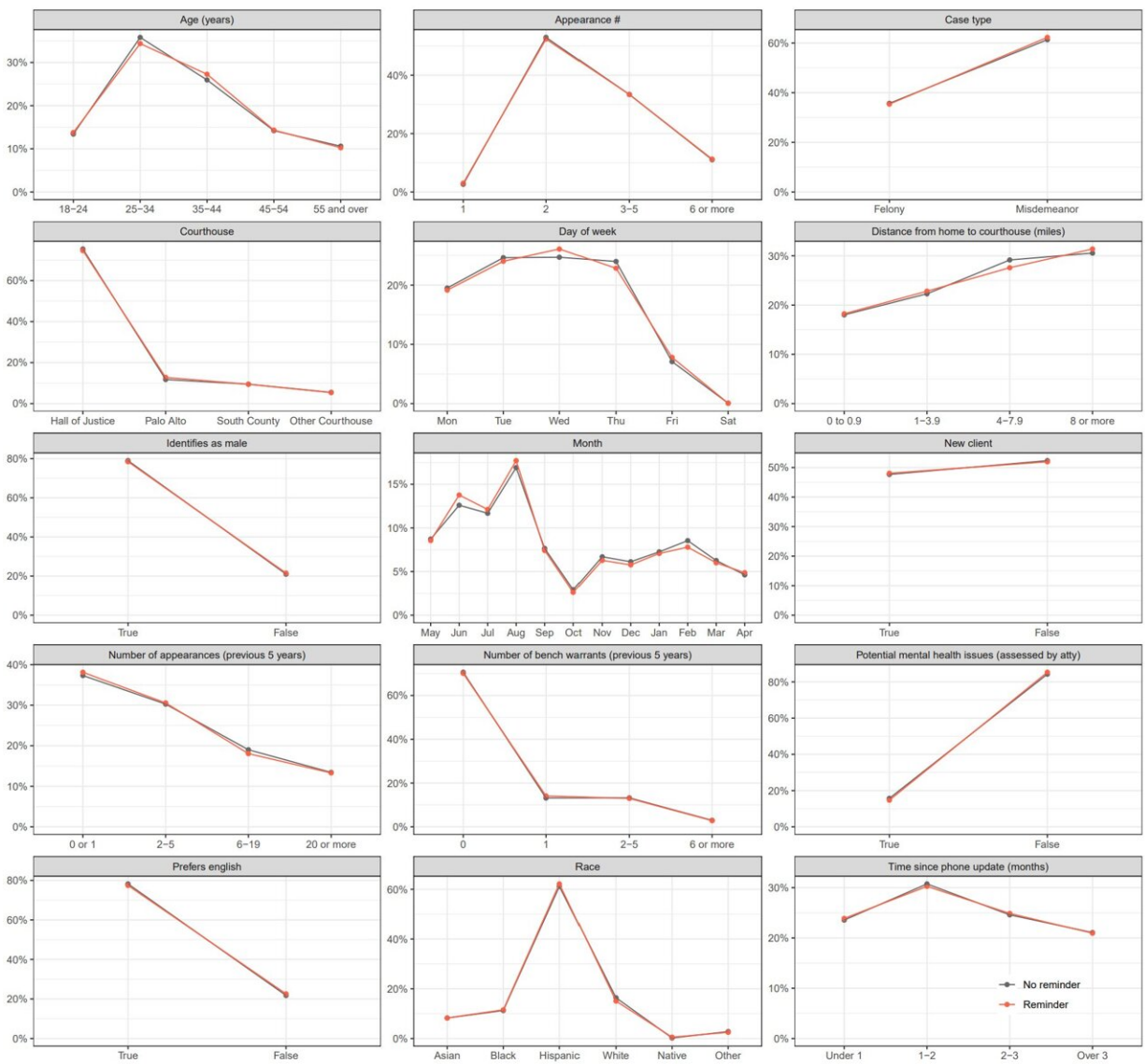


Could technology help reduce pretrial incarceration?

October 26 2023, by Jenn Brown



Covariate distributions for the treatment and control conditions were nearly

identical, confirming that our assignment mechanism correctly randomly assigned clients to the two conditions. Credit: *Automated Reminders Reduce Incarceration for Missed Court Dates: Evidence from a Text Message Experiment* (2023).

Right now, thousands of people across the U.S. are in prison awaiting trial for a misdemeanor charge. A growing body of research indicates that if someone had sent each of them a text message at just the right time, with just the right message, a significant number may not have wound up there.

According to Sarah McCarthy, a lawyer with the Santa Clara County Public Defender's Office, each year, somewhere between 30% of their clients miss a court date and wind up with a bench warrant issued for their arrest, a number that can spike as high as 50% in other locations.

Alex Chohlas-Wood, Executive Director of the Stanford Computational Policy Lab (CPL), is working closely with McCarthy and her colleagues to see how [text message](#) reminders and other behavioral nudges might reduce these levels of pre-trial incarceration. "Technology has greatly benefited the private sector. I'm motivated to bring these same benefits to the [public sector](#) in new ways," Chohlas-Wood said.

Pretrial imprisonment disrupts lives

Misdemeanors are the messy middle of crimes. They're worse than an infraction (e.g., traffic tickets or fishing without a license), but they're not as serious as a felony (e.g., violent crime or treason). Drunk driving, [animal abuse](#), and [domestic violence](#) are misdemeanors, as are trespassing, drug possession, shoplifting, and disorderly conduct.

If you're charged with a misdemeanor, your lawyer (or public defender if you can't afford a lawyer) will help you navigate the labyrinthine maze of court dates that follow. Most of the hearings you will attend are procedural and deal with administrative issues. They may seem pointless, but the process is meant to preserve your rights and give you the best chance to make your case when you get to the trial.

Unfortunately, if you miss a hearing, the court can issue a bench warrant for your arrest. If you are arrested, you will remain in jail until your trial, which could be months or years. The [collateral damage](#) from this can be considerable and enduring—from job loss to family disruption to erosion of communities.

"If you get arrested on a bench warrant, you might lose your job, your housing, your kids, and even your pets. This is a steep price to pay because you forgot about or mixed up your court date," said McCarthy. "Many of our clients struggle with mental health issues, substance abuse issues, and homelessness. It's definitely hard to remember your court date when you're in the midst of just surviving."

Working to help underserved and at-risk populations is a big motivator for Chohlas-Wood. "An important reason for supporting criminal justice reform is because it's an effective way to reduce inequity more broadly. The [justice system](#) works predominantly with disadvantaged groups of people, so doing this work can disproportionately benefit those groups," he said.

Testing the vinegar vs. honey approach

The first phase of the lab's research, which sent seven-day, three-day, and one-day text message reminders to 2,540 people (in English, Spanish, or Vietnamese), showed about a 20% drop in both warrants issued and in pre-trial incarcerations.

Encouraged by [the results](#), a new phase of the study is testing two messaging approaches: what the team calls vinegar versus honey. One version of the text message reminds defendants that they might go to jail if they miss their court date (vinegar). The other is more supportive and emphasizes that their public defender is their ally (honey).

When the Santa Clara Public Defender's Office was informally surveyed about which approach they thought would be more effective, the results were split nearly 50/50, demonstrating that even among professionals working closely with defendants, questions persist about the most useful technique.

Early results from the study indicate that vinegar might be more effective, but it's too early to draw definitive conclusions. The study is again testing text messages in English, Spanish, and Vietnamese, and results may differ among different ethnic and cultural groups.

Beyond reminders

The research with the Santa Clara County Public Defender's office revealed that in addition to remembering court dates, literally getting to court is a significant hurdle for many people. The CPL team expanded their research to determine how they might address this concern, beginning with offering to pay for Lyft rides. The offers were made via text message, but unfortunately many on the receiving end assumed the texts were spam.

Modifying the approach, people are now offered a choice between a gas card, transit tokens, or a parking voucher, as well as a gift card for lunch. They receive these benefits before their court date so they have the resources available and don't have to go through a complicated process of paying out of pocket and then getting reimbursed.

McCarthy envisions even more ways to use the technology that the lab has built. "It's been so great to work with an elite university, having such incredible resources here in our community that we can use to support our community. The research angle of this collaboration has been exciting. One thing we haven't done yet that I'd like to try is to use the same notification system to let people know when a bench warrant has been issued. If they can get in touch with us or the [court](#) right away, we can get them back on calendar and maybe prevent them from being put in jail."

"It's exciting to apply science and technology to making the world a better place," said Chohlas-Wood. "With this type of collaboration, we can see tangible results. We're generating data that other states and other public defenders offices can use to adopt these systems, and in a very real way we're changing outcomes for people who find themselves in a tough place. That's a big reason why I do this work, at the end of the day."

More information: Report: [5harad.com/papers/court-reminders.pdf](https://www.5harad.com/papers/court-reminders.pdf)

Provided by Stanford University

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