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.
- Results: Both reminders and scheduling day/time dramatically affect FTA rate.

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.

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