

# Nudging Defendants Into Court and Out of Prison: The Behavioral Economics of Pretrial Compliance

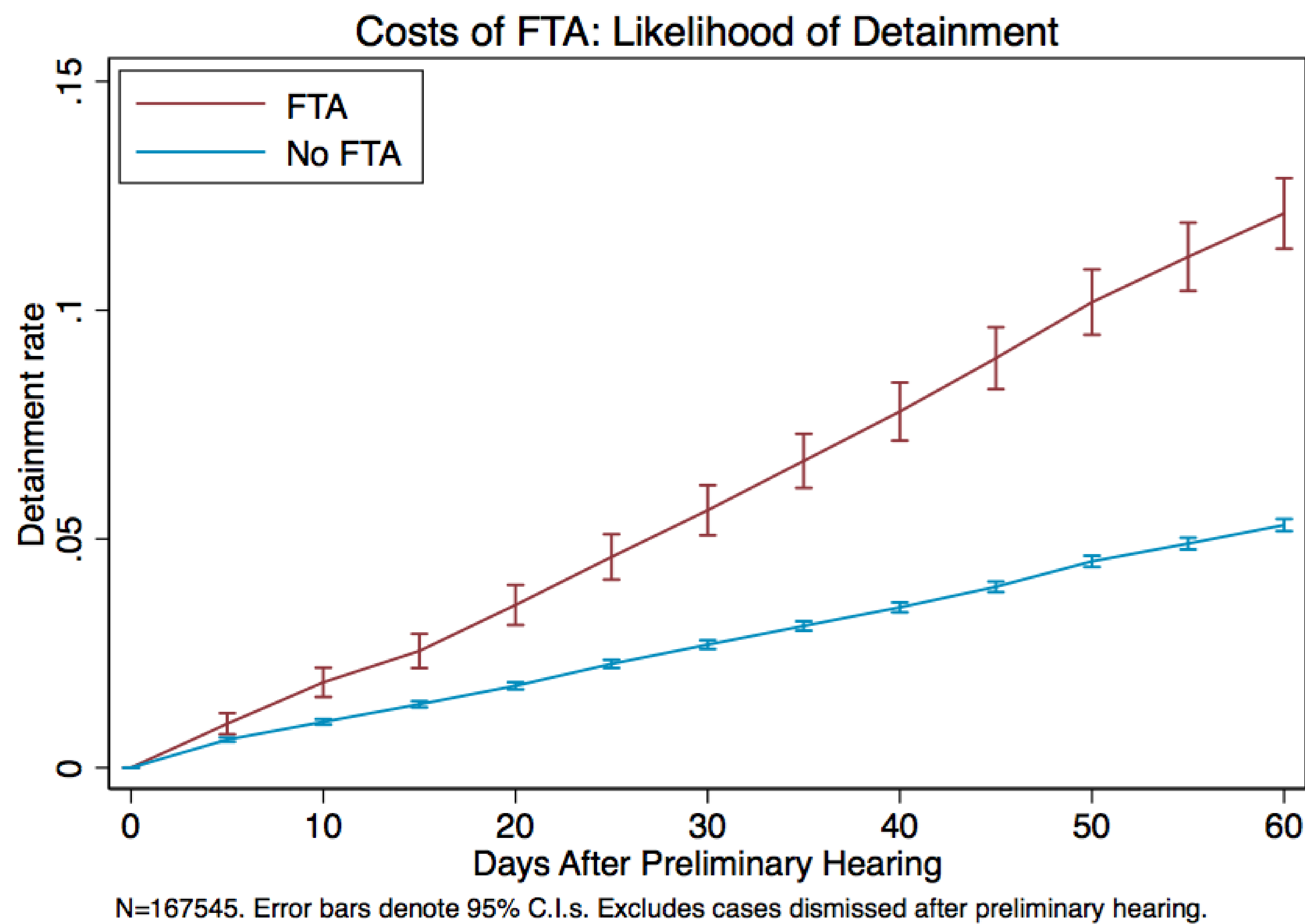
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## Background

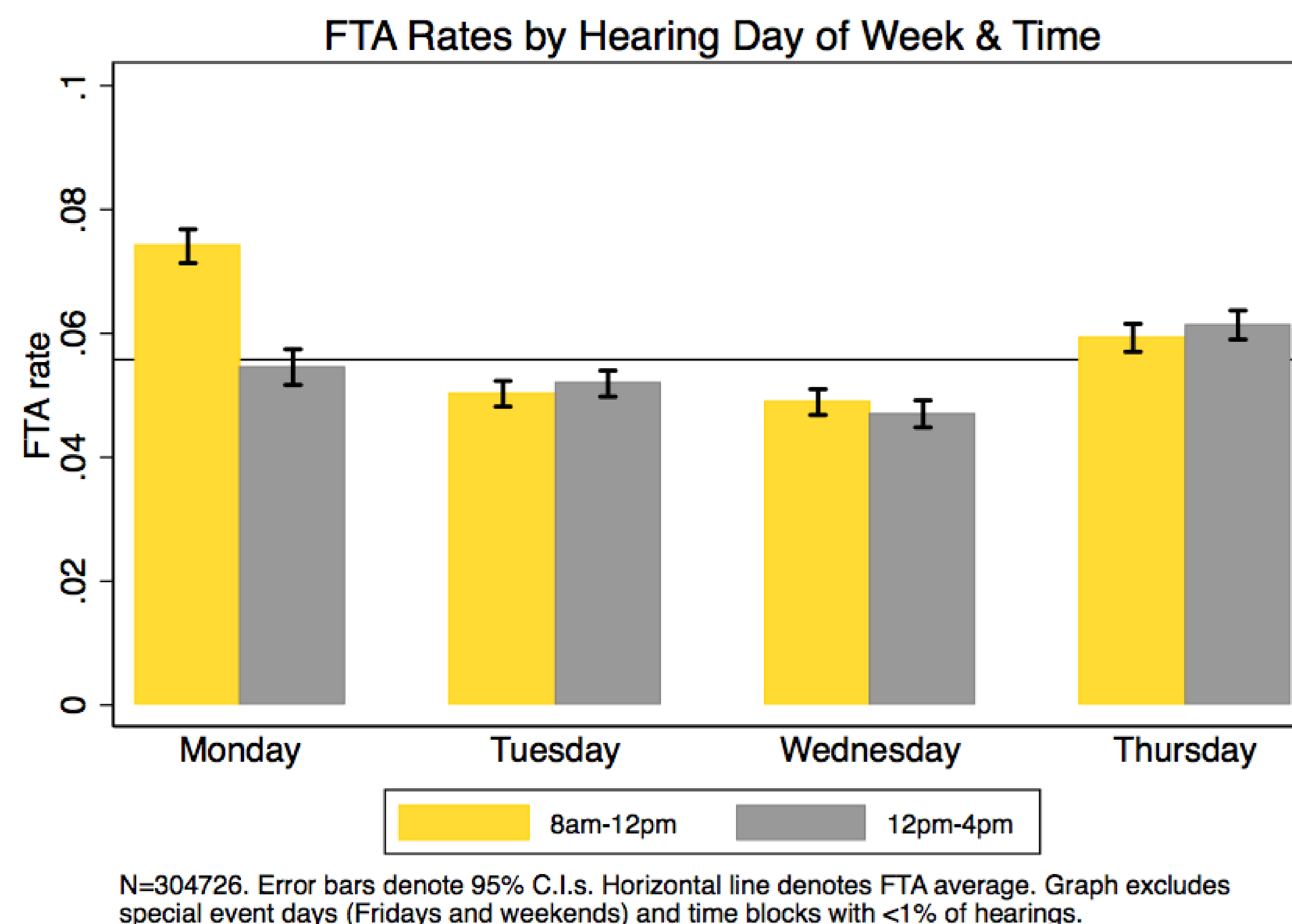
- Incarceration rates are at a historic high; 60% of incarcerated adults are detained during pretrial
- Failing to appear (FTA) for a scheduled court hearing results in arrest warrants, leading to detainment and harsher sentences (with potentially large negative consequences)
- Reasons why people FTA, and ways to decrease FTAs, are underexplored in the literature
- Behavioral economics suggests cognitive and emotional factors may contribute to these costly decisions

## Present Research

- **Do small changes in hassle costs affect pretrial defendants' propensity to FTA?**
- **Empirical strategy:** Estimate whether conditionally random variation in (1) presence of SMS/phone court hearing reminders and (2) scheduling of court hearings affects FTA rates
- **Setting:** Fifth Judicial District of PA, preliminary hearing FTAs
- **Sample:** defendants "released on own recognizance" / bail, 2008-2016
- **Results:** Both reminders and scheduling day/time dramatically affect FTA rate



FTA rate without vs. with reminder: 8% vs. 3%



## Discussion

- Court hearing reminders decreased FTA rates by 62%
- Mid-week and afternoon court hearings had 28% fewer FTAs, compared to Monday mornings
- Results help us understand defendant population's behavior: FTAs may be partly driven by cognitive / emotional factors
- Leveraging reminders and scheduling times as policy instruments may be an effective, scalable way of improving defendants' welfare and alleviating pressure on overcrowded and underfunded jails

## Future Work

- Conduct survey of defendants to test mechanisms underlying results, e.g. limited attention, misperceptions of consequences, planning fallacy, self-control, emotional costs, trust
- Rule out alternative explanations
- Use the quasi-random variation in pretrial detainment rates as instruments to estimate effects of detainment on economic, health, and hedonic outcomes

Questions / comments welcome:  
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