50 to 64.

Most respondents (52.94 percent) worked in the misdemeanor and gross misdemeanor division, 29.41 percent worked in the person felony division, 17.65 percent worked in the property and drug felony division, 5.88 percent worked in specialty courts, and 5.88 percent worked in another division; some respondents worked in multiple divisions. The largest share of respondents (45.45 percent) reported actively representing 81 to 150 clients, 30.30 percent reported representing 41 to 80 clients, 15.15 percent reported representing 0 to 40 clients, and 9.09 percent reported representing more than 150 clients. Most respondents (87.88 percent) indicated that fewer than 25 percent of their clients

were in custody, 6.06 percent reported that 25 to 50 percent of their clients were in custody, and 6.06 percent reported that 51 to 75 percent of their clients were in custody.

Almost all respondents indicated that they had talked to their clients about Court Ride, with the exception of one respondent, who said their clients did not need rides via Court Ride. All respondents that had talked to their clients about Court Ride indicated that their clients were using it. However, most respondents (87.50 percent) reported that only a few of their clients had used Court Ride, 6.25 percent said half of their clients had used it, and 6.25 percent were unsure how many had used it.

In terms of rides, 96.88 percent of respondents reported that rides were used for court appointments, 59.38 percent cited public defender appointments, 31.25 percent cited probation appointments, 12.50 percent cited psychological evaluations, and 12.50 percent cited other kinds of appointments (respondents were instructed to select all options that applied).

Lastly, the survey measured perceptions of Court Ride. Regarding impact, most respondents agreed or strongly agreed that Court Ride had reduced barriers to court appearance (87.51 percent) and FTA rates for their clients (78.13 percent), and that it had reduced the number of their clients in custody (64.51 percent).

Not all clients need Court Ride, but for the ones that do, it is the difference between them coming to court and being unable to come. It is a necessity for the clients who do not have reliable transportation or access to public transportation.

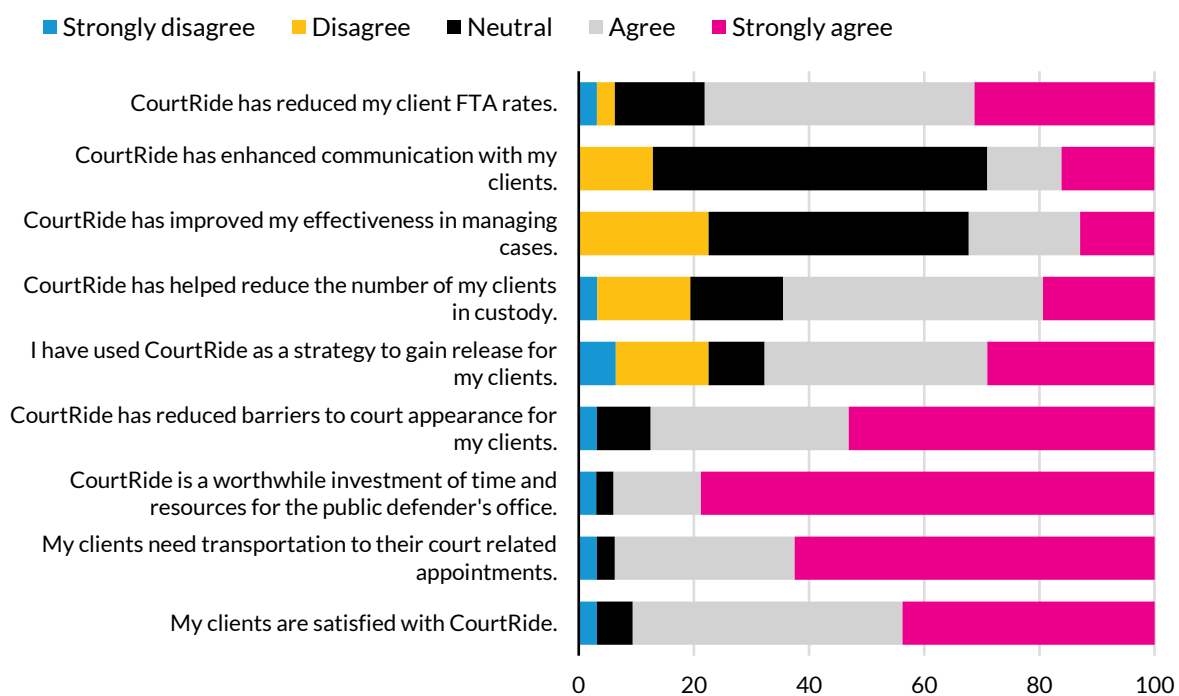
—Hennepin County public defender

However, the largest share of respondents indicated “neutral” regarding whether Court Ride had improved their effectiveness in managing cases (45.16 percent) and whether it had enhanced communication with their clients (58.06 percent). Most respondents also agreed (38.71 percent) or strongly agreed (29.03 percent) that they had used Court Ride as a strategy to gain release for their clients.

In addition, most respondents agreed (31.25 percent) or strongly agreed (62.50 percent) that their clients needed transportation to their court-related appointments (93.75 percent agreed in total) and that their clients were satisfied with Court Ride (90.63 percent in total). The majority of respondents (93.94 percent) agreed or strongly agreed that Court Ride was a worthwhile investment of time and resources for the public defender’s office.

FIGURE 2

Hennepin County Public Defenders' Perceptions of Court Ride



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Source: Urban Institute survey administered to Hennepin County public defenders, March 2020–May 2020.

Notes: FTA = failure to appear. Data are shown in percentages.

System-Level Outcomes

Interviews with the Minneapolis City Attorney’s Office, CJCC, public defenders in Hennepin and Tulsa Counties, and stakeholders from FCS in Tulsa County revealed that the strategies in both counties had an impact on justice operations, peer relationships, and local collaborations. In Hennepin County, CJCC partnered with the city attorney’s office and later with the Hennepin County Public Defender’s Office to implement Court Ride more effectively. Interviewees shared that Court Ride made justice system stakeholders more aware that transportation is a barrier to court appearance and that the program has led them to begin brainstorming additional options for expanding the program to other justice-involved populations (e.g., people on probation) who may experience barriers to appearance or people who otherwise need to appear in court, such as people summoned as witnesses.

The Tulsa County Public Defender’s Office and FCS collaborated closely to implement and strengthen client services through Uptrust. Tulsa stakeholders uniformly considered the embedding of an FCS case manager critical to efficiently address client-identified barriers to court appearance and refer clients to services, including those offered by other departments within FCS—such as the Women’s Justice Team for women seeking services like linkages to community resources, transportation, and counseling—and treatment centers specializing in treatment for opioid misuse,

substance use, and general mental health support. Stakeholders in Tulsa County indicated that bringing on an additional case manager would benefit the public defender's office and its clients.

Overall, both lead agencies benefited from engaging and partnering with justice-system stakeholders to ensure program efficiency and, in some cases, even identified additional partners through their work. In Hennepin County, buy-in and collaboration from the public defender's office was critical for building trust with clients using Hitch Health. In Tulsa County, the collaboration between the public defender's office and FCS proved beneficial for both parties and their clients and has encouraged stakeholders to build a lasting structure for embedding case managers in the public defender's office. Interviewees expressed that the main challenge in moving forward with their work and sustaining these partnerships is the cost of data integration (in Hennepin County's case) and of embedding more case managers in the Tulsa County Public Defender's Office to maintain Uptrust.

Lessons Learned

Practitioners interested in implementing similar efforts can take several lessons from the experiences of Tulsa County and Hennepin County.

There are many factors to address in removing barriers to pretrial appearance. Barriers to pretrial appearance and FTA rates cannot be reduced solely with free rides or court notifications, but require holistic services that address clients' many needs. Stakeholders should consider that clients often not only need to appear in court—many also need to attend probation and/or mental health appointments, and arrest warrants can be triggered if these are missed. Hennepin County addressed this by expanding criteria for rides beyond court appearances. Tulsa County incorporated a case manager into its approach to link clients to other necessary social services, such as behavioral health and family and children's services, that would remove barriers to appearing in court.

Assessing demand and quantifying need can be challenging. Both counties struggled with responding to clients' different needs. Hennepin County anticipated a greater need for free rides than what resulted, and Tulsa County struggled to meet clients' higher-than-anticipated transportation needs and sometimes resorted to having the case manager personally transport clients to court. The counties also struggled with problems related to communication. For example, in Hennepin County, public defenders believed the original messaging about Court Ride from the city attorney's office gave the impression that the prosecutor was providing free rides to get people to jail; in hindsight, stakeholders realize that the public defender's office was likely better positioned to issue that initial messaging and that doing so may have built trust with clients and increased use of rides. Other factors impacting the quantification of demand include accurate identification of the problem (i.e., determining whether the need really exists or is only perceived to be a need by system stakeholders), community engagement efforts, and data quality and accuracy.

People directly impacted by the justice system should be involved in program ideation, design, and implementation to ensure responsiveness to community needs and promote overall use. Justice system stakeholders often make decisions about new projects and priorities without consulting or obtaining

input from people directly impacted by the justice system. This can result in programs and policies that do not meet the needs of the people they are intended to serve and can reduce engagement or use of services (and even lead to unintended negative outcomes.) One Hennepin County stakeholder we interviewed remarked, “In an ideal world, a project like this will come in from a community need and figuring out how do we burst that into existence. That’s yet another lesson to do fact finding and engaging the community on the front end.”

New technology is challenging to navigate and implement for justice system agencies. Tulsa County encountered challenges with the logistics of implementing a new technology, including user accessibility, data integration, and frequently changing client information (i.e., addresses and phone numbers), which created a significant workload to update records frequently. A close partnership with Uptrust helped Tulsa’s stakeholders navigate many technical issues. Furthermore, Hennepin County worked with Hitch Health to adapt the technology for the justice system, and experienced significant barriers to applying the software to court data (which was unsuccessful) in a way that took advantage of the automatic scheduling of rides for clients. One Hennepin County stakeholder reflected, “There absolutely has to be sufficient exploration about the technical processes—how is this going to work, what data is needed, is the data accessible, etc. From a technological aspect it seems like a fairly simple thing to do, but it’s not.”

Conclusion

In addition to being costly for jurisdictions, pretrial detention has significant impacts on the lives of people who are detained, their families, and their communities. A considerable subset of the pretrial populations in Hennepin and Tulsa Counties is detained owing to failure to appear in court, which was the impetus for the counties’ interventions. Both engaged with nonsystem partners to develop innovative solutions to reduce their FTA rates and to reduce jail detention in their jurisdictions. Hennepin County partnered with Hitch Health and focused on providing transportation for court and court-related appointments, and Tulsa County partnered with Uptrust to implement a messaging tool to provide reminders, facilitate transportation (similar to Hennepin’s Court Ride), and connect clients to a case manager. Both interventions were intended to reduce FTA and pretrial detention by providing transportation, court reminders, and additional support for clients of public defenders.

Both counties demonstrated that various partners were willing to contribute to making these initiatives work, with public defenders’ offices playing a central role. That said, partnering with people directly impacted by the justice system is important, especially for ensuring that programs are responsive to community needs. Regarding technology, both counties found that building data capacity and integration is integral. Sustaining these initiatives will require continued collaboration with system partners, adapting to community needs to assess demand, addressing relevant barriers, and working through various data challenges.

Notes

- ¹ Peter Wagner and Bernadette Rabuy, “Mass Incarceration: The Whole Pie 2016,” Prison Policy Initiative, March 14, 2016, <https://www.prisonpolicy.org/reports/pie2019.html>.
- ² Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2020,” Prison Policy Initiative, March 24, 2020, <https://www.prisonpolicy.org/reports/pie2020.html>.
- ³ Joshua Aiken, “Era of Mass Expansion: Why State Officials Should Fight Jail Growth,” Prison Policy Initiative, May 31, 2017, <https://www.prisonpolicy.org/reports/jailsovertime.html>.
- ⁴ Bernadette Rabuy, “Pretrial Detention Costs \$13.6 Billion Each Year,” Prison Policy Initiative, February 7, 2017, https://www.prisonpolicy.org/blog/2017/02/07/pretrial_cost/.
- ⁵ Ethan Corey and Puck Lo, “The ‘Failure to Appear’ Fallacy,” The Appeal, January 9, 2019, <https://theappeal.org/the-failure-to-appear-fallacy/>.
- ⁶ Data drawn from Tulsa County’s Innovation Fund application, not available online.
- ⁷ This number was determined by matching rides based on reported race, date of birth, zip code, and offense. This is an estimate of people and not a perfect count.
- ⁸ The offense level for two rides was unknown.

References

- Barron, William M. 1980. “Failed Appointments. Who Misses Them, Why They Are Missed, and What Can Be Done.” *Primary Care* 7 (4): 563–74.
- Bernal, Daniel. 2017. “Taking the Court to the People: Real-World Solutions for Nonappearance.” *Arizona Law Review* 59: 547–71.
- Bornstein, Brian H., Alan J. Tomkins, and Elizabeth M. Neely. 2011. “Reducing Courts’ Failure to Appear Rate: A Procedural Justice Approach.” Washington, DC: US Department of Justice.
- Cooke, Brice, Binta Zahra Diop, Alissa Fishbane, Jonathan Hayes, Aurelie Ouss, and Anuj Shah. 2018. “Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court.” Washington, DC: ideas 42, and Chicago: University of Chicago Crime Lab.
- Fishman, Nancy, Rebecca Silber, Kelsey Reid, Stephen Roberts, and Navena Chaitoo. 2017. “Report to Tulsa County Stakeholders on Jail Reduction Strategies.” New York: Vera Institute of Justice.
- Heaton, Paul, Sandra Mayson, and Megan Stevenson. 2017. “The Downstream Consequences of Misdemeanor Pretrial Detention.” *Stanford Law Review* 69 (3): 711–94.
- Lowenkamp, Christopher T., Marie VanNostrand, and Alexander Holsinger. 2013. “Investigating the Impact of Pretrial Detention on Sentencing Outcomes.” Houston: Laura and John Arnold Foundation.
- Minneapolis City Attorney’s Office. 2017. *Results Minneapolis*. Minneapolis: Minneapolis City Attorney’s Office.
- Nice, Matt. 2006. *Court Appearance Notification System: Process and Outcome Evaluation*. Multnomah County, OR: Budget Office Evaluation.
- Schnacke, Timothy R., Michael R. Jones, and Dorian M. Wilderman. 2012. “Increasing Court-Appearance Rates and Other Benefits of Live-Caller Telephone Court-Date Reminders: The Jefferson County, Colorado, FTA Pilot Project and Resulting Court Date Notification Program.” *Court Review: The Journal of the American Judges Association* 48: 86–95.
- Tomkins, Alan, Brian Bornstein, Mitchel Herian, David Rosenbaum, and Elizabeth Neeley. 2012. “An Experiment in the Law: Studying a Technique to Reduce Failure to Appear in Court.” *Court Review: The Journal of the American Judges Association* 48 (3): 96–106.

PJCC (Pretrial Justice Center for Courts). 2017. "Use of Court Date Reminder Notices to Improve Court Appearance Rates." Pretrial Justice Center for Courts.

Zeng, Zhen. 2020. *Jail Inmates in 2018*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

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