Examining Appearance Rates in Civil and Criminal Summons Court in New York City

December 2019

Celina Cuevas, B.S., Edwin Grimsley, B.A., Shannon Tomascak, M.A., Kerry Mulligan, Ph.D., & Preeti Chauhan, Ph.D.

DATA COLLABORATIVE for JUSTICE
STRENGTH IN NUMBERS
at JOHN JAY COLLEGE

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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KEY FINDINGS

1. **Court appearance rates were similar in criminal court (~47%) and civil court (~45%) post-CJRA implementation.**

2. **In both courts, rates of court appearance were:**
   - **Highest for summonses issued for unreasonable noise and parks offenses and lowest for littering.**
   - **Higher for those individuals in the youngest age group (16-17 year-olds).**
   - **Lower for individuals who live in neighborhoods with greater economic disadvantage.**
   - **Lower for individuals who live in the borough the summons was issued in.**

3. **Demographic, type of misconduct, and geographic factors explain very little variability (3-4%) in court appearance rates. Our results demonstrate that understanding criminal and civil summons court appearance is complex and requires further research.**

This brief examines court appearance rates for summonses before and after the Criminal Justice Reform Act (CJRA) went into effect in New York City on June 13, 2017. This legislative and policy change shifted summonses for five acts of misconduct (public consumption of alcohol, public urination, littering, unreasonable noise, and all New York City Parks Rules offenses) from the criminal courts to the civil administrative courts. This shift to civil adjudication also prevented the issuance of bench warrants for non-appearance, which are automatically issued for failure-to-appear in criminal summons court. The CJRA targeted misconduct that had high non-appearance rates in the criminal summons court, and implementation of CJRA resulted in a marked decline in warrants citywide.

The implementation of CJRA provides an opportunity to examine rates of court appearance for the same acts of misconduct in both the criminal and civil summons courts. This brief also examines how individual and neighborhood-level factors relate to likelihood of court appearance in both the civil and criminal summons courts.

Appearance Rates for CJRA Summonses

The acts of misconduct impacted by the CJRA had low appearance rates relative to other criminal summonses before the legislation went into effect. The court appearance rate for CJRA acts of misconduct was 51%, while all other acts of misconduct had a 65% appearance rate in the 18 months pre-CJRA implementation (see **Figure 1**).[1] In particular, court appearance for criminal summonses for possession of marijuana and disorderly conduct was 66%, pre-CJRA implementation.

In the 18 months following the implementation of the CJRA, 45% of civil summonses for these acts of misconduct resulted in an appearance or "response" to the summons (including remote hearings and pleas by mail).[2] For the small proportion of CJRA summonses still issued as criminal summonses after the legislation went into effect, the appearance rate was 47%. In contrast, court appearance for criminal summonses for possession marijuana and disorderly conduct was 65% in the 18 months post-CJRA implementation.

While the appearance rates were similar for criminal and civil summonses, the adjudication process and the consequences of non-appearance differ significantly across court sites. It is important to recognize that the profile of individuals who receive a criminal summons differ pre- and post-CJRA implementation, as individuals that

Policy Context: New York City's Criminal Justice Reform Act of 2016

The CJRA shifted summonses from the criminal to civil courts for five acts of misconduct:
- Public consumption of alcohol
- Public urination
- Littering
- Unreasonable noise
- NYC Parks Rules offenses

The legislation went into effect in New York City on June 13, 2017.

Before CJRA, these summonses were heard in <u>criminal summons court</u>, **where:**
- Responding to a summons usually requires a court appearance on a specific date (except public consumption of alcohol and public urination, which can be pled by mail).
- Failure-to-appear results in a bench warrant, which can lead to an arrest.

After CJRA, most of these summonses[1] are adjudicated in <u>civil summons court</u>, **where:**
- Responding to a summons can occur remotely (by mail, telephone or online) or a recipient can appear in an OATH court in any of the five boroughs.
- Recipients of a summons can opt to complete community service in lieu of paying a monetary fine.
- Failure-to-appear can result in a finding of in-violation and additional fines, but does not result in a warrant.

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1. CJRA created a presumption that civil summonses should be issued for eligible acts of misconduct. A criminal summons may still be issued if the individual has two or more felony arrests in the past two years; has three or more unanswered civil summonses in the past eight years; is on parole or probation; has an open warrant; is also being issued a summons that requires an appearance in criminal court; or if the issuing officer articulates a legitimate law enforcement reason.

continue to receive a criminal CJRA summons in the post-CJRA period have to meet certain criteria to receive a criminal summons (see **Policy Context**). These criteria include that the individual has a criminal history and/or is receiving a non-CJRA criminal summons at the time of issuance.

Figure 1. Court Appearance Rates for CJRA Summonses, Pre- and Post-CJRA Implementation

Data Source: Office of Court Administration and Office of Administrative Trials and Hearings.
Note: Civil summonses dismissed via due process review after the required court appearance date (about 22% of sample) are counted as a non-appearance here.

Appearance rates also varied by type of misconduct (see **Table 1**). Appearance rates were highest for unreasonable noise and parks offenses and lowest for littering for both criminal and civil summonses.

Table 1. Court Appearance Rates by Misconduct Type for All CJRA Summonses

	Criminal Summonses (Pre-CJRA)					Criminal Summonses (Post-CJRA)				
	Appeared in Court		Failed to Appear			Appeared in Court		Failed to Appear		
Total	n	%	n	%	Total	n	%	n	%	Total
Appearance Status	86,273	51	82,327	49	168,600	5,261	47	6,051	54	11,312
Misconduct Type										
Public Consumption	54,519	49	57,396	51	111,915	3,251	45	4,288	55	7,809
Unreasonable Noise	1,439	**68**	679	32	2,118	208	**68**	97	32	305
Parks Offenses	17,007	**65**	9,204	35	26,211	898	**57**	675	43	1,573
Littering	1,376	41	2,011	59	3,387	162	34	309	66	471
Public Urination	11,932	48	13,037	52	24,969	472	41	682	59	1,154

	Civil Summonses (Post-CJRA)				
	Appeared in Court		Failed to Appear		
Total	n	%	n	%	Total
Appearance Status	32,390	45	40,333	56	72,723
Misconduct Type					
Public Consumption	29,546	42	28,619	58	49,165
Unreasonable Noise	554	**56**	433	44	987
Parks Offenses	6,692	**55**	5,542	45	12,234
Littering	668	36	1,215	65	1,883
Public Urination	3,927	47	4,524	54	8,451

Examining Predictors of Court Appearance

Prior research has found that reminders of upcoming hearings can improve court appearance rates[3] and suggests that most non-appearances for lower-level offenses are due to forgetting, schedule conflicts, or other logistical strains.[4] Scholars have therefore advocated for a distinction between missing a court appearance for a lower-level offenses and willfully absconding in an attempt to avoid prosecution for more serious acts of offenses.[5] Nonetheless, non-appearance for low-level offenses can have serious consequences, including the issuance of a

bench warrant for failing to respond to a criminal summons in New York City. Notably in 2014, New York City implemented text message reminds to improve court appearance.[6]

Using logistic regressions, we examined how the characteristics of the summons, the recipient, and the neighborhood where the recipient lived related to likelihood of court appearance. The summons characteristics included the misconduct type and the borough of issuance. The individual characteristics included the sex and age of the summons recipient. The civil summons analysis also included the race/ethnicity of the recipient (missing data prevented inclusion of this variable for criminal summonses).

Characteristics of the recipient's neighborhood were measured based on zip code of residence and census data reported at the Zip Code Tabulation Area (ZCTA)-level. We conducted separate analyses for criminal summonses that were issued pre-CJRA and criminal and civil summonses that were issued post-CJRA. See **Appendix I** for details on the methodology used in these analyses.

Interpreting Odds Ratio Figures

Figures 2, **3**, and **4** illustrate the results of the logistic regression analyses. The findings are reported as odds ratios and indicate the effect of a given characteristic taking into account the additional predictor variables included in the model. Odds ratios above 1 indicate that the given variable was associated with a greater likelihood of court appearance, while odds ratios below 1 indicate a reduced likelihood of court appearance. For each set of factors, the shaded grey bar indicates the category being used as the reference category, against which the rest of the categories are compared. Bars shaded in dark blue indicate the relationship was statistically significant ($p < 0.05$), while those shaded in the lighter blue were non-significant (and therefore may not be reliable predictors of court appearance). The McFadden pseudo-R^2 is also provided as a measure of the overall goodness of fit for each model.

Predictors of Court Appearance for Criminal CJRA Summonses

Pre-CJRA

Figure 2 illustrates the predictors of court appearance for criminal summonses issued before CJRA went into effect. In this model, there were significant differences across misconduct type, with odds of appearance highest for summonses issued for unreasonable noise and lowest for littering, relative to public consumption of alcohol. There were also significant differences by borough of issuance. Most notably, the odds of appearance for summonses issued in Staten Island were almost eight times higher than those issued in Manhattan.

Female summons recipients had about 19% greater odds of appearance, and individuals in the younger age groups (16-17, 18-20, and 21-24 year-olds) were more likely to appear to criminal court relative to the oldest age group (35-65 year-olds).

Surprisingly, we found that individuals who received a summons in a borough that they did not live in were significantly more likely to appear in court compared to individuals who lived in the same borough. This measure may serve as a proxy of economic resources or mobility and suggests that individuals who have greater ability to travel across the city also have a greater propensity to appear in court.

Neighborhood characteristics were also significantly related to the likelihood of court appearance for criminal summonses. Individuals who live in neighborhoods with higher levels of concentrated disadvantage (a measure of economic strain in a neighborhood) were less likely to appear in court, while individuals who lived in neighborhoods with higher levels of residential stability were more likely to appear. The odds of appearance were lower for residents of neighborhoods where a greater proportion of residents reported limited English proficiency.

All of these characteristics together explained **only four percent of the variability** in court appearance for criminal summonses.[7]

Figure 2. Predicting Court Appearance for Criminal Summonses (Pre-CJRA)

n = 139,810

Category	Odds Ratio
Littering	0.714
Parks Offenses	1.92
Public Urination	0.988
Unreasonable Noise	2.447
Public Consumption	1
Bronx	1.439
Brooklyn	1.175
Queens	1.088
Staten Island	7.872
Manhattan	1.00
Female	1.188
Male	1.00
16-17 Year-Olds	1.329
18-20 Year-Olds	1.169
21-24 Year-Olds	1.064
25-34 Year-Olds	1.001
35-65 Year-Olds	1
Borough Resident	0.809
Borough Non-Resident	1.00
Concent. Disadvantage	0.847
Residential Stability	1.006
Perc. Foreign Born	1.002
Perc. Limited English	0.998

Note: Race/ethnicity was excluded from analysis due to high rates of missing data
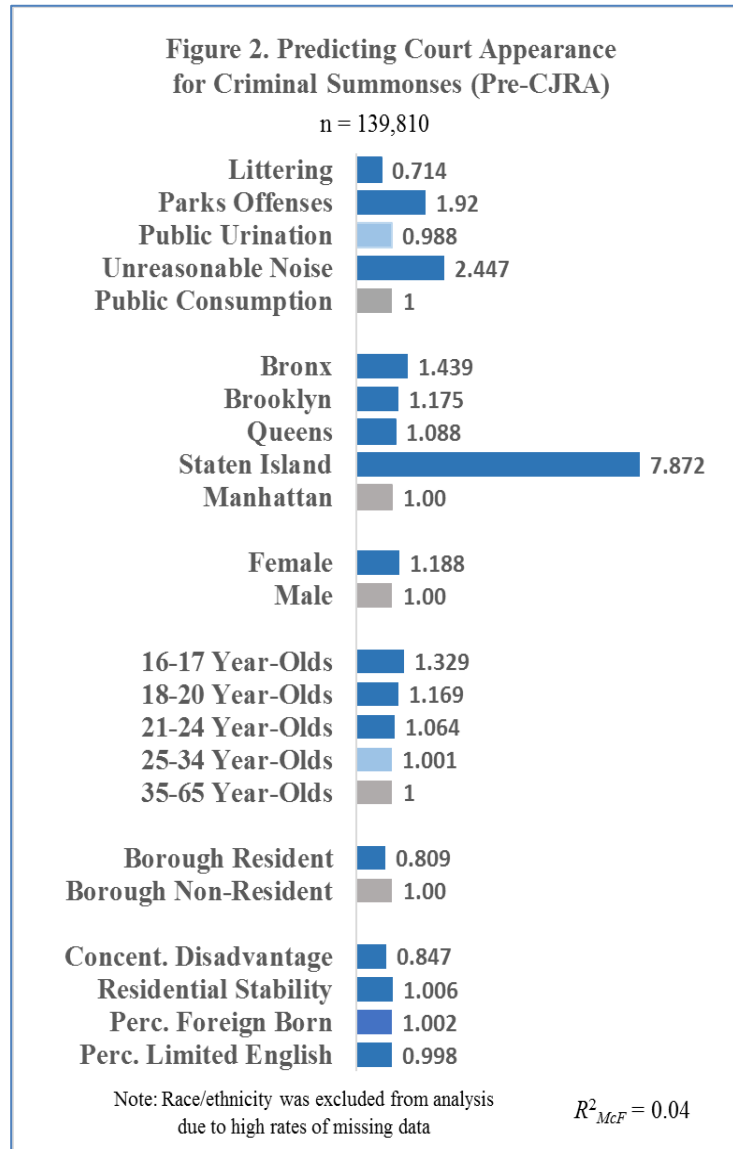
$R^2_{McF} = 0.04$

Post-CJRA

Figure 3 illustrates the predictors of court appearance for criminal summonses issued after the CJRA went into effect. In this model for criminal summonses, there were, again, significant differences across misconduct type, with odds of appearance highest for summonses issued for unreasonable noise and lowest for littering, relative to public consumption of alcohol. There

Figure 3. Predicting Court Appearance for Criminal Summonses (Post-CJRA)

n = 9,943

Category	Value
Littering	0.563
Parks Offenses	1.486
Public Urination	0.785
Unreasonable Noise	2.584
Public Consumption	1
Bronx	1.292
Brooklyn	0.801
Queens	1.026
Staten Island	2.49
Manhattan	1.00
Female	1.105
Male	1.00
16-17 Year-Olds	1.512
18-20 Year-Olds	1.39
21-24 Year-Olds	1.187
25-34 Year-Olds	1.062
35-65 Year-Olds	1
Borough Resident	0.847
Borough Non-Resident	1.00
Concent. Disadvantage	0.966
Residential Stability	1.014
Perc. Foreign Born	1.006
Perc. Limited English	1.002

Note: Race/ethnicity was excluded from analysis due to high rates of missing data

$R^2_{McF} = 0.03$

were also significant differences by borough of issuance. Most notably, the odds of appearance for summonses issued in Staten Island were around 2.5 times higher than those issued in Manhattan.

There were no significant findings for appearance by gender. By age, individuals in the younger age groups (16-17, 18-20, and 21-24 year-olds) were more likely to appear relative to the oldest age group. Consistent with the findings pre-CJRA implementation, we found that individuals who received a summons in a borough that they did not live in were significantly more likely to appear in court compared to individuals who lived in the same borough.
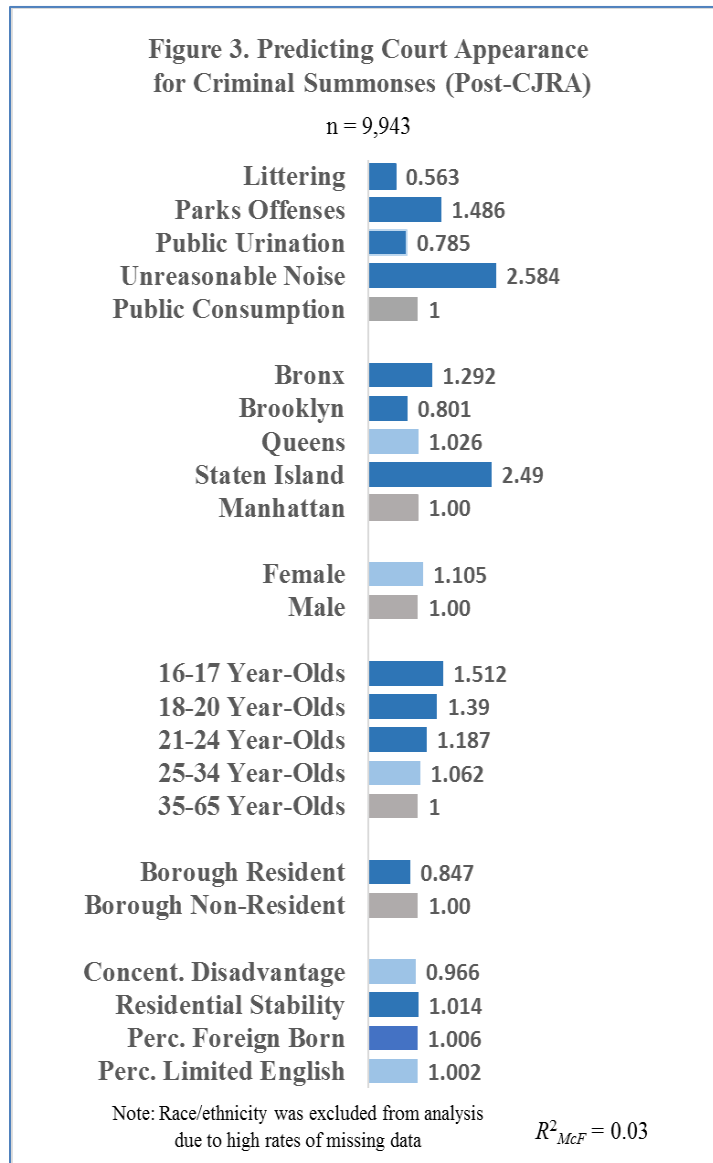
Some neighborhood characteristics were significantly related to the likelihood of court appearance for criminal summonses during this post-CJRA time period. Concentrated disadvantage of neighborhoods (a measure of economic strain in a neighborhood) was not significantly related to court appearance nor was the proportion of residents who reported limited English proficiency. The odds of appearance for individuals who lived in neighborhoods with higher levels of residential stability and neighborhoods with a higher proportion of foreign-born residents were more likely to appear. All of these characteristics together **explained only three**

percent of the variability in court appearance for criminal summonses, post-CJRA implementation.
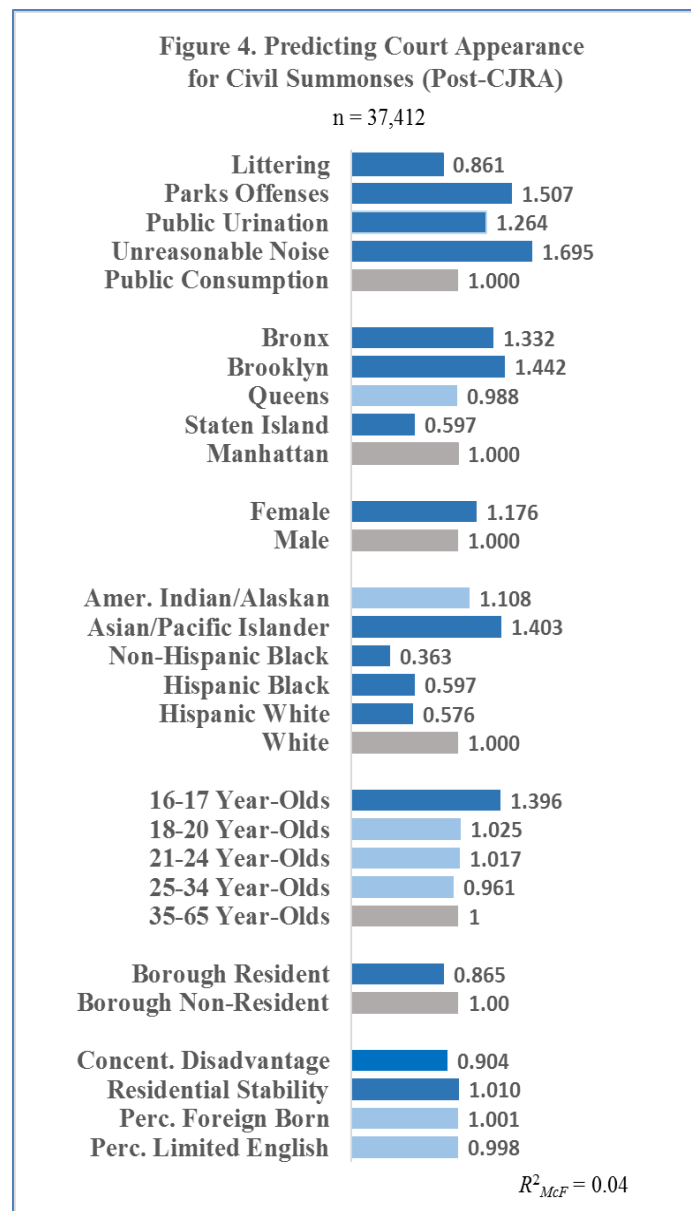
Predictors of Court Appearance for Civil CJRA Summonses

Figure 4 reports predictors of court appearance for civil summonses, post-CJRA implementation. Relative to summonses issued for public consumption of alcohol, the odds of appearance were highest for unreasonable noise and parks offense summonses and lowest for littering. The odds of appearance for summonses issued in Staten Island were almost 40% lower than those issued in Manhattan.

Females had an 18% greater odds of court appearance, and 16-17 year-olds were 40% more likely to appear relative to 35-65 year-olds. There were also differences across racial/ethnic groups in odds of court appearance, with appearance most likely among Asian/Pacific Islanders relative to Whites. Further, appearance for Blacks and Hispanics was less likely relative to Whites.[8]

Neighborhood characteristics were significantly related to the likelihood of court appearance. Specifically, living in a neighborhood with greater concentrated disadvantage and being a resident of the borough where the summons was issued reduced the odds of court appearance. Lastly, individuals who lived in neighborhoods with a greater residential stability were more likely to appear in court.

All of these characteristics together **explained under five percent of the variability** in court appearance for civil summonses during the 18 months post-CJRA implementation.

Figure 4. Predicting Court Appearance for Civil Summonses (Post-CJRA)

n = 37,412

Category	Odds
Littering	0.861
Parks Offenses	1.507
Public Urination	1.264
Unreasonable Noise	1.695
Public Consumption	1.000
Bronx	1.332
Brooklyn	1.442
Queens	0.988
Staten Island	0.597
Manhattan	1.000
Female	1.176
Male	1.000
Amer. Indian/Alaskan	1.108
Asian/Pacific Islander	1.403
Non-Hispanic Black	0.363
Hispanic Black	0.597
Hispanic White	0.576
White	1.000
16-17 Year-Olds	1.396
18-20 Year-Olds	1.025
21-24 Year-Olds	1.017
25-34 Year-Olds	0.961
35-65 Year-Olds	1
Borough Resident	0.865
Borough Non-Resident	1.00
Concent. Disadvantage	0.904
Residential Stability	1.010
Perc. Foreign Born	1.001
Perc. Limited English	0.998

$R^2_{McF} = 0.04$

Similarities and Differences in Predictors of Court Appearance for Criminal and Civil Summonses

The relationship between these factors and the odds of court appearance were largely similar for criminal and civil summonses. This includes the greater likelihood of appearance for the youngest recipients (16-17 year-olds) as well as the similarities in appearance by misconduct type (with the exception of greater odds of appearance for public urination in civil courts but not criminal courts). Odds of appearance by borough of issuance were also similar, except that summonses issued in Staten Island were less likely to result in a court appearance in civil courts and more likely in criminal courts.

Living in a neighborhood with greater concentrated disadvantage and residential instability reduced the odds of court appearance for both criminal and civil summonses. Additionally, in the civil summons model, which accounted for racial/ethnic differences in court appearance rates, living in a neighborhood with a higher proportion of residents who were foreign born was not significantly associated with court appearance relative to the criminal summons models. In all of the models, individuals who were outside of their home borough when they received the summons were also more likely to appear in court.

Taken together, findings suggest that factors in these analyses that predict court appearance explain only a small proportion of the variability in criminal and civil court appearance rates. Beyond misconduct type and demographic characteristics, these findings suggest that social and economic resources likely matter in facilitating court appearance.

Importantly, we also examined predictors of court appearance for criminal summonses issued for disorderly conduct and marijuana possession after the legislation went into effect. We found similar results regarding the relationship between court appearance and gender, issuance in a borough different from the individual's residence, neighborhood disadvantage and residential stability. Results differed by age groups; for criminal summonses for CJRA charges, all age groups were more likely to appear in court relative to 35-65 year-olds and for criminal summonses for marijuana and disorderly conduct, all age groups were less likely to appear relative to 35-65 year-olds.[9]

Conclusion

This brief documented court appearance rates for CJRA acts of misconduct as they moved from the criminal to the civil summons court. Some individual and neighborhood factors which impact court appearance are similar in civil and criminal summons courts. Our findings suggest that

resources matter in supporting court appearance: a higher proportion of long-term residents for both types of summonses, living in neighborhoods with less concentrated disadvantage for civil summonses, and a higher proportion of individuals reporting English proficiency appear to facilitate appearance for criminal summonses. Neighborhood-level concentrated disadvantage likely also serves as a proxy for an individual's own economic resources, including their ability to miss work in order to appear in court, bear the financial burdens associated with travel or childcare, or cope with a fine that is likely associated with the resolution of the case.

Finally, while we included nine explanatory factors in the analysis, the model explained a very small proportion (<5%) of the variance in court appearance for summonses at both court sites. This is in line with prior research, which suggests that non-appearance in court is the result of complex barriers.[10]

Better understanding of court apperance for summonses, citations, and other forms of non-custodial arrests is especially timely in light of criminal justice reform legislation passed in New York State on April, 2019. Beginning January 1, 2020, police officers will be required to issue a desk appearance ticket (DAT; a form of non-custodial arrest) for nearly all arrests involving misdemeanors and Class E felonies.[11] Court appearance for DAT arrests is important, as non-appearance is similar to criminal summonses and can result in a warrant.[12] Prior research has found that court appearance rates are higher for more serious offenses (e.g. felonies) relative to less serious offenses (e.g. misdemeanors).[13] Understanding court appearance for less serious acts of misconduct will require additional attention to the role of social and economic resources, as well as other situational factors, in supporting engagement in court.

Questions for Future Research

1. How do factors such as prior non-appearance and criminal history relate to court appearance? How do individual-level economic, linguistic, and social resources relate to the likelihood of court appearance?

2. What is the role of bench warrants in encouraging court appearance for lower-level offenses? Would court appearance rates for criminal summonses be similar if bench warrants were not issued for failure-to-appear?

3. Do court appearance rates vary by type of misconduct and charge severity?

4. How will the implementation of NYS legislative reforms in January 2020, to expand the use of desk appearance tickets for nearly all misdemeanor and Class E Felony arrests, impact court appearance rates, and associated warrants?

ENDNOTES

[1] Mulligan, K., Fera, A., Cuevas, C., Grimsley, E., & Chauhan, P. (2018). *The Criminal Justice Reform Act Evaluation: Trends in Criminal Summonses Pre-Implementation, 2003-2016.* New York: New York.

[2] The coding of nonappearance used in this analysis differs from the classification OATH uses to identify a summons as in "default". As summonses are subject to a due process review for legal sufficiency (and potentially dismissed) prior to being labeled in default. Approximately one in five summonses is dismissed through this review process. Therefore, our measure of nonappearance includes a larger number of summonses than that those classified as in default at OATH.

[3] Tomkins, A. J., Bornstein, B., Herian, M. N., & Rosenbaum, D. I., & Neeley, E. (2012). An experiment in law: Studying a technique to reduce failure to appear in court. *Court Review, 48,* 96-106; and Schnacke, T. R., Jones, M. R., Wilderman, D. M. (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, 48*, 86-95.

[4] See Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2012). Reducing courts' failure-to-appear rate by written reminders. *Psychology, Public Policy, and Law, 19*(1).

[5] See Bornstein (ibid) and Gouldin, L. P. (2018). Defining Flight Risk. *University of Chicago Law Review, 85*, 677-742.

[6] Beginning in 2014, New York City worked with a behavioral economics firm, ideas42, and University of Chicago Crime Lab, to design, study, and implement ways to reduce the failure to appear rate in criminal summons court. The result was a behavioral redesign of the criminal summons that reduced the failure to appear rate by 13%, as well as behaviorally designed text message reminders that reduced the failure to appear rate by 26%. These changes were implemented citywide in criminal summons court, and then were replicated in the design of the civil summons form and text message reminders at OATH. See Cooke, et al. (2018) Using behavioral science to improve criminal justice outcomes: Preventing failures to appear in court. *University of Chicago Crime Lab and ideas42*. https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf.

[7] Estimates of variance explained are useful metrics for comparing the relative explanatory power of a given statistical model. While variance explained varies widely across outcomes of study, units of analysis, and type of statistical model, a pseudo- R^2 value under 0.10 is relatively low in social science and criminological research. For example, a 2008 meta-analysis examining the explanatory power of statistical models predicting the occurrence of crime found that the median variance explained was 36.5%, and that only about 10% of models reported R^2 values below 0.10. For details, see Weisburd, D. & Piquero, A.R. (2008). Criminologists explain crime- Statistical Modeling in Published Studies, *Crime and Justice: A Review of Research*, *37*, 453-502.

[8] Research by Bornstein and colleagues (2012) found that race and sex were not significant predictors of failure to appear once geographic location, offense type, and number of charges where included in the model. They also found that trust and confidence in the legal system were correlated with court appearance, and that these constructs varied by race and ethnicity. See Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2012). Reducing courts' failure-to-appear rate by written reminders. *Psychology, Public Policy, and Law, 19*(1), 70-80.

[9] The results of these analyses are available upon request.

[10] Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2012). Reducing courts' failure-to-appear rate by written reminders. *Psychology, Public Policy, and Law, 19*(1), 70-80.

[11] See https://www.governor.ny.gov/news/governor-cuomo-and-legislative-leaders-announce-agreement-fy-2020-budget

[12] See Cooke et al. (2018) op. cit.

[13] Howat, H., Forsyth, C. J., Biggar, R., & Howat, S. (2016). Improving court-appearance rates through court-date reminder phone calls. *Criminal Justice Studies, 29*(1), 77-87.

Appendix I. Data, Measures, and Analysis

Data Sources: The data used in these analyses come from the Office of Court Administration (OCA), the Office of Administrative Trials and Hearings (OATH), and the Census American Community Survey (ACS) 2012-2016.

- **OCA Data** includes criminal summonses issued to individuals (excluding the small proportion issued to corporations) in New York City from January 1, 2016 – December 31, 2018. The regression focused only on summonses issued by the New York Police Department to individuals living in New York City. After performing list-wise deletion to only include cases with complete information, the final sample for the pre-CJRA model includes 139,810 criminal summonses and the post-CJRA model includes 9,943 criminal summonses.
- **OATH Data** includes civil summonses issued in New York City for18 months following the implementation of CJRA (June 13, 2017 – December 31, 2018). The sample of civil summonses only included those issued by the New York Police Department to individuals living in New York City. About half of all civil CJRA summonses included in the OATH dataset were included in the regression analysis. The majority of excluded records were missing zip code of residence information, and a smaller portion were excluded due to missing demographic information. The full sample and regression sample (that removed missing data) did not differ systematically by borough of issuance or misconduct type. After performing list-wise deletion to only include cases with complete information, the final sample includes 37,412 civil summonses.
- **American Community Survey Data** include U.S. Census estimates for New York City taken from the American Community Survey 5-year estimates (2012-2016) for the Zip Code Tabulation Areas (ZCTA). ZCTA-level information were then matched to their corresponding zip code reported in the summons datasets.

Measurement

Dependent Variable

Court appearance was the outcome variable in this study. This was a dichotomous variable which was coded as 0 = failed to appear in court, and 1 = appeared in court (or otherwise responded to the summonses, such as pleading by mail).

In the OCA criminal summons data, this measure was created by coding any summons for which a warrant was issued, as warrants are issued in the criminal court when summons recipients do not make their scheduled court appearance.

In the OATH civil summons data, this measure was created by coding any summons where the summons recipient did not respond to the summons (by paying, having a remote hearing, or appearing in court) before the indicated hearing date. We note that this coding of nonappearance differs from the classification OATH uses to identify a summons as in "default", as summonses

are subject to a due process review for legal sufficiency (and potentially dismissed) prior to being labeled in default. Therefore, our measure of non-appearance includes a notably larger number of summonses than that those classified as in default at the administrative court.

Independent Variables

Sex was a dichotomous variable where males = 0 and females = 1.

Age was coded as a categorical variable aggregated into five age categories: 16-17 year-olds, 18-20 year-olds, 21-24 year-olds, 25-34 year-olds, and 35-65 year-olds. Those older than 65 were excluded from the sample due to comprising such a small percentage of summons recipients.

Misconduct was a categorical variable of the five acts of misconduct impacted by CJRA: public consumption of alcohol, unreasonable noise, parks offenses, littering, and public urination.

Borough of Issuance is a categorical variable that indicates the borough in which the recipient received the summons. Boroughs are coterminous with counties in New York City, and include Manhattan, Bronx, Brooklyn, Queens, and Staten Island.

Resident of Issuing Borough was coded as a dichotomous variable where those who were not residents of the borough where they were issued the summons were coded = 0 and those who were residents of the borough where they were issued the summons were coded = 1.

Concentrated Disadvantage was a composite measure that included five ACS measures at the ZCTA level: percent of individuals living below the poverty line, percent female-headed households, percent of individuals on public assistance, percent unemployed, and percent of households with children under the age of 18. Cronbach's alpha is a measure of internal consistency and determines how closely related a set of items are as a group. The Cronbach's alpha of this measure was 0.89, which is considered excellent internal consistency.

Residential Stability was derived from a census measure reporting the percentage of individuals who had moved into a neighborhood within the last 7 years. This variable was recoded so that this percentage was subtracted from 100, in order to transform it to a measure of residential stability.

Limited English was derived from a census measure reporting the percentage of limited English-speaking households in a given ZCTA.

Foreign Born was derived from a census measure reporting the percentage of individuals in a given ZCTA that were born outside of the United States.
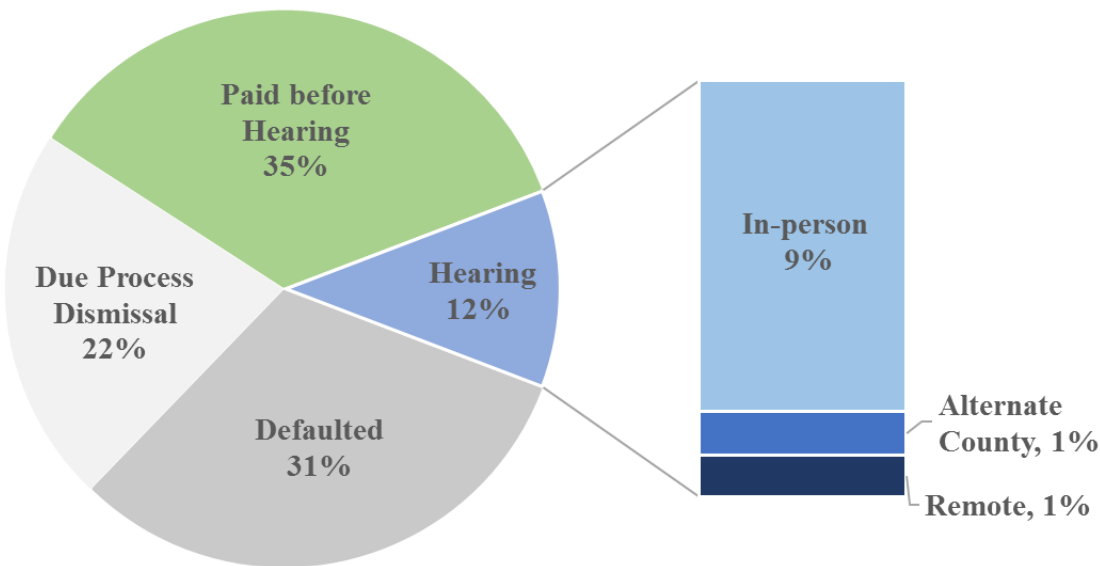
Analysis: We used multivariate logistic regression analysis to predict court appearance (0 = failed-to-appear, 1 = appeared in court), as this method is well suited for examining the odds of occurrence for a dichotomous outcome. Results are presented as odds ratios for ease of interpretation and significant findings are indicated at $p < 0.05$.

Appendix II. Court Appearance for Civil CJRA Summonses at OATH

Supplemental internal brief by the Data Collaborative for Justice

The Office of Administrative Trials and Hearings (OATH) allows summons recipients additional flexibility in responding to their summons relative to the criminal summons process. Recipients of civil CJRA summonses may admit to the charge and pay the fine prior to the hearing date or may contest the summons through an in-person or remote hearing (online, by phone, or by mail). Respondents can also opt to appear in an OATH court site in any of the five counties, regardless of where the summons was issued. This supplemental analysis suggests that the ease of paying before a hearing is an important component in supporting court appearance, as this was the most common way civil CJRA summons were resolved.

Figure 1. Response Status for Civil CJRA Summonses (n = 89,860)

Data Source: Office of Administrative Trials and Hearings
Note: 1. Status reported for civil CJRA summonses issued between June 13, 2017 and December 31, 2018.
2. Among the 1,034 remote hearings, 514 were adjudicated via mail, 272 online, and 248 via telephone.

Figure 1 reports the response status for civil CJRA summonses issued in the 18 month period after CJRA implementation. Among the 89,860 summonses with a final disposition in civil court, the most common status was paid before the court hearing (35%). If a summons has not been resolved by the hearing date, OATH conducts a due-process review for defectiveness and legal sufficiency. More than one in five summonses (22%) were dismissed in this review, while less than a third of summonses (31%) were not dismissed and were designated as defaults. Over one in ten summonses (12%) resulted in a hearing. The majority of hearings occurred in person within the county in which the summons was issued (9% of summonses), and a smaller proportion were resolved through a remote hearing (1% of summonses) or appearance in court in an alternate borough (1% of summonses). See **Table 1 and 2** for frequencies of appearance status and hearing location by the characteristics of the summons and the recipient.

Table 1. Appearance Status and Hearing Location by Summons Characteristics

| | Appearance Status | | | | | | | | | Hearing Location | | | | | | |
| | Paid Before Hearing | | Defaulted | | Default Dismissal | | Hearing Completed | | | In-Person | | Alternate County | | Remote | | |
Appearance Status	n	%	n	%	n	%	n	%	Total	n	%	n	%	n	%	Total
Appearance Status	31,516	35	28,245	31	19,691	22	10,408	12	89,860	8,267	79	1,107	11	1,034	10	10,408
Misconduct Type																
Public Consumption	16,929	34	14,833	30	13,914	28	3,751	8	49,427	3,177	85	348	9	226	6	3,751
Unreasonable Noise	203	20	212	21	227	23	360	36	1,002	299	83	36	10	25	7	360
Parks Offenses	8,988	37	8,308	34	2,758	11	4,190	17	24,244	3,146	75	424	10	620	15	4,190
Littering	1,345	33	1,522	37	602	15	643	16	4,112	499	78	84	13	60	9	643
Public Urination	4,050	37	3,366	30	2,190	20	1,460	13	11,066	1,142	78	215	15	103	7	1,460
Borough of Issuance																
Manhattan	10,128	36	9,821	35	4,935	18	3,401	12	28,285	2,664	78	308	9	429	13	3,401
Bronx	5,424	31	4,838	28	5,153	29	2,117	12	17,532	1,896	90	112	5	109	5	2,117
Brooklyn	9,318	38	7,057	29	5,266	21	3,113	13	24,754	2,266	73	512	17	335	11	3,113
Queens	5,798	36	5,585	35	3,333	21	1,346	8	16,062	1,049	78	165	12	132	10	1,346
Staten Island	380	22	542	31	613	35	222	13	1,757	206	93	10	35	6	3	222

Table 1 reports the count and proportion of summonses in each appearance status, as well as the hearing location for the subset of summonses that were resolved through a hearing. While the proportion of summonses which were paid before a hearing was approximately one third for most acts of misconduct and counties of issuance, rates of payment before the hearing date were notably lower for summonses issued for unreasonable noise and in Staten Island. Summonses for unreasonable noise were also more likely to be resolved through a hearing compared to summonses for other CJRA acts of misconduct. While remote hearings were relatively uncommon, they were more likely for summonses for park offenses relative to other misconduct types, and for those issued in Manhattan relative to those issued in the other four counties.

Table 2. Appearance Status and Hearing Location by Individual Characteristics

	Appearance Status									Hearing Location						
	Paid Before Hearing		Defaulted		Default Dismissal		Hearing Completed			In-Person		Alternate County		Remote		
Appearance Status	n	%	n	%	n	%	n	%	Total	n	%	n	%	n	%	Total
Appearance Status	31,516	35	28,245	31	19,691	22	10,408	12	89,860	8,267	79	1,107	11	1,034	10	10,408
Residence																
Borough Resident	14,256	35	12,853	32	8,391	21	4,800	12	48,691	3,885	81	416	9	499	10	4,800
Borough Non-Resident	5,577	35	5,606	36	2,398	15	2,168	14	15,749	1,608	74	377	17	183	8	2,168
Race																
Black	4,529	20	7,569	34	7,061	32	3,169	14	22,328	2,592	82	367	12	210	7	3,169
White	6,911	54	2,819	22	2,072	16	953	8	12,755	656	69	76	8	221	23	953
Hispanic White	6,945	33	6,422	31	5,688	27	1,883	9	20,938	1,628	87	150	8	105	6	1,883
Hispanic Black	2,049	33	1,717	28	1,748	29	613	10	6,127	528	86	55	9	30	5	613
Asian/Pacific Isl.	1,693	55	539	18	481	16	376	12	3,089	301	80	41	11	34	9	376
American Ind./Al.	180	49	67	18	63	17	61	16	371	51	84	5	8	5	8	61
Gender																
Male	20,083	33	17,970	29	16,674	27	6,617	11	61,344	5,420	82	690	10	507	8	6,617
Female	4,213	39	2,879	30	2,445	23	1,268	12	10,805	1,003	79	91	7	174	14	1,268
Age																
16-17 Year-Olds	427	39	272	25	216	20	193	17	1,108	156	81	14	7	23	12	193
18-20 Year-Olds	1,997	40	1,324	27	1,053	21	591	12	4,965	441	75	70	12	80	14	591
21-24 Year-Olds	4,246	42	2,814	28	2,249	22	867	9	10,176	664	77	88	10	115	13	867
25-34 Year-Olds	7,866	36	6,435	29	5,860	26	2,013	9	22,174	1,577	78	196	10	240	13	2,013
35-65 Year-Olds	9,378	29	9,771	30	9,559	29	4,063	12	32,771	3,448	85	404	10	211	5	4,063

Table 2 reports frequencies for appearance status and hearing location by demographic characteristics of the summons recipient. Individuals in the youngest age group (16-17 year-olds) had the highest rates of appearing in person while the oldest age group (35-65 year-olds) had the lowest rate of paying before the hearing and appearing remotely. While respondents who received their summons within or outside of their county of residence had similar rates of appearing for a hearing, but those who received a summons in a different county were almost twice as likely to appear in a county other than the one where the summons was issued (17% vs. 9% of hearings).