
What Do Defendants *Really* Think?

Procedural Justice and Legitimacy in the Criminal Justice System

By Rachel Swaner, Cassandra Ramdath, Andrew Martinez, Josephine Hahn, and
Sienna Walker

Center
for
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Executive Summary

In the last decade, reformers have sought to strengthen the legitimacy of the United States criminal justice system by embracing the concept of procedural justice. The key elements of procedural justice include:

- **Respect** Relevant agency actors (e.g., police officers, judges, attorneys, corrections officers, etc.) treat those with whom they interact with respect and dignity.
- **Neutrality** Criminal justice decision-making processes are unbiased.
- **Understanding** People understand the process, their rights, case outcomes, what is required to comply with any order or sentence, and the rules governing appropriate behavior when interacting with justice agencies.
- **Voice** People have an opportunity to voice their questions and concerns and tell their side of the story.
- **Helpfulness** Criminal justice actors have an interest in the needs and personal situation of those they interact with.

This study examines how those who go through multiple components of the justice system (e.g., arrest, adjudication, incarceration) perceive procedural justice across sectors. With funding from the Bureau of Justice Assistance at the U.S. Department of Justice, the Center for Court Innovation conducted a mixed-method study to provide a research-informed foundation for interventions and policies to increase perceptions of procedural justice and overall fairness across the criminal justice system.

Methodology

We administered closed-ended surveys to 807 justice-involved people to determine their perceptions of procedural justice and overall feelings of fairness related to multiple criminal justice actors and agencies. Additionally, we conducted in-depth, qualitative interviews about procedural justice with 102 people who had significant experience with the police, the courts, and corrections. Data collection took place in Newark, NJ and Cleveland, OH.

Survey Findings

Perceptions of Police

- **Previous Personal Experience** Overall perceptions of procedural justice during police stops or arrests were low. The majority of respondents felt that officers did not treat them with respect, listen to them, or take their needs into account.
- **General Views** Despite generally reporting that police were not engaged in the community, were not respectful, and could not be trusted to arrive quickly if called to respond to a violent crime, more than half of respondents (58%) said they would call the police for help if they were in trouble.

Perceptions of Courts

- **Previous Personal Experience** Survey respondents' perceptions of procedural justice during court appearances were generally favorable: about four-fifths felt respected by the court officers and the judge and reported that they understood what was happening (e.g., court rules, procedures, case progress). Respondents were less satisfied with their opportunity to ask questions and tell their side of the story and with long and unexplained wait times.
- **General Views** Overall views of the local court system were not favorable, especially with regard to the court's neutrality. Fifty percent felt that the poor and African-Americans were treated worse than others by the courts. General views of the judges trended negative, with many respondents rating judges as out of touch and unfair.

Perceptions of Corrections

- **Previous Personal Experience** Over three-quarters (77%) of the survey respondents had spent time in jail or prison in the past five years.

Less than half of this subsample of survey respondents said that corrections staff treated them with respect, listened to what they had to say, or took their needs into account. However, respondents generally reported that they understood what was expected of them and few felt they were treated differently because of demographic characteristics (age, income, race, sex).

- **General Views** Survey respondents had generally negative views. Many believed that correctional staff were too quick to use force against inmates and did not feel that staff were trying to protect and look out for inmates.

Overall Satisfaction with the Criminal Justice System

- **Satisfaction** Respondents were asked about their overall general satisfaction with the police, prosecutors, defense attorneys, judges, the court system, and jail administrators. From these questions, we created a global criminal justice system satisfaction scale. Thirty percent of survey respondents reported high aggregate satisfaction with the criminal justice system, and 70% reported low-moderate aggregate satisfaction.
- **Predictors of Satisfaction** Satisfaction with the criminal justice system was significantly higher for people who had positive perceptions of procedural justice during their most recent police stop or arrest, those who had positive general perceptions of local police, those who viewed their last court outcome as fair, and those who felt that judges are generally fair in their decisions. Therefore, improving procedural justice during police stops may improve perceptions of the criminal justice system overall. Surprisingly, positive perceptions of procedural justice during most recent court appearance was not a significant predictor of global satisfaction with the criminal justice system.

Interview Findings

Interview findings are presented for police, courts, and corrections.

Police

- **Respect** Narratives about police interactions centered around three themes. First, interviewees stated that officers approached them with a presumption of guilt, even when they were the ones to call for help. Second, officers were seen as perpetrating verbal and physical abuse. Third, interviewees felt that police exhibited a disregard for the lives and well-being of community members—e.g., approaching people with their guns drawn when there was no imminent danger, leaving the bodies of shooting victims on the street for long periods of time.
- **Neutrality** Many interviewees felt that police treated people differently based on individual characteristics (e.g., physical appearance, race, criminal history) and neighborhood where they lived (e.g., poorer neighborhoods experienced more harassment).
- **Understanding** Interviewees believed officers provided them with adequate information, though many expressed frustrations about *when* and *how* this information was conveyed. Many explained that during their most recent police encounters, they were

given an explanation as to why they were being stopped, but only after they had already been arrested or approached in an accusatory way.

- **Voice** Though some felt that they had the opportunity to speak, they also felt that the police officers ultimately would not listen to them. For example, some interviewees reported that when they explained themselves, officers would respond dismissively such as by stating, “Tell it to the judge,” or “I don’t want you talking.”
- **Helpfulness** Though the perception of police as helpful agents was not common, a small number of interviewees spoke about police officers performing good deeds and small favors, such as offering them a slice of pizza while waiting in the car after arrest.
- **Perceptions of Fairness and Legitimacy** Perceptions of overall police legitimacy were low, reflecting concerns about trust. Many interviewees stated that they would not call the police for help, that they feared interacting with them, and that contacting the police “can create more of a problem than a solution.” Interviewees felt that there was over-policing of minor crimes, and that despite an active police presence, officers did not respond to calls for help or were slow to do so—“visible but not present.” They also felt officer abuse of power was enabled by a systemic lack of accountability (e.g., ineffective Internal Affairs, judges who always side with police officers).

Courts

- **Respect** Interviewees reported that court staff conveyed respect through a wide-range of nonverbal behaviors, such as maintaining eye contact or smiling. They felt disrespected by court staff who used stigmatizing labels (e.g., “irresponsible,” “menace to society”) or prohibited someone coming from a holding area from hugging their mother in court. Finally, interviewees felt disrespected when court actors did not listen to them or give them a chance to speak.
- **Neutrality** Some interviewees indicated that courts are in fact neutral in their decision-making and that judicial decisions are based on evidence. Others described ways in which they believed judicial processes and outcomes differ according to ability to afford a private lawyer, criminal history, and race.
- **Understanding** While interviewees generally felt they understood rules concerning behavior in the courtroom, many did not understand or conveyed only a superficial understanding of more essential court processes. In general, they reported confusion

regarding language and terminology used by court personnel (e.g., “no contest,” “fines and costs”) and critical practices (e.g., plea bargaining). Interviewees felt this lack of understanding led to exploitation when they did not fully understand what they were agreeing to.

- **Voice** Some interviewees reported that they were given opportunities to speak and be heard in court. Others reported ways in which they felt they were silenced (e.g., being cut off by a judge). There was a perception that those who had a criminal or substance abuse history were less likely to be given a chance to speak. Interviewees also argued that practices like plea bargaining effectively eliminated their voice.
- **Helpfulness** Examples of helpfulness focused on receiving support and assistance for underlying challenges (e.g., addiction) as part of their mandate. Some interviewees described instances in which they needed help, but felt that the court disregarded their requests or offered solutions that did not acknowledge the underlying problem (e.g., giving fines to people who were unemployed).
- **Perceptions of Fairness and Legitimacy** Interviewees reported cynicism due to the belief that courts had an excessively punitive focus, particularly for low-level crimes (including drug offenses). Additionally, they felt case processing delays affected their lives, and that public defenders were not as effective as private attorneys.

Corrections

- **Respect** Interviewees identified respectful behaviors as ones that conveyed compassion, positive encouragement, and a basic regard for human dignity. Examples included when correctional officers provided them with extra privileges and information about their case. Interviewees discussed many ways in which they felt disrespected while in jail or prison. The poor quality food and unsanitary conditions (e.g., bedbugs, mold, rusty showers, odors) were used as examples of inhumane living conditions—both of which were said to lead to health and hygiene problems. Interviewees also reported verbal abuse, intimidation, and physical abuse by corrections officers.
- **Neutrality** Interviewees explained that correctional officers often favored certain groups, including repeat offenders, gang members, and those whom correctional officers knew from the community. These groups were thought to be afforded more privileges; those not favored were reported to be punished more frequently and harshly. Some interviewees also reported differential treatment by race and ethnicity.

- **Understanding** Many interviewees described being provided with information while they were in holding, but not once they were transferred to jail or prison. Respondents were typically aware of jail and prison rules, and could identify behaviors that were prohibited as well as formal consequences for violating rules. They described obtaining information about these rules from a pamphlet provided during their intake, conversations with other inmates, or past incarceration experience.
- **Voice** Interviewees reported that they were usually ignored, despite asking questions and expressing their needs while in a facility. For some, a lack of voice and general staff unresponsiveness led to safety concerns.
- **Helpfulness** Narratives of helpfulness were more common within the correctional context than in the preceding stages of the criminal justice system. Interviewees highlighted the services available to inmates in facilities, particularly prison services geared toward community reentry and reintegration. Interviewees consistently reported being helped by medical staff and educational and clinical service providers. They also highlighted the importance of being or offered job opportunities (e.g., in the kitchen).
- **Perceptions of Fairness and Legitimacy** Perceptions of the correctional system were mostly unfavorable. Interviewees depicted the system as aiming to punish not rehabilitate, exemplified by their perception of unethical and unaccountable behavior by correctional officers.

Practice and Policy Recommendations

Based on this study, we developed the following recommendations:

- **Police** To address neutrality and respect, police departments could mandate all officers to participate in trainings on implicit bias and effective and non-violent communication.
- **Courts** To address understanding, courts could provide all defendants with materials that give detailed explanations of essential court processes (e.g., plea bargaining, bail payment), key terms (e.g., fines and fees), and legal rights. To address voice and respect, judges could use scripts with each defendant to ask if there is anything about the case or defendants' personal circumstances they should know about before making a decision. The script could also provide the judge with reminders for non-verbal cues such as maintaining eye contact, having a minimum appearance time for each defendant, and speaking directly to the defendant.

- **Corrections** To increase respect and voice, jail and prison facilities could train correctional officers in effective and non-violent communication.

Finally, to increase legitimacy of these criminal justice institutions, we recommend further research and public discussion on the following:

- What strategies can police departments adopt to increase their positive involvement in the community and create opportunities for community members to voice their concerns?
- Court staff should recognize that they may need to focus attention on what happens beyond their doors. What role can courts play in encouraging more humane behavior by the police?
- How can the public defender system be reorganized so that attorneys can have more time to work with defendants on their cases? What steps can the defense bar take to increase their own legitimacy with their clients?
- How can correctional facility oversight be structured to guarantee minimum sanitation standards and to ensure that inmate grievances are heard and addressed?
- Can correctional facilities offer meaningful programming aimed at reentry and reintegration when people are incarcerated for short periods of time?

Chapter 1

Introduction

In the last decade, reformers have sought to strengthen the legitimacy of the United States criminal justice system by embracing the concept of procedural justice. This idea holds that the perception of the *process* of fair treatment by the justice system motivates compliance with the law (Schulhofer, Tyler, & Huq 2011). Overall perceptions of legitimacy, therefore, may largely be shaped by the perceived fairness of justice procedures and the respectful interpersonal treatment by criminal justice agents (e.g., police officers, judges, correction officers) among those going through the criminal justice system. Key elements of procedural justice identified by practitioners and researchers (e.g., Farley, Jensen, & Rempel 2014; Judicial Council of California 2006; Malangone 2017; Tyler 1990) include:

- **Respect** Relevant agency actors (e.g., police officers, judges, attorneys, corrections officers, etc.) treat those with whom they interact with respect and dignity.
- **Neutrality** Criminal justice decision-making processes should be unbiased.
- **Understanding** People understand the process, their rights, case outcomes, what is required to comply with any order or sentence, and the rules governing appropriate behavior when interacting with justice agencies.
- **Voice** People have an opportunity to voice their questions and concerns and tell their side of the story.
- **Helpfulness** Criminal justice actors have an interest in the needs and personal situation of those they interact with.

Extant research has tended to focus solely on perceptions of procedural justice and legitimacy related to specific agencies—the police (e.g., Carr, Napolitano, & Keating 2007; Elliot, Thomas, & Ogloff 2012; Tyler 2011); the courts (e.g., Farley, Jensen, & Rempel 2014; Gottfredson, Kearley, et al. 2007; National Center for State Courts 2017; Rossman, Roman, Zweig, Rempel, & Lindquist 2011); prisons (e.g., Bierie 2012)—and not across multiple agencies or the criminal justice system as a whole. Additionally, studies tend to focus on one specific demographic (e.g., youth, see Novich & Hunt 2017) or experience (e.g., community court user, see Frazer 2006). This makes it difficult to understand whether having a positive or negative experience with even just one criminal justice agency can

influence overall perceptions of the justice system. Finally, most studies of procedural justice and legitimacy rely solely on quantitative methods, limiting the depth of understanding about people's experiences in the system as a whole. Indeed, procedural justice research has been criticized for not incorporating qualitative methodologies that can shed light on the varied perceptions and interpretations that underlie feelings of legitimacy (Harkin 2015).

This study examines how those who go through multiple components of the justice system (e.g., arrest, adjudication, incarceration) define procedural justice across sectors.

Study Overview

With funding from the Bureau of Justice Assistance at the U.S. Department of Justice, the Center for Court Innovation conducted a mixed-method study to provide a research-informed foundation for interventions and policies to increase perceptions of procedural justice and overall fairness across the criminal justice system, with a particular focus on the police, courts, and correctional facilities. We conducted an exploratory study on key elements of procedural justice with those who have had contact with multiple parts of the criminal justice system. We sought to learn the following:

- How perceptions of procedural justice influence their overall satisfaction with the criminal justice system;
- What specific experiences they have had with system actors that have conveyed respect (or disrespect) and concern for their individual needs or circumstances;
- Whether and how these actors helped them understand agency-specific processes and expectations, and gave them space to ask questions and be heard; and
- In what ways they perceived system actors to be acting with bias.

To answer these questions, we employed two primary data collection methods. First, we administered closed-ended surveys to over 800 justice-involved people to determine their perceptions of procedural justice and overall feelings of fairness related to multiple criminal justice actors and agencies. Second, we conducted in-depth, qualitative interviews about procedural justice concepts and fairness with over 100 people who had significant experience with police, the courts, and corrections. Finally, researchers sought to produce practice and policy recommendations drawn from the data.

Site Selection

To select the study sites, researchers first identified mid-sized cities with racially and ethnically diverse populations that had not had a major recent incident that might affect overall perceptions of legitimacy of the criminal justice system (e.g., a high profile shooting of an unarmed person by a police officer). These criteria were chosen to ensure external validity of study findings. From this list of cities, we next spoke with potential partners at each site to confirm whether there was support from court leadership, as the survey component of the study would be conducted at local courthouses. Finally, we identified research partners in these cities who had the ability to oversee many months of fieldwork, could recruit and manage local research assistants, and had good relationships with key community partners who could connect us to eligible interviewees and provide space for qualitative interviews. In the end, two sites were chosen: Newark, NJ and Cleveland, OH. The Newark site was led by research staff at the Center for Court Innovation, and the Cleveland site was led by research staff at the Begun Center for Violence Prevention Research and Education at Case Western Reserve University.

Table 1.1 presents the demographic profile of these two cities for 2016—the year that all data collection for the current study took place.

Table 1.1. Demographics for Sample Cities

	Newark	Cleveland
Population Size	281,764	385,809
Race/Ethnicity		
Black, non-Latinx	48%	53%
White, non-Latinx	11%	33%
Latinx	36%	10%
Other	5%	4%
Median Household Income	\$33,025	\$26,583
% living below the poverty line	29%	36%

Source: U.S. Census Bureau, 2016

Methodology

Institutional Review Boards at the Center for Court Innovation and Case Western Reserve University approved survey and interview materials and procedures.

Quantitative Surveys

A total of 807 surveys were collected in Newark (n=399) and Cleveland (n=408). The survey was conducted in both English and Spanish, and took about 15 minutes to complete. It included closed-ended questions covering the following topics: demographics; neighborhood characteristics; attitudes about the law and the criminal justice system; arrest history; perceptions of procedural justice during most recent interactions with the police, courts, and corrections; and overall assessments of local criminal justice actors and agencies. (The complete survey is included as Appendix A.)

Surveys were administered outside of the Newark Municipal Court, the Cleveland Municipal Court, and the Cuyahoga County Court.¹ Researchers approached potential interviewees as they were leaving the court building and distributed flyers introducing the survey (see Appendix B). Researchers administered surveys verbally to those who were study-eligible and interested in participating. To be eligible, respondents had to be at least 18 years of age, and have had either a criminal court case in Newark or Cleveland in the past two years and/or been released from jail or prison in the past two years. At the end of the survey, respondents received a \$5 gift card.

All quantitative data was collected and analyzed in SPSS. Findings from these surveys are presented in Chapter 2.

Qualitative Interviews

A total of 102 interviews were conducted in Newark and Cleveland. All interviews were conducted in English² and lasted approximately 60 minutes. Questions focused on neighborhood and community characteristics; perceptions of procedural justice during recent encounters with the police, court, and corrections; overall involvement of police in the community; and the effect of court involvement or incarceration on their lives. (The complete interview guide is included as Appendix C.)

Interviews were conducted at multiple community organizations that work with justice-involved populations in Newark and Cleveland.³ Staff at these organizations helped

¹ In Newark, a very small number of surveys was also collected at community-based locations, including at a local soup kitchen, a reentry office, and a GED program.

² While all interviews were conducted in English, Spanish-language interviews were also available.

³ These organizations included: Newark Community Solutions, New Hope Baptist Church, Bridges/St. John's Church, Urban League of Essex County, Greater Abyssinian Baptist Church, Newark Reentry Services, Golden Ciphers, North Star, and Shaker Square.

researchers distribute study flyers (see Appendix D for sample recruitment flyer), let their clients know about the study, and provided office space for confidential interviews to take place. To be eligible for an interview, respondents had to be at least 18 years of age, live in Newark or Cleveland, and either have had a criminal court case in one of those cities in the past two years or have been released from jail or prison in the past two years. All interviewees completed an informed consent (see Appendix E), and received \$25 cash for participating in the interview.

Researchers monitored individual characteristics to ensure a diverse group of interviewees. When certain demographics were underrepresented, targeted recruitment was utilized to adjust the sample. Table 1.2 presents the demographic characteristics of the interview sample.

Table 1.2. Interview Sample Characteristics

<i>N</i>	Newark 52	Cleveland 50	Total 102
Gender			
Men	79%	76%	77%
Women	21%	24%	23%
Race/Ethnicity*			
Black	90%	74%	82%
White	4%	16%	10%
Latinx	10%	4%	7%
Other	0%	6%	3%
Age			
18-24 years old	19%	18%	19%
25-35 years old	25%	34%	29%
36-45 years old	13%	20%	17%
46-55 years old	25%	22%	24%
56 and older	17%	6%	12%

*Some interviewees chose more than one race/ethnicity.

All interviews were audio recorded and transcribed; transcripts were uploaded to Dedoose for coding and analysis. Researchers used both *deductive* (i.e., starting with pre-set procedural justice themes) and *inductive* (i.e., themes emerging from open coding of approximately a third of the data) coding. Codes were workshopped with the full research team, and a final codebook was developed. All transcripts were then coded by at least two team members independently, and the team met regularly to ensure consensus on coding applications. Findings from these interviews are presented in Chapters 3 through 5.

Limitations

While this study is one of the first to produce such extensive data on the breadth of user experiences with the criminal justice system, it had some limitations. The surveys and interviews both relied on self-reporting, as researchers could not verify criminal justice data (e.g., number of arrests, length of stay in jail or prison) with official administrative sources. Additionally, both data collection methods relied on non-probability sampling, thereby limiting the generalizability of the findings. Finally, we limited the study to those who spoke English or Spanish.

Despite these limitations, we were able to capture the lived experiences of people with multiple justice system contacts, and we believe our findings can help move the field of procedural justice to a more nuanced and deeper understanding and practice.

Chapter 2

Survey Results

This chapter presents findings from the quantitative surveys conducted in Newark, NJ and Cleveland, OH in 2016. The survey was administered to 807 people (399 in Newark, 408 in Cleveland) who had multiple points of criminal justice system contact, including interactions with the police, courts, and/or corrections. The survey focused on respondents' perceptions of procedural justice—feelings of respect, voice, understanding, neutrality, and helpfulness—at each of these points of contact, as well as their overall satisfaction with and attitudes toward the justice system and system actors. The results are presented in aggregate.⁴

Demographic Characteristics of the Sample

Table 2.1 presents the demographic background of the survey respondents.

The majority of respondents were black men. The average age of the sample was 37 years old, with ages ranging from 18 to 65. Over three-quarters had at least a high school diploma or GED. The average number of years respondents had lived in their city was 28.6.

Perceptions of the Police

Arrest History

As shown in Table 2.2, nearly all respondents reported having ever been arrested, with an average number of 9.3 prior arrests reported. Nearly half of the respondents surveyed reported having been arrested on drug-related charges. Sixty percent had ever been arrested on a felony charge.

⁴ There were some notable statistically significant differences by site: compared to survey respondents in Cleveland, Newark respondents were less likely to report that they would call the police if they were in trouble and were less likely to report positive perceptions of procedural justice during their last police stop. However, they were more likely to report positive perceptions of procedural justice during their last court appearance.

Table 2.1. Survey Sample Demographics

N	Total Sample 807*
Gender	
Men	69%
Women	31%
Race/Ethnicity	
Black	74%
White	11%
Latinx	10%
Other	5%
Age	
Mean	37.9 years
18-24 years old	20%
25-35 years old	28%
36-45 years old	21%
46-55 years old	20%
56 and older	12%
Education Level	
Less than high school diploma/GED	23%
High school diploma/GED	56%
Some college	8%
Associate's degree	8%
Bachelor's degree or higher	5%
Currently in School	16%
Housing	
Private	61%
Public	23%
Homeless/Shelter	7%
Temporary/Other**	9%

* Number of non-missing data for any given question ranged from 788 to 802.

** E.g., Halfway houses, group homes

Table 2.2. Arrest History

<i>N</i>	Total Sample 807*
Ever Arrested	96%
Mean number of arrests	9.3
Median number of arrests	4.0
Ever Arrested on a Felony Charge	60%
Ever Arrested for:	
Drug sales or possession	49%
Violent crime**	42%
Unpaid tickets/warrants	33%
Nonviolent property crime†	28%
Weapon	19%
Traffic-related	9%
Disorderly conduct/loitering/open container	8%
Other‡	11%

* Number of responses for some questions was as low as 776 due to missing data.

** E.g., assault, robbery, homicide

† E.g., burglary, theft, larceny

‡ E.g., fare violation, prostitution, shoplifting

Procedural Justice During Most Recent Stop

Survey respondents were asked questions about their contact with police officers in the last two years. Eighty-five percent reported contact with a police officer, less than half (47%) stated that they had a positive experience with police. About a third of respondents (34%) reported that they had called the police for help.

All respondents had been stopped by the police, and were asked questions about their last stop, regardless of when that stop occurred. As shown in Table 2.3, respondents' perceptions of procedural justice during their *most recent* stop or arrest were most favorable for neutrality and understanding, and lowest for helpfulness, voice, and respect. That is, more respondents agreed that police explained things clearly and treated them no differently due to their own demographic attributes; fewer respondents felt that the officer treated them with respect (47%), listened to them (44%), and took their needs into account (37%). Forty-three percent felt that the officer who stopped them did their job well.

Table 2.3. Perceptions of Procedural Justice during Most Recent Police Stop

	N	% Agree or Strongly Agree
		807*
Respect		
The officer treated you with respect.		47%
Voice		
The officer listened to what you had to say.		44%
Understanding		
The officer clearly explained why you were stopped or arrested.		57%
The officer clearly explained everything that would happen next.		50%
Neutrality		
You were treated differently by the police because of your age, income, sex, race or some other reason.		38%
Helpfulness		
The officer took your needs into account.		37%
The officer answered your questions well.		45%
Overall Feelings		
The officer did their job well.		43%

* Number of responses for some questions was as low as 796 due to missing data.

General Views of Local Police

The above findings reflected respondents' *specific* interactions with the police during a recent incident. We also asked them about their *overall* or general views of local police. The majority of respondents had negative views regarding respect and effectiveness: 37% said that the police are generally respectful. A higher percentage (43%) stated that officers on the street greet them. About a third (34%) said that if a violent crime occurred near their home, that they trusted the police to arrive quickly at the scene. Fifty-eight percent said they would call the police for help if they were in trouble.

The majority of respondents did not think the police engaged in positive ways with the community. A fifth reported that the police ask the community for advice on police issues; even fewer (16%) said that they knew of any police-sponsored community youth programs.

Table 2.4. Overall Views of Local Police

	% Agree or Strongly Agree
	807*
I would call the police if I were in trouble.	58%
The police are usually trying to protect and look out for people.	47%
The police generally have the same sense of right and wrong as you do.	45%
The police are generally respectful.	37%
I can trust police to arrive quickly at the scene of a violent crime near where I live.	34%
	% Yes
I know or recognize some of the police officers in my neighborhood.	66%
I am greeted/acknowledged by police officers on the street/in my building.	43%
Police officer has asked me/other community residents for advice on police issues.	20%
There are police-sponsored programs for youth in my community.	16%

* Number of responses for some questions was as low as 803 due to missing data.

Perceptions of the Court System

All respondents had been through the criminal court in their city—nearly all (97%) having had an active court case within the past two years. The survey asked questions about their last court appearance (regardless of when it was) as well as their overall views of the court system.

Procedural Justice During Most Recent Court Appearance

As shown in Table 2.5, respondents' perceptions of procedural justice during their most recent court appearance were favorable: about four-fifths of respondents felt respected by the court officers and the judge; a large majority of respondents understood court rules and procedures and what was going on with their case. One-fifth (21%) felt that they were treated differently because of their demographic characteristics (e.g., age, income, sex, race).

Voice and wait time were viewed less favorably: only 65% reported having an opportunity to express their views, and 41% reported that they were not given an explanation for court delays.

Table 2.5. Perceptions of Procedural Justice during Most Recent Court Appearance

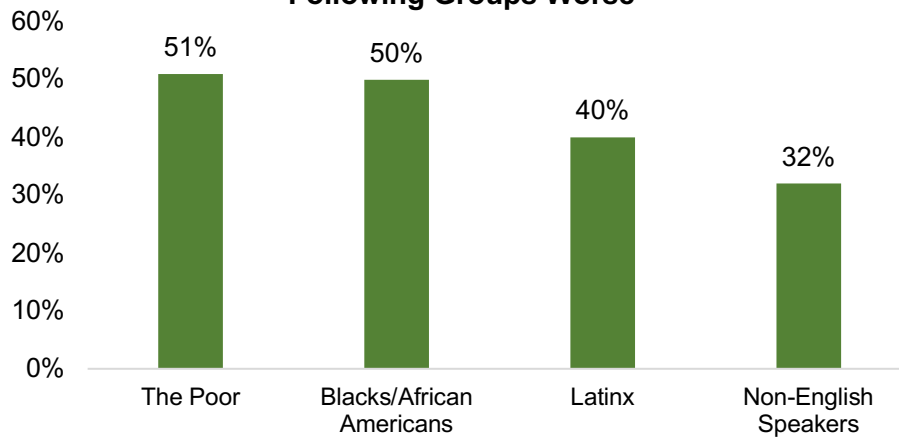
	% Agree or Strongly Agree
<i>N</i>	807*
Respect	
Overall, you were treated with respect in court.	80%
The security court officers treated you respectfully.	80%
The judge treated you respectfully.	78%
The prosecutor treated you respectfully.	64%
Voice	
In court, your defense attorney spoke up on your behalf. *	77%
The judge listened to your side of the story before making a decision.	69%
In court, you had the opportunity to express your views.	65%
Understanding	
You were always able to find your courtroom.	86%
Signs were clearly posted to explain any rules in the courtroom.	78%
The judge made sure you understood what was going on.	86%
In court, you understood what was going on.	85%
Whenever your case wasn't heard right away, someone explained the wait.	59%
Each time you left court, you understood what you had to do next.	88%
Neutrality	
You were treated differently because of your age, income, sex, race, other.	21%
Overall Feelings	
Overall, you felt the outcome of your case was fair.	60%

* Sample size for this question was 718, as 11% of respondents did not have a public defender.

General Views of Local Court System

Despite relatively positive perceptions of procedural justice during their last court appearance, overall views of the local court system were not extremely favorable. This was particularly true with regard to the court's neutrality. As Figure 2.1 shows, respondents felt that certain groups—particularly the poor and African-Americans—are treated worse than others by the courts than others.

Figure 2.1. Percent Who Believe the Courts Treat the Following Groups Worse*



* Includes those who agree or strongly agree with the statement.

General views of the judges were similarly critical: 50% stated that judges in their city are out of touch with what is going on in their communities, and only 42% believed that judges in their city are fair in their decision-making.

Perceptions of the Corrections System

Respondents were asked about their perceptions of procedural justice in relation to the corrections system. Over three-quarters (77%) of survey respondents had spent time in jail or prison in the past five years. The 73% who had spent time in jail spent a median of 22 days incarcerated (self-reported). Those who had spent time in prison (15%) spent a median of 24 months incarcerated (also self-reported). Eight percent had spent time in both jail and prison during the past five years.

Procedural Justice During Most Recent Incarceration

Table 2.6 presents the findings from questions related to perceptions of procedural justice during respondents' last time in jail or prison. Less than half of respondents said that corrections staff treated them with respect (49%), listened to what they had to say (45%), took their needs into account (44%), and did their job well (43%). Feelings of understanding and neutrality were more positive, with just over a quarter feeling they were treated differently because of demographic characteristics.

Table 2.6. Perceptions of Procedural Justice during Most Recent Incarceration

N	% Agree or Strongly Agree 622*
Respect	
Correctional staff treated you with respect.	49%
Voice	
Correctional staff listened to what you had to say.	45%
Understanding	
Correctional staff explained the process of being admitted and housed into the facility.	61%
Correctional staff explained everything that would happen (e.g., housing, transfers).	56%
Correctional staff answered your questions well.	49%
Neutrality	
You were treated differently by correctional staff because of your age, income, sex, race or some other reason.	27%
Helpfulness	
Correctional staff took your needs into account.	44%
Overall Feelings	
Correctional staff did their job well	43%

* Total N is limited to only those respondents who reported an incarceration incident within the past five years. Number of responses for some questions was as low as 604 due to missing data.

General Views of the Corrections System

When asked about their overall views of the corrections system, respondents had generally negative views: 62% stated that correctional staff were too quick to use force against inmates, 44% did not believe that correctional staff would arrive quickly if a fight broke out in the facility, and only 38% believed that correctional staff are usually trying to protect and look out for inmates.

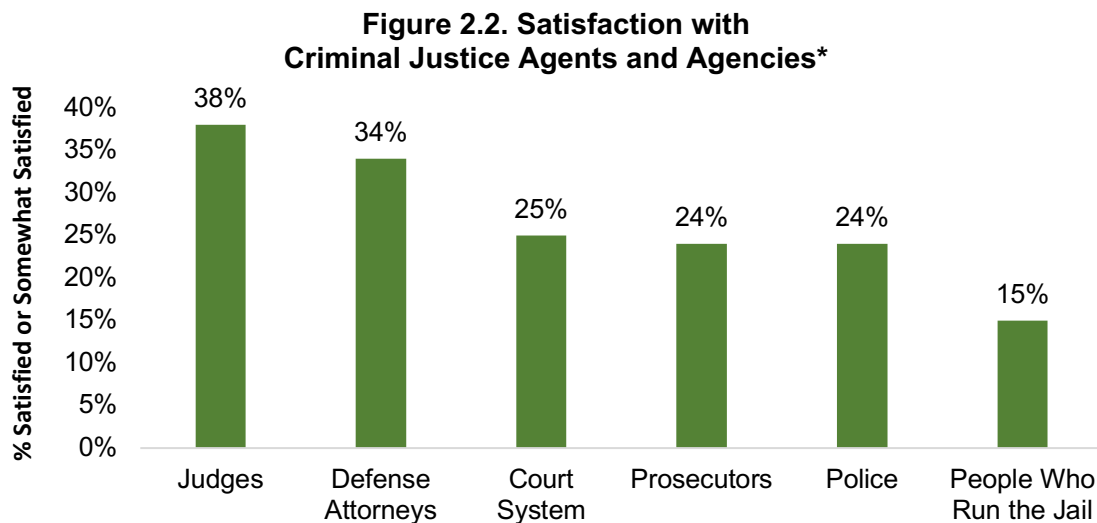
Overall Satisfaction with the Criminal Justice System

Given that respondents' general views of criminal justice agencies were not favorable, we sought to identify the factors that predicted overall satisfaction with the criminal justice system.

Global Satisfaction Measure

Survey respondents were asked to report more broadly on how satisfied they were with the police, prosecutors, defense attorneys, judges, the court system, and jail administrators.

Figure 2.2 presents their responses.⁵



* Includes those who are satisfied or somewhat satisfied.

From these responses, we created a “global satisfaction with criminal justice system” scale,⁶ and grouped responses into two categories, namely high and low-moderate satisfaction:⁷ 30% of respondents reported high satisfaction with the criminal justice system overall, and 70% reported low-moderate satisfaction.

⁵ As a comparison, we also asked about their satisfaction with public agencies not affiliated with the criminal justice system. These agencies were viewed more favorably: over three-quarters (78%) reported being satisfied or somewhat satisfied with the fire department, 46% with the schools, and 46% with the sanitation department.

⁶ Individual satisfaction questions were scaled on a five-point Likert scale ranging from 1 (not at all satisfied) to 5 (extremely satisfied). To create this scale, we summed the responses to the six questions about satisfaction with criminal justice agents/agencies (police, prosecutors, defense attorneys, judges, the court system, and jail administrators), with a higher sum indicating more global satisfaction. A reliability analysis produced a Cronbach’s alpha of .853.

⁷ We recoded the global satisfaction scale scores into two groups: a sum of 1-18 was coded as “low/moderate global satisfaction,” and a sum of 19-30 as “high global satisfaction.”

Predictors

Given that previous research has shown that personal experiences or encounters with criminal justice agencies can contribute to peoples’ broader views or attitudes toward the system (e.g., Tyler, Casper, & Fisher 1989), we conducted a logistic regression to assess the relationship between covariates such as demographics, recent experiences with the police⁸ and the court, and global satisfaction with the criminal justice system (see Table 2.7).

Table 2.7. Predictors of Global Satisfaction with the Criminal Justice System[‡]

Covariates	N	747
		Odds Ratio [Exp(B)]
Male		.766
Race/Ethnicity		
Black, non-Latinx		.704
White, non-Latinx		.813
Latinx		.825
36 years of age and older		.883
Positive perceptions of procedural justice in last police stop or arrest		3.344***
Positive perceptions of local police		2.766***
Positive perceptions of voice and respect during last court appearance		1.544
Positive perceptions of understanding during last court appearance		.980
Felt court outcome was fair		3.220***
Judges in Newark/Cleveland are fair in their decisions		2.970***
Nagelkerke R ²		.388

[‡] The dependent variable is coded as high global satisfaction (n=229), with the reference category low/moderate satisfaction (n=518).

*p<.05, **p<.01, ***p<.001

Not surprisingly, findings show that satisfaction with the criminal justice system was significantly higher for people who had positive perceptions of procedural justice during their last police stop or arrest, those who had positive general perceptions of local police, those who viewed their last court outcome as fair, and those who felt that judges are fair in their decisions. Specifically, the results show that the odds of having high satisfaction with the criminal justice system was over three times higher for those who had positive

⁸ Appendix F provides explanations of how the two police perceptions variables in the logistic regression model were created, as well as the two perceptions of procedural justice variables related to courts.

perceptions of procedural justice during their last police stop, and over three times higher for those who felt that their last court outcome was fair. The odds of having high satisfaction with criminal justice agencies was almost three times higher for those who had positive perceptions of local police, and for those who feel that judges in Newark or Cleveland are fair in their decisions.

Surprisingly, positive perceptions of procedural justice related to voice, respect, and understanding during last court appearance were not significant predictors of global satisfaction with the criminal justice system.

Chapter 3

Procedural Justice and The Police

This chapter presents major findings on experiences with and attitudes toward police. Results are informed by 102 in-depth interviews. Interviewees were asked about their interactions with police officers, focusing on their perceptions of five key dimensions of procedural justice: how officers conveyed *respect*, whether interviewees perceived that police procedures were implemented and decisions were made without bias (*neutrality*), whether and how interviewees understood what was happening during their interactions with the officers (*understanding*), whether they had the opportunity to ask questions and tell their side of the story (*voice*), and how officers demonstrated *helpfulness*. Additionally, they were asked about their broader views of the police.

Respect

Interviewees were asked to discuss police encounters in which they felt respected or disrespected. They described respectful officers as being well-mannered, genuinely concerned about them, and non-accusatory in their approach. Respectful officers exhibited common courtesy by greeting residents, saying hello, calling people “sir or ma’am,” asking people how they are doing, saying “please” and “thank you,” and apologizing when they mistakenly stopped or arrested the wrong person. When asked what respectful encounters look like, one interviewee expressed:

[They] should greet you cordially, say hi, good afternoon, with a non-threatening tone. Explain the process or what my rights are ... if I ask a question, answer it. Be willing to give information and not just accuse me ... I don't think it should ever lead to physical contact or violence. (Black woman, 30)⁹

Another interviewee added that respect is reciprocal:

⁹ All race/ethnicity, gender, and age information throughout this report was self-reported by participants.

Treat me like I'm a human being. Be cordial, you see me say, "Hey, how are you doing?" I'm going to talk to you like a grown man because they say you got to give respect to get it. And I want respect so I'm going to give it. (Black man, 26)

Despite discussing some respectful interactions with police officers, interviewees more often described encounters that they felt were steeped in disrespect. Their collective narratives about disrespect from the police centered around three themes: presumption of guilt, verbal and physical abuse, and lack of humanity.

Presumption of Guilt

Disrespectful encounters were described as being rooted in a presumption of guilt. Many interviewees reported that officers approached them with the expectation that they did something wrong, and any attempt to explain the situation was ignored or met with accusations of lying. Some interviewees reported that they were presumed to be guilty even when they were the ones to call the police for help. One interviewee described an instance in which he called the police for help with a dispute. He was arrested, despite calling the police and reporting to officers that he had been hit, reporting that “[the police] told me to be quiet, and locked me up.” Another interviewee described a similar scenario when he and his girlfriend were victims of a robbery:

They were treating me as if I was the criminal ... I just got robbed and they're like, "Do you have a history of violence or are you gang related?" ... They treated the whole situation as if I did something wrong. (Black man, 29)

The presumption of guilt was perceived as the root of disrespectful police harassment—for instance, being stopped for walking on the street or having tinted windows, being “run up on” by multiple officers quickly and aggressively, and having back-up officers called for no apparent reason.

Verbal and Physical Abuse

Many interviewees described disrespectful police interactions as fraught with verbal and physical abuse. They depicted instances where officers used offensive language and threatened them. For example, police officers reportedly used derogatory terms and explicit racial slurs such as “fat ass,” “boy,” “nigga,” and “black bitch.” Interviewees also described instances of physical abuse: being handcuffed too tightly, having an officer’s boot placed on their head while on the pavement, having their faced pushed into the ground, being hit on the

head with a flashlight, being maced, and getting punched. One man described how he experienced physical abuse as a teenager:

I was 15 ... [the police officer] rammed my stomach into the corner of his car, flipped me down on my face, smashed his knee into my back, and twisted my arm ... He went underneath my clothes, smacked the bottom of my pants, and my privates flopped out. He told me he would have no problem putting a bullet in my head, going home to his wife and kids, and going to sleep at night. (Latino, 33)

Interestingly, interviewees not only disclosed specific experiences of verbal or physical abuse, but also shared their attributions as to *why* they believed police engaged in these behaviors. For example, some attributed physical abuse to the belief that police officers anticipate hostile reactions, which leads them to quickly and preemptively resort to force. Others felt that the police saw abuse was a necessary component of their job (e.g., one interviewee reported being told by an officer, “Sometimes you just have to show up and crack some skulls on the pavement”).

Lack of Humanity

Interviewees described unethical treatment by police officers who they felt were unprofessional in carrying out official duties. This was commonly described as the police “treating you like a piece of shit,” “harassing you for no reason,” “using excessive force,” “hitting on” or “flirting” with interviewees’ significant others, and humiliating people. One interviewee recounted being pulled over in the rain and put on his knees with his hands up in front of his wife and children. Another described:

Last weekend we were cooking outside. The cop came out the car and kicked my grill over ... knocked all of my food over and said, “You all have to eat that.” I’m not about to feed my kids nothing off the ground ... Treat me like I’m a human being. (Black man, 26)

Overall, interviewees felt that uncompassionate and unprofessional behavior by the police was a means to assert authority and convey disrespect, but as one interviewee stated:

You’re supposed to be respectful ... We’re all human beings at the end of the day. Just because you got a badge on doesn’t necessarily mean you’re perfect, or that you’re above anybody. (Black woman, 25)

Many interviewees believed that police exhibited a disregard for the lives and well-being of community members. For example, one stated, “[The police officer] said he was going to put

a big piece of crack rock in the neighborhood, and wished that everybody around here would smoke it and die.” In addition, some interviewees reported a fear of being shot by an officer, due to frequently being approached by officers with guns drawn. One man reflected:

You never know ... they pull their guns out. You don't know. I'm standing there, but I ain't got nothing on me. I tell them, "Hey, tell your partner to put that thing down, man ... He's shaking man, if he shoots me, what y'all going to do?" (Black man, 53)

Some talked about the disregard for human life in the context of police using their guns to assert power and authority. This conveyed to interviewees that police “have a license to kill,” “are trigger happy,” and “want to shoot people,” even when danger did not appear to be imminent. Others discussed how a lack of humanity was evidenced when the bodies of shooting victims were left out in the street for long periods of time.¹⁰ One interviewee shared:

[The police] left my buddy's body on the floor ... everybody can see his body laying there. They put a white towel over his body, but he had his head blown off. Why was his body still laying there on the street? There's at least 100 people out there looking at it ... that's a scene for everybody. People out there crying and stuff. His friends and family probably out here. Let's get his body out of here instead of leaving it out here soaking in blood. (Black man, 27)

Another young man shared a similar story about losing his friend:

My man died. He was sitting out there all night ... He probably could have gotten saved but [the police] left him out there so long that he died on the scene. Everyone was out there seeing the body and it was horrible. ... His life was just ended because nobody responded. (Black Latino, 19)

Neutrality

Interviewees were asked about whether they believed the police were neutral in their decision-making and whether they implemented policies and procedures without bias. Many viewed officers as biased and felt that police treated people differently based on individual

¹⁰ In these instances, if there were reasons for police leaving a homicide victim out on the street (e.g., for investigation or medical examiner purposes), that information was not conveyed to participants, impacting their perceptions of respect.

characteristics (e.g., physical appearance, race, criminal history) and the neighborhood where they lived. Interviewees viewed some people in the community as being more likely to be stopped, harassed, and questioned for longer periods of time. In addition, during stops, certain groups were felt to be more likely to be spoken to in an antagonistic tone, given less opportunity to provide an explanation to an officer, and more likely to be searched.

Individual Characteristics

Physical Appearance Interviewees expressed that police bias was connected to one's physical appearance. Often this included having tattoos or dreadlocks; or wearing "sagging jeans," "Jordans," "Timberland boots," or "certain colors." One interviewee discussed how his appearance was construed by police as that of a "drug dealer":

One of the cops was just looking at me as a drug dealer because I had money in my pocket, a cell phone that just recently came out, an expensive jacket that nobody really seen ... Just screening me because of my clothes, instead of actually reading my background, or actually asking me first do I work. (Black man, age between 18 and 24¹¹)

Some interviewees expressed that police officers assumed that they were in a gang because of the clothes they wore. In turn, interviewees discussed how these perceptions could lead to worse treatment by police officers because they were construed as a threat—"people who could potentially kill, rape, sell drugs, or just be a bad person."

Race Some interviewees felt that people of color were targeted by police because of preconceptions such as "all black people are involved in crime." This was often expressed in explicit and concrete ways. For example, one interviewee stated, "Across the country, nobody else getting unjustly shot by police except minorities." These beliefs were not limited to people of color; white interviewees shared similar perceptions of police officers having racial bias:

[Police officers] profile ... With me being white, it's sad. When I'm with my friends, I can see how I get treated differently. I'm the last person that gets searched. Probably not even searched. They just mainly look for the black guys. (White man, 26)

¹¹ A small number of interviewees only provided their age range and not their exact age.

Conversely, a small number of interviewees reported that police are in fact impartial as they only stop people for legitimate reasons that have nothing to do with race:

This thing where they talking about everybody's targeting blacks and this and that, no ... the police is not going to mess with you all just for nothing. You got to be doing something for them to bother you. (Black man, 54)

Criminal History Some interviewees felt the police treated them worse than others because of their criminal history. Some attributed this treatment to officers generally knowing who in the community has been in trouble. Another common narrative was that neutrality was compromised as a result of officers following specific protocols such as conducting a background check; when interviewees sought help from a police officer who then conducted a background check, they felt it often led to their own arrest for outstanding tickets or warrants.

Neighborhood

Interviewees also reported differential treatment based on neighborhoods. For example, specific geographical areas—“the projects,” “the hood,” or the “red zone”—were said to be more heavily policed. These areas were typically described as being poorer and less diverse. Some also believed that resident complaints in those areas were less likely to be followed up on by the police. One interviewee compared his police encounters in two different neighborhoods, explaining that, “In the rich, suburban neighborhoods, you have less of that differential treatment,” and another stated, “If you’re someone who’s in a predominantly white neighborhood ... They [ask] ‘What are you doing here?’” A small number of interviewees discussed receiving preferential treatment if they came from a “richer” area.

Interestingly, some interviewees expressed that police bias toward certain neighborhoods led them to change their own behavior. For example, some stated that if they were in the “hood,” they would refrain from conversing with officers out of fear of inviting attention and being accused of criminal activity.

Understanding

Interviewees were asked if they understood what occurred during recent police encounters. For purposes of this section, understanding was defined as being informed by a police officer about the reason they were stopped or arrested, and being informed about what would happen after the arrest. Interviewees believed officers provided them with adequate

information, though many expressed frustrations about *when* and *how* this information was provided.

Many explained that during their most recent police encounters, the officer(s) involved provided a good amount of explanation as to why they were being stopped. However, interviewees also expressed discontent that police officers told them what was happening *after* they had already been stopped, arrested, or approached in an accusatory way. For example, one interviewee described how an officer pulled him over and requested his license, but did not provide an explanation despite his request:

They don't tell you why until after the fact. Like they pulled me over, "Excuse me, can you tell me why you want my license and registration?" "No, just give me your license and registration." Then after they finish what they doing, then they tell you. (Black man, 58)

While interviewees expressed frustration about being uninformed by police during seemingly routine stops, being uninformed during more intrusive encounters was of particular concern. For example, a subset of interviewees depicted more extreme scenarios that involved physical contact or aggression such as being handcuffed, frisked, or approached with a gun drawn on them before knowing if and why they were being charged. Interviewees described these aggressive encounters—which were described as absent any explanation—as scary and confusing, especially when involving guns or multiple officers:

What are you pulling me over for? All of a sudden you have eight, nine cops surrounding me. I'm stunned, like, what's going on. At first they said, "Oh we're just containing you. We're going to put you in handcuff" [sic] and they kept reading my rights. I was like, why would you read me my rights if I'm just being contained? What is going on? ... They wouldn't even tell me that. (White woman, 34)

Voice

Researchers asked interviewees if, during recent interactions, police officers gave them a chance to tell their side of the story and ask questions. Though some felt that they were given a voice—or they spoke up anyway even if they were not—many felt that the police officers ultimately would not listen to them. For example, some interviewees reported that when they explained themselves, officers would respond dismissively such as by stating, “Tell it to the judge,” “I don’t care,” “Shut up,” and “I don’t want you talking.” One black 50-year old woman explained the futility of trying to explain: “They don’t want to hear shit ... They

could be wrong, too ... It's a no-win situation with them ... You're going to pick me up and I'm telling you I didn't do something and you're telling me I did."

Helpfulness

Interviewees were asked to describe instances where police officers helped them during recent encounters. Though the perception of police as helpful agents was not common, a few interviewees spoke about police officers performing good deeds and small favors.

Examples of helpfulness included police officers helping them when locked out of their apartment, updating them on their case while in holding, and offering them a slice of pizza while waiting in the car after arrest. One interviewee reflected on when the police found his stolen car:

They actually found it, so they called me ... and said, "You need to come pick your car up before we take it down to the pound." ... I thought that was very considerate. ... They tried to save me some money, so I thought that was very helpful and considerate. (Black man, age between 36 and 45)

Some interviewees also shared experiences in which officers adopted a mentorship role, offering advice and encouragement as an informal part of their job. One 35-year-old man described patrol officers sponsoring him to play basketball and said that, "They'd stay on me and make sure I wasn't using, smoking marijuana and all that."

Perceptions of Fairness and Legitimacy

Interviewees' narratives about police encounters revealed generally negative interpersonal interactions with officers. Yet, when asked about their broader perceptions of the police—outside of their own experiences—many interviewees offered a more tempered or mixed view, stating that not all police officers are bad. They acknowledged the important role of police—"You need [police] presence to prevent things from getting out of control"—and believed that entire police departments just have "a few rotten apples." As one black 65-year-old man articulated: "You got good and you got bad. I think there's more good police officers than there are bad police officers and the bad ones make the good ones look bad."

Despite this recognition, perceptions of overall police legitimacy reflected concerns about trust, with interviewees stating that they would not call the police for help, that they feared interacting with police, and that contacting the police "can create more of a problem than a solution." As stated by one black 31-year-old man, "I wouldn't call the police for anything."

... I could see somebody with a gun threaten somebody. I'm still not going to call the police 'cause you never know. That person could get shot [by the police] and die." Some interviewees felt that the police needed to engage with the community more to hear their concerns, stating things such as "[They] need to have a dialogue with the community and the people that's directly affected by police and community relations."

In addition to these perceptions, two additional themes emerged as sources of interviewees' lack of trust in the police: ineffective policing and community feelings of helplessness.

Ineffective Policing

Many interviewees felt that the police were not effective. This assessment was often based on a perceived lack of responsiveness to community needs. It was common for interviewees to express concern about over-policing of minor crimes—e.g., having a broken taillight or running a red light—as opposed to addressing the real problems of the neighborhood. These interviewees stated things such as, "There are still so many drug areas," and "I don't see any crime rate going down."

Similarly, many interviewees identified a disconnect between police presence and responsiveness. One depicted the police as "visible but not present"—that is, despite a visible police presence, police either did not respond to calls for help or were slow to do so. Thus, many believed that the police were "not doing their job," and were cynical that the police were a legitimate source of help. One black 25-year old woman stated: "They would've probably did something if I turned up dead. ... I realize that police ain't really always gonna be there for you when you really need them." One black 38-year old woman said: "I've come to expect the fire department first when I dial 911. The police pretty much just come to clean up the aftermath. ... That's what they usually get there for."

Finally, a few interviewees identified a specific department-level policy and practice that they believed to exist and be unfair; these individuals felt that police were incentivized to meet an arrest quota. One person stated that police officers "get a bonus because they hit their quota," while another said, "They just care about reaching their quota to get money."

Community Feelings of Helplessness

Many interviewees said they had seen officers abuse their power and not be held accountable. For example, interviewees described stories of officers taking money, drugs, or other property from community members and not getting in trouble. As one white man

stated, “I know at times, they lie ... I know what they are capable of doing. And it’s my word against them if it ever comes down to it. It’s pretty sad.”

Interviewees felt that this abuse of power was enabled by a systemic lack of accountability. As one interviewee noted, “People are recording [the police] and they still get away with treacherous things.” While being interviewed, one interviewee showed the researcher a video of Alton Sterling being shot and killed by an officer in Baton Rouge in 2016. When the video ended, he simply stated, “It is what it is.”

Though interviewees knew that filing a complaint against a police officer was possible, they felt it was unlikely to effect change. Some believed that contacting the official internal affairs bureau to report police abuse would be ineffective because “[Internal affairs] are corrupted too,” and “all law enforcement stick together.” One interviewee reflected on his attempt to make a complaint:

When I had my case ... I went to tell the internal affairs ... about the corrupt cops. You know what he tell me? He said, “I’m going to ask you some questions and if I think for one minute that you’re lying, I’m locking you up.” ... I couldn’t believe it. (Black man, 58)

Others reported unsuccessful attempts to hold officers accountable, included talking to judges, public officials, and media outlets. For example, one interviewee reported being told by a judge, “My police officers are always right.” The strength of the law enforcement culture was portrayed as a major factor that influenced accountability, as articulated by one young man:

If you’re a cop who is supposed to be a good cop, but you know that your partner’s doing stuff he’s not supposed to be doing, then you’re a bad cop. ... The “no tell” policy, the look-the-other-way when your partner or whoever you know in your department is doing something you know they’re not supposed to be doing, is a huge part of the problem. (Black man, age between 18 and 24)

Chapter 4

Procedural Justice in the Courts

This chapter presents major findings on experiences with, and attitudes towards, the court system. Interviewees were asked a series of questions about their experiences in court, particularly related to five components of procedural justice: how court staff (e.g., the judge, court officers, prosecutor, defense attorney) conveyed respect; whether the procedures, court rules, and decisions were implemented without differential treatment (*neutrality*) and were *understood* by interviewees; whether there was an opportunity to ask questions and *voice* concern; and how *helpfulness* was demonstrated. Additionally, they were asked about overall perceptions of fairness, informed by their own experiences, but also things they witnessed or heard about from others.

Respect

While some felt that court stakeholders were respectful, many interviewees described instances where they felt disrespected. A small number of these interviewees felt the disrespectful treatment by others was justified given that they had committed a crime or because courts are not “supposed to be friendly.” Other interviewees felt that any one interpersonal interaction was not enough to fully demonstrate respect—“It’s one thing to be treated on a surface level with respect ... but I think the true respect comes in how the whole process treats you from beginning to end and the sentence.”

Non-Verbal Cues

Interviewees reported that court staff conveyed respect through a wide-range of nonverbal behaviors. Although brief, these behaviors—such as maintaining eye contact or having a calm or friendly tone of voice—were interpreted as the court actor’s general disposition or view of the defendant. Sometimes, these nonverbal behaviors were positive such as “the judge smiling” and showing a “positive demeanor.” For example, when asked what the judge did to make them feel respected, one interviewee responded, “He looked at you as the adult that you are.” Similarly, one young man described how a judge’s eye contact gave him a sense of individuality, despite the prosecutor’s accusations:

I’m big on eye contact, especially when it’s something serious. [The judge] let me speak, we had full eye contact, and yeah. The prosecutor was kind of like trying slam me, kind of

slamming me almost, and [the judge] looked over at me. She looked at me as an individual and not as some person being accused of something. (Other race man, age between 18 and 24)

Professionalism and Etiquette

Some interviewees viewed court actors' adherence to their professional set of responsibilities—and not overstepping those boundaries—as respectful. One black 28-year-old woman described court security as “professional” because they followed appropriate screening protocols when people entered the court building, stating that the court security officers “were very professional. . . . If you had something on you, you had to [take it out], they had to frisk you. They frisked you. They was very professional. No questions about that.”

Professional etiquette was regarded as a way of showing respect by many interviewees. As one 40-year-old Latino stated, “[T]hey were respect[ful]. It was ‘Mister’ and ‘Mr. So-and-So.’” In contrast, another interviewee described hearing about instances of court actors using derogatory terms instead of names or titles:

That’s something I tend to hear a lot of like, “Oh, I didn't even get a chance to speak,” or “they didn’t even hear what I had to say,” or “they called me ‘boy’ instead of my name, or my last name.” (Black woman, age between 18 and 24)

Demonstrations of Humanity and Dignity

Some interviewees described respect as being treated with dignity and a sense of humanity, making statements such as, “He treated me like a human,” and “Respectful actions are treating me like a human being. As a member of society.” In some instances, dignity meant judges moving beyond seemingly superficial judge-defendant interactions. For example, one interviewee reported:

The judge, she give out life lessons. She makes sure that you learn from what you went to court for. She often make[s] people write essays or hypothetical letters, like a letter to your son on “How I Feel You Should Grow Up,” stuff like that. I think [she is] the most understanding judge in Green Street. (Black man, 23)

Conversely, interviewees also cited degrading interactions with court actors that were perceived as “dehumanizing.” These interactions often involved stigmatizing labels, such as “criminal.” One black 18-year old interviewee described not being given the opportunity to

interact with his mother in court, stating that, “When I [got to the court] they showed me no respect. They told me I can’t even speak to my mom. I can’t hug my mom or anything. I couldn’t do anything but listen to the judge.”

The combination of stigma and disdain, in conjunction with the judge limiting the defendant’s opportunity to speak, was viewed as degrading, appearing to create a sense of powerlessness regarded as dehumanizing. As one interviewee described:

The most recent time that I went, I really felt dehumanized. [The judge] didn’t give me any opportunity to say anything, he was just like, “You,” and he like, reads my rap sheet off and was like, “You’re fucked up. Why would you keep on doing this, it really shows us that you don’t have any respect for the court.” I’m like “Dude, you have no idea what that rap sheet even means.” He completely misinterpreted it, the way that he explained it, and didn’t give me any opportunity to defend myself. (White man, 26)

This feeling of being dehumanized also surfaced in defendant-prosecutor interactions. A black 26-year-old man discussed how he felt disrespected by a prosecutor who labeled him as a “menace to society”:

[The prosecutor] sent a letter to the parole board telling them I was a menace to society, I shouldn’t be released from prison ... That was totally disrespectful ... you don’t know me from a can of paint, never set eyes on you, never had a conversation with you.

Neutrality

For purposes of this report, neutrality was conceptualized as perceived impartial treatment, done without regard to individual characteristics (e.g., race, gender, age). Some interviewees indicated that courts are in fact neutral in their decision-making and that judicial decisions are based on evidence.

Some interviewees felt that courts are impartial and base decisions on available evidence. For example, a white 20-year-old man indicated that court actors do not unscrupulously seek to impose strong sentences on defendants: “Not everyone wants to send you to prison for no freaking reason like stealing a dollar fifty piece of candy.” Another multiracial man, age 19, described courts as impartial regardless of the defendant’s race: “In this county, it is especially fair. [The courts] do not do racism, they really do not do it based on that.” Other interviewees offered a more nuanced view, recognizing that arraignment charges are often commensurate to the offense and also acknowledging a need to hold individuals accountable

for more serious crimes. For example, one black 54-year-old man stated that courts “aren’t trying to throw the book at you if you aren’t a real bad guy. But if you’re a bad guy ... they’re trying to throw you underneath the jail.”

Other interviewees described a range of ways in which they believed judicial processes and outcomes differ according to defendants’ race, criminal history, and ability to afford a private lawyer.

Income-Based Bias

Although some interviewees viewed courts as impartial in their decision-making, many viewed justice as contingent upon one’s ability to afford a lawyer. These interviewees felt that individuals who had private lawyers had better case outcomes. For example, they stated: “If you have a paid lawyer, you’re going to get less time, you’re going to get a better deal. But if you going in there with the ‘public pretenders,’ you are in for it”; “If you ain’t got no money for a lawyer, you’re screwed”; “If you ain’t got money for a lawyer, you could be in there for a body that someone else did”; “Average person from poverty ain’t got no \$200,000 or no house to put up”; and “Poor people suffer the worst.” Aside from case outcomes, some interviewees noted how money affects the quality of service provided by lawyers. For example, one interviewee reported how less expensive lawyers may not dedicate as much effort to one’s case:

I feel like it’s affected by the amount of money that you can provide to get the good lawyer ... a lawyer that you pay a couple hundred bucks for, he’s not going to put as much effort into trying to defend you as a lawyer, than [the lawyer] that you pay a couple of thousand dollars for. (Black man, age between 18 and 24)

Likewise, another interviewee reported the following:

I’ve been told to my face, “I don’t care if you go home or not. I’ll go home at the end of the day.” ... One time, I think it stood on record, too. They type it up. [I] ask[ed] the judge like, “I don’t feel as though my attorney representing me.” He told me, “The only thing we can change is if you got money.” You don’t got money, you can’t do anything. (Black man, 23)

Finally, one interviewee highlighted that sometimes defendants plead guilty due to lack of money, not because they were guilty:

Sometimes a person is innocent, but because he doesn't have any money and because he has a record even if the charge that he has is not right, he'll just plead guilty because they know they're going to find him guilty anyway so he just pleads guilty and tries to get a deal. (Latino, 40)

Bias Based on Criminal History

Some interviewees reported that courts overemphasize defendants' prior criminal history rather than basing decisions on the evidence surrounding the presenting case. Defendants viewed the focus on criminal history as placing them at a disadvantage and as an obstacle to improving their life. As one interviewee stated:

If you've got a criminal history, you can forget it in court ... You might as well as stay off the straight because they'll arrest you for anything. Most likely it's going to stick because you've got a criminal record. (Black man, 55)

In other instances, interviewees viewed this as an unfair practice given that they already served time for past offenses. For example, one questioned, "How am I supposed to have a future if you are judging me on my past?" Similarly, another interviewee reported:

Each charge should be judged by itself without your past record being involved. I think that's wrong what the prosecutors, that's the prosecutor's fault. He the one that try to make you look like the real bad guy here. The judges, listen the judge is going to go [with] just what the prosecutor say.

This interviewee went on to say:

[T]he prosecutor, he started going back telling the judge my history and [said], "He should not be able to go home because his past, he has very bad past history." I'm like, "Wait a minute, man, I did time for all that stuff." (Black man, 63)

Racial Bias

Some interviewees reported that court decisions are influenced by the race of the defendant rather than the actual case evidence. In some instances, interviewees juxtaposed the sentences received by racial minorities and white defendants.

[T]he minority sometimes gets a harsher sentence than someone who's ... I hate to say it, but Caucasian. It'll be the same exact situation. People with several DUIs and stuff will

get another chance or something, and another person will get the book thrown at them. It's like, what's the difference? (Black man, 38)

Similarly, a black 49-year-old man said the following: “[If] an African-American get the same case as a Caucasian, that Caucasian will get a lighter sentence. He might not even go to jail, but the African-American will go to jail.”

Understanding

Interviewees were asked questions about their comprehension of court rules and processes. While they generally reported that they understood the court's rules, many did not understand or conveyed a superficial understanding of essential court processes. In general, interviewees reported confusion about inconsistent enforcement of court rules, language and terminology used by court personnel, and critical practices (e.g., plea bargaining).

Understanding Court Rules

Interviewees reported that they understood court rules. These typically included rules concerning behavior or decorum in the courtroom. Interviewees provided examples such as “no chewing gum,” “no eating,” “no wearing hats,” “you got to be quiet,” “no sleeping,” “no cell phones,” and “only stand up when the judge tell you to stand up.”

Although many interviewees reported that they understood court rules, a subset noted the seemingly arbitrary nature of some rules or their inconsistent enforcement. For example, one man stated the following:

I knew some of the rules, but I don't know all their rules because every day they come up with a different rule. Every day, it's a different rule. Like Monday, they might let you wear your hair rag all week long, the following week, no head rags, no do-rags, stuff like that. (Black man, 48)

In some instances, interviewees reported being held accountable to behavioral expectations that were not conveyed to them. At times, courtroom expectations appeared to vary according to different judges. For example, one interviewee discussed an interaction with a judge in which he believed he was conveying respect, but the judge did not view his language as appropriate in the courtroom:

[The judge] asked me another question and I was like “yes.” He was like “that's ‘yes sir’ or ‘yes, Your Honor.’” I can't just answer yes? I got to call you “yes sir” or “yes, Your

Honor?” I’m giving you a “yes,” I’m giving you a [sic] answer. Did that and then I slipped up and I said “yes” again. He was like, “If you say ‘yes’ again ... you’ll face 30 days in jail.” (Black man, 18)

Understanding Legal Jargon

Some interviewees cited difficulty understanding the complex terminology and language used by court personnel, stating things such as, “People don’t even understand certain words,” and “It’s a lot of words to remember that we never use.” In some cases, difficulty understanding court language even appeared to have implications for defendants’ outcomes. An interviewee discussed how many defendants agree to certain judicial processes despite not understanding their meaning or significance:

Just seeing people not even understanding [what a] “no contest” [is].... Certain language that the judges use, it’s like how people don’t even understand certain words. You don’t know what that mean, and agreeing to something that you don’t even understand. (Black man, 40)

Another interviewee reported how, the first time he got a ticket, he had difficulty understanding court language (“fines and costs”), which led to being unaware of the court-imposed fines resulting from his case.

Understanding Legal Rights and Judicial Processes

While some interviewees discussed confusion about the terminology used by court personnel, others reported a lack of understanding of fundamental court processes. At times, these interviewees conveyed the notion of defendants being exploited because they did not understand the judicial system. For example, one black 40-year-old man described witnessing this in court: “I went to court with my daughter for a traffic ticket, and I would just sit in the back watching a lot of other cases, it’s like a lot of people was being taken advantage of because they don’t know.” Another black 33-year-old man described how defendants often settle for seemingly misleading plea bargains due to their lack of understanding:

Most people are not smart to know the law and the justice system. They come with you to a [plea bargain] deal ... then that’s the evidence that [prosecutors] have ... You sit there and take the deal, and when you taking this deal, you’re not smart enough to know that.

In turn, another interviewee discussed the need to educate defendants due to their general lack of understanding of the judicial process. She stated the following:

I think just given a fair chance ... explaining to that person their rights, their choices, what a plea is and things like that. Just kind of guiding them through the process. There's many people who don't have a clue what that process is. (Black woman, 30)

One interviewee, however, discussed how his defense attorney helped orient and guide him through the complex judicial process.

Everyday [the public defender] told me what I needed to do. We talked. I told her the truth about my case, what I'd done, what happened. She told me what paperwork to bring to her, what I needed to bring and what to expect. She gave me the best of her abilities. (Black man, 32)

Voice

Some interviewees discussed respect in the context of having a voice and being listened to. For example, some made comments such as, “[The judge] allowed me to speak,” and “He asked me if I had any questions.” As one interviewee stated:

Basically, hearing you out, that's showing you respect because they could just be like, “You know what? I don't care about what you got to say. Take this time and get out of here.” But they hear you out, let you plead your case, listen to the things you've got to say. That's just respectful right there. [The judge] could have smoked me but he actually listened and paid attention to my background and was like, “You know what. He not a bad kid, it was just fucked up circumstances.” (Black man, 26)

Other interviewees described court actors as disrespectful because they “did not listen.” Interviewees highlighted dismissive interactions in which court actors did not afford defendants an opportunity to speak, which they often perceived was due to their criminal record. For example, a black 54-year-old man reported, “[The judge] didn't want to hear anything I had to say. My record spoke for itself.” Similarly, public defenders were described as disrespectful because they did not listen. One interviewee discussed his perception of how public defenders strategize by focusing on the judge hearing a case, at the expense of listening to the defendant's story and obtaining a fuller understanding of what happened:

The public defenders could listen more and try to schedule or try to ... coexist with their clients and just understand more. Cause a lot of public defenders don't understand what you're trying to do. They say, "Hey, the judge is like this," or "The judge is like that so we going to do it like this." ... That's what it is, and every time, what they put on paper is not always what's true. Like, a cop could not always get the whole situation right. (Black man, 31)

Though some interviewees discussed court actors listening to them as a form of respect (and not listening as a form of disrespect), we also asked specifically about the opportunity to speak and be heard in court in order to capture a separate (but sometimes overlapping) tenet of procedural justice: voice. While some interviewees reported that they were heard in court, others reported ways in which they were silenced by court actors. Interviewees also pointed to systematized ways in which they were silenced, such as through the use of plea bargaining. Finally, interviewees described how stigmatizing factors—such as a criminal history—contributed to not having a voice in court.

Court Actors as Gatekeepers

Interviewees described how court actors served as gatekeepers, determining whether defendants are given a voice. When asked if the judge was “paying attention,” many interviewees responded affirmatively (e.g., “the judge listens to everybody”). One interviewee conveyed the notion that having a voice can depend on one’s sincerity and effort to cooperate.

I owned up to my mistake. ... At the time, I just wanted to cooperate. I asked for “can I do treatment?” ... so I can avoid some jail time. The judge was very cooperative because he saw that I was sincere and honest. I think if you're sincere and honest and you own up to your mistake, it can work out for you. (Black man, age between 25 and 35)

At the same time, interviewees discussed interpersonal interactions in which court actors directly limited their voice. Some interviewees reported that judges and public defenders often do not listen—or do not care to listen—to what defendants say. They cited specific instances of being interrupted, which prevented them from sharing their story—e.g., “two seconds after I started talking, he cut me off.”¹²

¹² Though no interviewees discussed this, in some instances, court actors—e.g., defense attorneys—may find that it is in the best interest of the defendants’ cases not to not have their

Some interviewees indicated that court actors are less likely to give defendants with a criminal or substance abuse history an opportunity to speak in court, describing instances where the judge would cut them off by saying things such as, “Come on, you’ve got priors.” One interviewee stated the following:

He cut me off instantly. He knew what he was going to do the second he walked in, so why am I even here? Okay, fine. I’m an alcoholic. That’s why I was in treatment. I fixed it. I was still drinking at that time, but I’ll fix it. I’ll do whatever. Let me tell my story. Let me tell what I’m going through. They didn’t let me say anything. (White woman, 28)

Structural and Systematized Silencing

While interviewees reported that court actors fostered or limited their voice, a subset of interviewees also provided examples of structural or systemized processes that limited their voice. For example, interviewees discussed how one’s inability to afford a lawyer results in police narratives having more leverage in court as compared to the narratives of defendants—e.g., “People can’t afford lawyers, so it’s whatever the police say and the judge going to listen.”

Interviewees also referenced commonly used judicial practices that limited their ability to be heard. In some cases, silencing occurred when defendants were detained because they could not afford bail and therefore had to wait months to speak to a public defender and tell their story. In other instances, interviewees felt that practices such as plea bargaining—while lessening their charges—diminished their chances of telling their story. For example, one interviewee shared his experience: “[My public defender said] ‘Here’s the plea, you’re guilty.’ They’re not asking your side of the story, they don’t care.” Similarly, another interviewee described how defendants detained due to their inability to pay bail experience significant barriers to communicating with their public defender:

You call [the public defenders], they do not accept collect calls. You have to write them letters until you’re blue in the face. The only time you’re going to see your public defender is when you go to court for the first time. They do not come back there [to the holding cell] to talk to you, they come back there to tell you, “This is what the prosecutor is offering you.” You do not get a chance. (Black man, 47)

clients speak. However, interviewees were not provided with this information as to why they were not given voice.

Helpfulness

Interviewees were asked to describe interactions with court personnel that they felt were helpful—where a genuine interest in their needs and personal situation was demonstrated. It is important to note that, in many ways, helpfulness (or lack thereof) may overlap with the other procedural justice tenets discussed above. However, we list helpfulness here as a discrete element due to notable examples provided by interviewees that elucidate purposeful and intentional efforts to assist defendants, or conversely, that reflect strong disregard for their unique circumstances.

In the discussion around helpfulness, examples focused on receiving (or not receiving) support and assistance for underlying challenges (e.g., addiction) as part of their mandate. For example, one man described a judge who made an effort to account for his substance abuse history:

I had issues over the last four years basically about my drug addiction, and [the judge] tried to help me. Rather than send me to prison, he tried to send me to some place where I could address my drug problem rather than in prison. (Black man, 65)

Similarly, another interviewee reported the following:

I've been to the same courthouse multiple, multiple times in front of the same judge. He could clearly have an opinion that I'm not a young lady anymore and why [should] I send her to treatment again. He could have an opinion, but based on the facts, he sees somebody who needs help and that's what I've been granted. (White woman, 42)

Some interviewees described instances in which they needed help, but felt that the court disregarded their requests, stating things such as, “They don’t really care about people, people’s situations, or none of that.” As one person told:

You can sit there and tell [the court], “Look man, I’m having a hard time, I’m trying to find employment; I can’t pay my fine because I don’t have a job, and right now I’m living in a shelter. Things are hard for me right now.” They say, “Well, make a payment plan.” “You’re not listening here, dude. You want a payment plan and I can’t even eat here.” “Well then, we’ll give you some community service.” Now you’re going to make me work for nothing when I should be out here looking for a job. This is taking care of the little fine that I have, fine, but what about my stomach? What about me eating? (Black man, 47)

Perceptions of Fairness and Legitimacy

We asked interviewees to discuss their overall views of fairness of the court system, beyond their own interpersonal treatment. For purposes of this study and with the understanding that it may be impossible to disentangle personal experience from general perceptions, fairness and legitimacy refer to broader systemic characterizations of the criminal justice system overall, rather than the specific experiences of individuals or elements of procedural justice.

Some interviewees viewed the court system as fair, providing general comments such as “The court system is very fair” and “They’re fair like that. ... They’re not just going to be like, ‘Oh, we’re going to send you to jail.’” Others maintained that courts are fair despite the perceived negative disposition of some court actors (e.g., “I think they’re doing a pretty fair job, even with their nasty attitudes”). In other instances, interviewees reported that fairness varies across different courts or judges (e.g., “some of them are, some of them ain’t”) or according to case type.

Others reported broader cynicism. Five prominent themes concerning overall fairness emerged: “guilty until proven innocent,” excessive punishment, the court system as a business, structural racism, and operational deficits.

“Guilty Until Proven Innocent” While some interviewees viewed the courts as fair, others reported their belief that courts are inherently unfair, and that court actors incorrectly start with the assumption that individuals are guilty. As one black 32-year old man stated: “The point is we have to prove yourself to them that we’re not guilty ... We’re guilty until proven innocent.”

Excessive Punishment Some interviewees discussed their perceptions of courts—and the criminal justice system more broadly—as unfair in their excessively punitive focus, particularly for low-level crimes. For example, one interviewee discussed the court’s punitive approach to minor crimes:

[For] severe crimes, maybe they’re fair. But the minor ones, the lower-level crimes, I think a lot of times they could try to rehabilitate you more, give you some help or treatment to make sure you’re not coming back in a year or a few years or something.
(Black man, 38)

Similarly, another interviewee (black man, 48) voiced concerns regarding the lack of proportionality for low-level drug offenses—particularly among young people: “I think the courts is always designed to keep us down and undercast [sic]. It’s real simple as that. Even as a juvenile, I got caught with two bags of weed, and they tried to really roast me for that.” One interviewee discussed how enforcement of certain laws led to negative views of the courts:

People who have been involved with courts for drug possession and drug dealing, they tend to think badly of the courts because they don’t think that what they’re doing is really a crime. People that have a bad opinion of it are the ones that have an issue with the laws, not with the judge. (White man, 58)

Financial Motives Some interviewees discussed their general view of the courts and the criminal justice system as a “business.” As a result, courts were perceived by some as exploiting defendants for monetary gain—e.g., “Court is charging me \$900 to go to court.” One interviewee depicted the court system within a consumer-based framework in which defendants serve as the consumers who maintain the jobs of court actors: “This is big business. Without us, a lot of them is out of jobs.”

The view of courts as a business was also extended to community programs to which defendants are referred. A 42-year-old white man described it thusly: “I think it’s all about money. I think these programs they send you to have nothing to do with helping a person. Honestly, I think it’s all about money. That’s all it is.”

On a more practical level, an interviewee discussed how the court’s financial focus affects defense attorneys’ strategies. In this case, she discussed what she viewed as the coercive use of plea bargaining as a cost-saving strategy.

Then they put the fear into people of going to trial because they don’t want to take it to trial because that’s more money, more of their time, so they force people to plea out and they force people to plea out by putting fear into them ... even if you’re innocent. (White woman, 34)

Structural Racism Some interviewees did not view courts as inherently racially biased. Others had a general mistrust of the court system, in part due to perceived structural racism. For example, one interviewee saw the court as a tool for political disenfranchisement: “Let’s look at the facts. Black man get conviction, black man can’t vote. That’s the bottom line.”

Similarly, another interviewee described what he saw as the oppressive nature of the court system, while also recognizing the possibility for people to overcome its effects:

I feel like the system is designed to put black men to not succeed but at the same time I feel like the system, if you are sincere about changing your life around, they will help you. It's a ... win/lose situation I guess so to speak. If somebody doesn't want to cooperate, they're gonna be in that cycle. It's designed for you to fail. ... I think, for me, as a black male, I have to be above and beyond. I have to do the right thing today or I know me, if I ever went back to what I was doing I would be in jail or I would be in the system. (Black man, 31)

Operational Deficits Interviewees highlighted a series of structural and operational deficits (e.g., large caseloads, slow case processing time, missing case files and paperwork, poor documentation, courts appearing disorganized), which in turn appeared to affect defendants' cases or delegitimize their view of the court system. In some instances, interviewees expressed concern about the large caseloads leading to inefficiency—e.g., “Cause [public defenders] having so many cases. It's like they don't even really have the time to even pay attention to one case at a time.” Similarly, others were frustrated with the extremely slow-moving and drawn-out process by which some court cases are reviewed and resolved, which may have very real implications for people's lives.

I feel the court system is terrible ... I'm blaming it on the prosecutors ... because it could be a case that it looks like, you know, it ain't really nothing there [it's a simple case], but they will hold that case for years and years. You've got people that's in that county jail that got burglary charges ... He can't make bail. He might have been in jail for two years with this case. (Black man, 57)

Others felt that the judge also shared responsibility for delays. For example:

“Oh, we don't have your motion yet, your motion to discovery yet. We're waiting on the DA. There's a time limit they got to be there. The tape is waiting, we've been waiting for the tape, it's not here yet.” Why is that? You haven't got that tape yet? And you're the judge, you can subpoena that tape to be here tomorrow. So now I have to sit an extra six months [in jail] until you find the evidence of the tape, or you find this or you need to push for this. (Black man, 32)

Chapter 5

Procedural Justice and Corrections

This chapter presents interview findings on experiences of procedural justice in the corrections system. All interviewees had spent time in jail or prison at some point in their lives, and, as Table 5.1 shows, most had a recent incarceration experience. For those who had been released from jail in the last two years, the median number of days in jail was 90, or about three months. For those who had been released from prison in the last two years, the median number of months spent in prison was 60, or about five years.¹³

Table 5.1. Experience in Jail or Prison

N	102
Ever in Jail or Prison	100%
In Last Two Years:	90%
Released from Jail Only	48%
Released from Prison Only	13%
Released from both Jail and Prison	29%
Median Number of Days in Jail*	90 days
Median Number of Months in Prison**	60 months

*Of those with any jail time in the past two years; N=79.

**Of those with any prison time in the past two years; N=43.

Interviewees were asked a series of questions about their experiences in the correctional system. Questions focused on their perceptions on five elements of procedural justice: how correctional officers conveyed *respect*; whether the procedures, rules, and decisions implemented without differential treatment (*neutrality*) and were *understood* by interviewees; whether there was an opportunity to ask questions and *voice* concern; and how *helpfulness* was demonstrated. In addition, we asked about their perceptions of the overall fairness and legitimacy of the corrections system, which was informed not just by their own treatment, but by how they saw others treated as well.

¹³ All time spent in jail or prison was self-reported by participants.

Respect

Interviewees were asked about ways in which they had been treated with respect while incarcerated. Overall, only a small number of interviewees provided stories of corrections staff engaging in respectful behaviors toward inmates.

What Respect Looks Like Typically, narratives of respect included behaviors that conveyed compassion and courtesy. For example, one interviewee shared a story of a correctional officer who provided emotional support.

[The correctional officer would] try to help you out or he would sit down and talk to you. ... “You’ve got two years left, and you’re doing good. Stay out of trouble, don’t go get mixed up in this and all that. ... You’re a good guy.” (Black man 48, 49 days in jail and 7 months in prison)

Many interviewees felt respected when correctional officers provided them with more flexibility (e.g., letting them stay longer in the common room to watch sports on television), extra privileges (e.g., recreation time, food), and information about their case.

What Disrespect Looks Like Conversely, interviewees also shared stories of disrespectful treatment on behalf of corrections staff. Examples included being chained to other inmates when being transported to court, and having correctional officers yelling at them “for every little thing.” Respect was defined by the basic regard for human dignity. Interviewees described jail and prison as “an environment of abuse” where inmates were not treated “like a human being.” Respect—more specifically, *lack* of respect—was most commonly talked about in the context of two primary domains: inhumane living conditions and abuse by corrections officers.

Inhumane Living Conditions

Food and physical space were the two primary ways that interviewees conveyed the notion of inhumane living conditions—both of which were said to lead to health and hygiene problems. As a result, interviewees felt that they were not respected as human beings.

Food Almost all interviewees shared stories about the poor quality of food that they were given. Food was described as “cold,” “slop,” “baloney that sweats,” “turkey dust,” “smushed meat,” “molded bread,” and “food that wasn’t used or sold [outside of jail] and was given to them instead.” Many explained that they stopped eating or ate less because of this. As one interviewee described:

The food is deplorable ... what you get is smashed up vegetables, cut, or diced. You don't get whole vegetables. ... Meat is not meat, it's pink slime ... which was supposed to have been banned. (Black man, 47, 7 months jail, 20 years in prison)

Not only did interviewees discuss the poor quality of food, some explicitly attributed health and mental health problems to it. As one 20-year-old Latino who had spent one year in prison stated, “The food is probably the worst part of the whole experience. ... I know for a fact that it does something to you, emotionally ... your mood, your energy, your ability to stay focused.”

Conditions of Confinement Interviewees shared concerns about the conditions of the physical space in which they lived while incarcerated. The overall sanitation of the facilities was described as poor. Examples included rusty showers, mold, and smeared feces and dried blood on walls that created strong odors. Some interviewees stated that their sleep suffered because sometimes there was no heat and the mattresses were like a “hard slab of rock.” Facilities were also reported to lack hot water at times, leading some to avoid taking showers. Exacerbating this discomfort was the reported overcrowding. Interviewees described having multiple people crammed into one cell. Some interviewees stated that when there was no place to sit, they would have to stand for long periods of time; or sit on the sink, toilet, or floor. One woman reflected:

The facility was nasty, and it didn't look very clean. The shower had rust in it, and the toilet didn't have a seat. I was trying to figure out how was I supposed to use it, and I've never used a toilet without a seat before. ... I was like, “I'm not about to sit on that. Everything falls on that.” (Black woman, 38, 9 months in prison)

Many interviewees also described feeling disrespected when they were exposed, particularly in the bathrooms. The showers and toilets were open and shared, allowing others to easily see into the stalls, limiting privacy.

As a result of physical and unsanitary conditions, interviewees reported having developed physical ailments. Some disclosed unmet hygienic needs (e.g., one woman lacked access to tampons while menstruating), and many repeatedly reported that facilities were infested with bedbugs, roaches, and mice. One interviewee recounted:

In county [jail], it's dirty as fuck. They have bedbugs. ... my legs got all bit up by bedbugs. ... I had a fucking infection on my skin, it was a big-ass rash breaking out on my back. (Black man, 21, 6 months in jail)

Abuse by Correctional Officers

Interviewees reported experiencing verbal abuse such as correctional officers being “rude” and “provoking in the way that they spoke,” and talking to inmates like they were “trash” and “nothing but a common criminal.” Interviewees said that correctional officers yelled or cursed at them, and used derogatory terms like “faggot” and “nigga.”

Intimidation by correctional officers was commonly reported. For example, interviewees stated that correctional officers threatened to “mace them,” “send them to lockup,” and “not give them food.” Some interviewees explained that sometimes correctional officers would threaten them with a “helicopter ride,” a term they used to denote getting beaten up so badly that a helicopter would be needed to transport them to a hospital. Some correctional officers were also reported to engage in property destruction:

They'll go in ... destroy your whole bottom bunk, take your TV, your radio, put it all on your bed, dump all your canteen, take all your pictures and dump them all out. Some of them will pour water on your pictures. Some of them will pour water inside your TV if they don't really like you. (Black man, 48, 90 days jail, 8 years in prison)

Stories of physical abuse were also reported, with corrections officers reportedly “beating everyone up,” “manhandling people,” “hitting them with closed fists, open fists, everything,” “pulling people out of their cell, kicking and cuffing them,” “beating them up and leaving them there until the swelling goes down,” “slamming people into the ground or the walls,” and “pepper spraying people in their eyes for no reason.”

Not only did interviewees describe stories of direct physical abuse from correctional officers, they also described instances where correctional officers encouraged and facilitated fighting among inmates. A common narrative was that correctional officers set up inmates to get beat up by other correctional officers (COs) or inmates.

Sometimes the CO will even take you out your cell, bring you somewhere else and let y'all fight. They'll watch out for you. It's crazy. They get you somewhere where they ain't no cameras. No respect. (Black man, 18, 4 months in jail)

Neutrality

Interviewees were asked about impartial treatment by corrections staff. Though some reported that corrections staff are impartial, others reported that correctional favored certain groups, and did not enforce rules and sanctions equally. Moreover, some interviewees viewed correctional officers as racially and ethnically biased.

Favor Shown to Specific Groups

Interviewees explained that correctional officers often favored certain groups—e.g., “Certain people get certain treatment.” For example, people with more experience in the correctional facility (i.e., “repeat offenders” or “long timers”) were reportedly favored by correctional officers. One man stated:

They played favorites. Somebody who was in there for seven years, of course they are going to treat them better than someone who was just coming in there. They have got history and time and they have been through a lot of experiences with them. ... People got friends, some of them are friends with inmates. (Black Latino, 19, 8 months in jail)

Unlike “repeat offenders” and “long timers,” new inmates lacked existing relationships within the facility, which interviewees felt increased their risk of sanction. Some interviewees believed that correctional officers’ favoritism was designed to help them ensure the safety of the facility. For instance, gang members were said to receive more freedom because “the COs lean on them” for protection and help. In other instances, interviewees described being treated with leniency by a correctional officer because of a preexisting familial relationship or friendship in the community.

Inmates perceived as being within a favored group were described as getting the most leniency in the facility. These inmates were typically felt to be afforded more privileges, such as extra food and phone time, first choice of books and television channels, and additional out-of-cell time. In contrast, those not favored were reported to be punished more frequently and harshly—and to be subjected to more violence by other inmates and correctional officers. One black 23-year-old man who reported that he spent over one year in jail and over three years in prison explained that for this group, correctional officers can “do all the BS, putting shanks in your room, pulling you out your cell, cuffing you, beating you, and kicking you.”

Racial/Ethnic Bias

Some interviewees did not believe that correctional officers demonstrate racial bias. Rather,

they felt that *all* people in jail or prison were treated poorly. One interviewee explained that correctional officers “just hate all prisoners.”

Other interviewees reported differential treatment by race and ethnicity. Some indicated that “some COs” and “some facilities” were racist, which often led to negative treatment toward certain racial and ethnic groups. Other interviewees indicated that some races were afforded more privilege because of their ties to the community outside of the facility:

There was a large contingency of Italian Americans who might have all been connected through family acquaintances. ... They were paying the guards off, and we know that as a fact. ... They got cell phones into prison mostly through corrections officers who were paid \$1,000 for a \$100 phone, it happens. ... They had tablets at Fort Dix, it was crazy!
(White man, 58, over 1 year in prison)

Some pointed to a climate of racism at correctional facilities. One black 26-year-old man described a correctional officer in the prison he was incarcerated at, stating that the officer had “a tattoo of a black baby on his arm with a noose on it” and would “walk around with his sleeve up all day long and show it off.”

Understanding

Interviewees’ responses about their understanding of jail and prison procedures were split into two main themes: 1) being provided information about their case status; and 2) being informed of the rules and sanctions that govern the jail or prison.

Case Status

Many interviewees described being provided with information about their bail options and given updates on their case status by their attorney, the judge, or a correctional officer while they were in holding. Some interviewees also said they were given the option to request to speak with someone about the bail process and possible options. However, once transferred from holding to a jail facility, many reported having very little understanding of what was happening with their case. For example, interviewees expressed being unaware of the duration of their detainment and whether their family had been notified. Some interviewees attributed this to correctional officers lacking access to information or simply not caring to inquire about their case or share information.

Rules and Sanctions

Interviewees were typically aware of jail and prison rules, and could identify behaviors that were prohibited (e.g., fighting, cursing, smoking) as well as formal consequences for violating rules (e.g., extra work duties, loss of privileges such as television or recreation time, placement in punitive segregation). Interviewees described obtaining information about these rules and sanctions from either a rulebook or pamphlet provided during their intake, talking to or watching other inmates, “going with the flow,” or past experience—cycling in and out of facilities as repeat offenders. A small number of interviewees reported learning the rules only after breaking them and being faced with the consequences.

While most interviewees reported that they understood the rules, they also stated that rules were often enforced inconsistently. For examples, corrections officers were said to enforce rules arbitrarily.¹⁴ As one woman described:

They tell you the rules when you come in here but the rules are subject to change at any given moment. They change the rules like you change your underwear. It's always a different rule. They don't go by the books and they make up stuff as they go along. (Black woman, 36, 8 months in jail, over 2 years in prison)

The inconsistent enforcement of rules often led to confusion, misunderstanding, and unintended rule violation. In addition, interviewees reported that punishments were often meted out without explanation or information (e.g., the entire dorm would get locked in without anyone knowing why or for how long).

Voice

Interviewees were asked if they felt that they had a voice or the opportunity to communicate questions or concerns while incarcerated. Responses to these questions generally focused on two main areas: the inability to ask questions about their circumstances and the inability to communicate their needs. Though a select number of interviewees recounted that some correctional officers listened to their concerns or offered encouragement, many reported that they were not given a voice or that having a voice did not make a difference.

¹⁴ Perceptions of differential rule enforcement was previously discussed in the section on neutrality, but is also discussed here to highlight how this variation potentially undermined interviewees' understanding of what was expected of them.

Interviewees consistently reported that they were ignored despite asking questions and expressing their needs while in a facility. Common narratives described inmates asking questions about their case (e.g., case status, court date, release date) and facility procedures (e.g., phone calls, commissary accounts, recreation time, reasons for being on lock-down or being locked in). Reportedly, correctional officers were not responsive to their questions or explicitly disregarded their questions (e.g., by pretending not to hear anything or walking away). In some instances, correctional officers explicitly communicated a level of disdain when inmates raised questions (e.g., “shut up,” “I don’t give a fuck”).

For some, a lack of voice and general staff unresponsiveness led to safety issues. These interviewees stated that asking for information or help resulted in threats:

They took my money out of my account and never replaced it. ... So I wrote them. ... I got a printout and had it sent and I still haven’t received my funds yet. ... I had to kick on the door, bang on the door to get the sergeant down there. The sergeant started telling me, “If you don’t stop I’m going to mace you. I ain’t got time to be coming to see you.” But I’m trying to tell him something. ... I’m trying to explain something. (Black man, 32, 7 months in jail)

In other instances, interviewees reported corrections staff as unresponsive even when more serious and life-threatening circumstances were communicated (e.g., medical needs).

I’m a breast cancer survivor ... I have a very high chance of my cancer coming back because I was in the third stage when I was fighting it. ... When I was in there, I did not receive my cancer medicine. ... They did not give me my Tamoxifen. It’s expensive. ... They’re not going to give to you because the county has to pay for it. ... I had spots on my liver ... I had to go see the doctor ... they had to biopsy them because it could be a growth ... I told them this and I was asking to please see a doctor. I did not get it tested the whole time I was in there. Mentioned it every day. ... I told them every single day, “Look, I need to see a doctor. I need to see a doctor.” Never seen the doctor. Ever. ... It’s like you have no voice in there. (White woman, 34, 5 months in jail)

Helpfulness

Interviewees often described circumstances in which corrections staff were helpful or unhelpful. Although many felt that correctional officers were unhelpful and generally adopted an “attitude of indifference,” narratives of helpfulness were more common within the correctional context than in the preceding stages of the criminal justice system,

particularly because of the services available in these facilities, which were often geared toward community reentry and reintegration. Interviewees consistently reported being helped by a variety of service providers, including medical staff and those that ran psycho-educational or clinical services (e.g., anger management).¹⁵ One woman who was pregnant during some of her incarceration reflected:

They have really good nurses there. Every time I had a problem, they sent me straight to the doctor. ... When I first got to county, I was having really bad back pains. The doctor came, called me down instantly. Sent the nurse down, got a wheelchair. The nurse ... came right back up to my cell, got me and took me straight down to the doctor. (White woman, 28, 6 months in jail, 1 year in prison)

Prison facilities—in contrast to jails—were perceived as being “full of people to help you.” The availability of a wide-range of programs such as money management and parenting classes, counseling and therapy, and general education courses (e.g., college or GED classes) was described as helpful. These classes served as ways for interviewees to structure their day and minimize idle time, while simultaneously allowing them to gain employable skills. These activities diverted people from getting bored and “doing stuff you really don’t want to do.” More specifically, job training and certificate programs were viewed as helpful to promoting economic self-sufficiency and easing the transition back into society. One man reflected:

Some of the programs they do [make you a become a better person]. Like “Caged Rage” is an anger management class on how you dealing with your anger. All types of programs that you can benefit for as you getting ready for the free world, free society, back to society. (Black man, 32, 6 days in jail, 11 years in prison)

Some interviewees reported that, during their incarceration, they were able to work in the prison kitchen as cooks or servers, or in the barbershop, shaving beards and cutting hair. These opportunities were highly valued, and had the added benefit of providing extra money (that helped them “eat a little better”).

¹⁵ Despite generally positive views, some interviewees did recount experiences where their basic medical and health needs were not met. For instance, as referenced earlier, one woman did not receive vital oral chemotherapy treatment and another was not provided with feminine products. However, this was not because the service staff was not responsive, but, from the point of view of the interviewees, the correctional officers did not respond to their request for health services.

Though only a small number of interviewees discussed their experience with community supervision (i.e., probation or parole), those who did focused on them being helpful in terms of service provision (e.g., addiction programming, mental health treatment) and relationship-building.

The halfway house is a good program, I think probation ... it give people that didn't violate, literally, a chance, you know what I'm saying? A chance to get a job, a chance to get them back in school and stuff like that. (Black man, 28, 90 days in jail, 3 years in prison)

Perceptions of Fairness and Legitimacy

Questions about interviewees' overall perceptions of the legitimacy or their trust in the correctional system yielded mostly unfavorable views. Interviewees did acknowledge that there were “a few good and a few bad” staff members. “Good” staff were frequently program staff, service providers, and correctional officers who listened to and encouraged interviewees to stay on the right track. Conversely, “bad” staff were typically correctional officers who did not adhere to their responsibilities and thus were described as “lazy” (e.g., on their phones during their entire shift, ignoring people, not making their rounds) and not getting people the services that were needed. Interviewees viewed jails and prisons as a system that dehumanized them through various forms of punishment. They also believed that the lack of correctional officer oversight was further disempowering. The system was depicted as aiming to punish rather than rehabilitate, exemplified by discussions around ineffective outcomes, unethical and unaccountable correctional officer behavior, and unfair policies and practices.

Ineffective Outcomes

When asked about the utility of jails and prisons and their potential to help change interviewees' lives and keep them out of trouble, many interviewees expressed that correctional facilities are a “waste of your time” and “have no redeeming value.” Correctional facilities were sometimes described a “dog pound” where people are kept in cages and allowed out only for food and recreation. Interviewees expressed a sense of helplessness—e.g., “they break you down in there ... you don't really have much control over your environment.”

Many agreed that although being in jail or prison makes people not want to return, there were not enough resources (e.g., programs) to ensure their successful reentry. As a result, many people perceived that being incarcerated had a counter-productive effect, “turning them into

a more crazy person,” and teaching inmates how to be “better criminals” and “[learn] different ways to cook dope ... or better ways to steal from the mall.” As one interviewee stated:

They call it a correctional facility, right? You go in for auto theft, you get out, you end up going back for murder. What did you correct? You didn't correct anything. Why is it called a correctional facility? (Black man, age between 36 and 45, 8 months in jail)

Lack of Correctional Officer Accountability

Unethical and unaccountable correctional officer behavior was perhaps the strongest theme that emerged relating to lack of fairness and legitimacy. Interviewees described instances in which they witnessed, experienced, or heard about officers accepting bribes from inmates for preferential treatment, bringing drugs into the facilities for inmates, and setting inmates up so they would be subjected to violence— correctional officers would “take their shirt and badge off and [fight].” They were also reported to be “quick to use force” and to administer informal punishments such as withholding food. One man described a correctional officer divulging case information to cause conflict:

[The correctional officer] printed my case document and put it in the bathroom ... so people would read my whole case. Then he was walking around like, “Dang, I didn't know [interviewee] was a child molester” ... He was trying to throw shade on me so don't nobody like me. (Black man, 23, 6 months in jail)

Interviewees reported that the systems in place to hold correctional officers accountable were ineffective. Though there appeared to be adequate understanding of how to submit complaints against a correctional officer (e.g., completing paperwork, calling a 1-800 number, contacting correctional officer leadership), there was little trust in the remedial process. In fact, many interviewees explained that submitting complaints could increase the risk of further punishment and injury. One black 48-year-old man who reported 10 years in prison engaged in this complaint process and stated: “I got assaulted by a guard ... I used the grievance system, I wrote him up. ... The guard, he grabbed me, threw my word processor on the table, and threatened to punch me in my face if I didn't sign the confiscation notice.”

Surveillance footage was also identified as ineffective for holding correctional officers accountable because of known “blind spots” and “dead zones”—spaces known to have no cameras. These areas were reported to be in the basement and shower areas of the facilities, and as places that allowed correctional officers to inflict injury with no evidence.

Unfair Practices

Many interviewees expressed disappointment with “group consequences,” in which entire units were locked down for days at a time for unrelated problems occurring in other units. In other instances, group consequences occurred when larger groups of inmates were punished due to the actions of a few:

They turn the TV off because somebody smoke. ... People fighting, you lose TV, phone privileges ... one guy got into an argument with his girl on the phone. ... He destroyed the phone, that shut everything down for the whole week. ... One bad apple always spoils it for the bunch. ... It ain't never fair ... it's designed not to be. ... It's part of the punishment. (Black man, 45, 2 years in jail)

Interviewees viewed the correctional system as taking money from people who already had financial needs. Many reported that everything in correctional facilities cost money—e.g., phone calls, envelopes and stamps, expenses for additional food. Costs were also reported to be incurred by family members—e.g., cost of travelling long distances for visits (and therefore missing work); the cost of adding money to their family member’s commissary for food, clothes, and phone calls.

Chapter 6

Practice and Policy Recommendations

Findings from this study underscore the importance of procedural justice and how it is experienced by individuals who encounter multiple components of the justice system, as arrestees, defendants, and inmates. More specifically, our findings suggest that the way these individuals view legitimacy and fairness is shaped by their perceptions of interpersonal interactions with system agents (e.g., police officers, judges, prosecutors, defense attorneys, correctional officers) *as well as* broader systemic factors.

Based on the findings from the surveys and interviews, we have developed recommendations for police departments, courts, and corrections institutions that want to improve perceptions of procedural justice and legitimacy in their communities. These recommendations may not be easy and quick to implement; rather, they require resources, agency commitment, and political will. However, they are interventions that are responsive to the perceptions of those going through the criminal justice system and will help to create a fairer and more humane system. Additionally, we present new questions raised by study findings and suggest areas for future exploration.

Training for Police Officers to Increase Neutrality and Respect

The police are the first point of contact for many people involved in the criminal justice system, and as discussed in Chapter 2, perceptions of procedural justice and fairness during those initial interactions can shape how the entire criminal justice system is viewed. Moreover, qualitative data reveal that many of our interviewees felt officers exhibited bias against certain groups.

To address issues of lack of neutrality and differential treatment based on individual characteristics such as race, age, and poverty, police departments could mandate all officers to participate in *implicit bias training*. This may positively impact officer behavior when interacting with community members. Additionally, given that many interviewees felt that officers used derogatory language, were dismissive of questions, and approached people in aggressive ways, we recommend that officers also participate in *training on effective and non-violent communication*, including understanding people's reactions to distress and trauma, conflict management and de-escalation with minimal use of force, and active listening.

Materials to Increase Understanding of Court Processes

Many interviewees had negative perceptions of the overall fairness of the court system. Primary issues to be addressed relate to feelings of not understanding essential court processes and not having a voice. To increase understanding, courts could provide all defendants with materials that provide detailed explanations of essential court processes (e.g., plea bargaining, bail payment), key terms (e.g., fines and fees), and legal rights. Basic courts rules (e.g., how to address the judge, proper behavior in the court room) were mostly known, but they could also be included as a reminder. Such materials could be available at multiple points in the court process and in various formats—e.g., a visually appealing mailer to the defendant’s home for those who have scheduled court dates, a laminated card designed to remain in slots in front of benches in the courtroom—and should be made available in languages other than English.

Judicial Scripts to Increase Respect and Promote Voice

Many interviewees operationalized respect as court actors—particularly judges—listening to what they had to say and engaging in positive non-verbal communication. Conversely, they expressed frustration with not being able to ask questions or tell their side of the story. New judges could undergo training incorporating review of video-recorded sessions to increase awareness of how their non-verbal behavior conveys disinterest or dismissiveness. Such strategies have been implemented in some jurisdictions (e.g., at a Justice of the Peace Court in Delaware, with select trial judges in New Hampshire; see Center for Court Innovation 2017). To further increase respect and voice, judges could implement a set script for each defendant appearing before them. The script could include questions such as:

- Do you feel like you were able to tell your lawyer everything you needed to for your case?
- Is there anything you would like me to know about your case?
- Do you have any needs or circumstances that I should know about before making a decision?

The script could also provide the judge with reminders for non-verbal cues such as maintaining eye contact, having a minimum appearance time for each defendant, and speaking directly to the defendant.

Training for Correctional Officers to Increase Neutrality and Respect

Interview participants felt disrespected by correctional officers who perpetuated verbal and physical abuse and did not respond to questions or expressions of need. Similar to the training suggested above for police, to increase respect and voice, all corrections officers could be trained in effective and non-violent communication, as well as in trauma and mental health. These trainings could also focus on culture change among officers, reorienting them to see themselves not as enforcers but as resources, encouraging officers to prioritize listening and taking a proactive role in rehabilitating offenders in ways that value human dignity.

Further Research and Public Discussion

Participants in this research study held unfavorable overall views of the criminal justice system. We recommend further research and public discussion around how best to address some of the sources of criminal justice agencies' perceived illegitimacy as described in this report.

Police For the police, interviewees expressed concerns about the police being “visible but not present” and not caring about community members. They also felt officer abuse of power was enabled by a systemic lack of accountability (e.g., ineffective Internal Affairs). What strategies can police departments adopt to increase their positive involvement in the community and create opportunities for community members to voice their concerns?

Court Many research participants' views of the courts were impacted by their negative interactions with and views of the police. Court staff should recognize that they may need to focus attention on what happens beyond their doors. What role can courts play in encouraging more humane behavior by the police?

Additionally, there was also a perception that public defenders were not as effective as private attorneys. How can the public defender system be reorganized so that attorneys can have more time to work with defendants on their cases? What steps can the defense bar take to increase their own legitimacy with their clients?

Corrections Interviewees discussed how inhumane living conditions in facilities often led to health and hygiene problems; complaints about unethical correctional officer behavior went unaddressed; and the corrections system was designed to punish not rehabilitate. How can correctional facility oversight be structured to guarantee minimum sanitation standards and to ensure that inmate grievances are heard and addressed? Can correctional facilities

offer meaningful programming aimed at reintegration and reentry when people are incarcerated for short periods of time?

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Appendix A. Quantitative Survey

PROCEDURAL JUSTICE STUDY INTRODUCTION AND SCREENING

INTRODUCTORY SCRIPT:

Hi, my name is _____, and I'm with an organization called Center for Court Innovation. We are conducting a survey about people's experiences with the criminal justice system. The survey will only take 10 to 15 minutes, and it is confidential—I won't ask you your name, so please answer honestly; there are no right or wrong answers. Your participation is voluntary. You can stop at any time and skip any questions. As a thank you for participating, I will give you a \$5 gift card to Dunkin Donuts at the end of the survey. Would you be willing to participate?

ELIGIBILITY QUESTIONS

Thank you. If you would like to participate I just need to ask you a few questions to make sure you are eligible for the study

- A. What month/year were you born? _____ / _____
→ *To be eligible, person must be 18 years of age or older. If date of birth is on or after May 1998, thank them and say they are not eligible because we are only surveying adults. Do not conduct survey.*
- B. Do you live in Newark, NJ?
a. *To be eligible, person must be living in Newark, New Jersey.*
 Yes
 No (*Thank them and say they are not eligible because we are only surveying people who live in Newark right now.*)
- C. Do you have an active criminal case in Newark Court?
 Yes (Eligible, but follow up with Question A. below)
 No
i. Did you have a criminal court case in Newark in the last 2 years
 Yes (Eligible, but follow up with Question A)
 No (May be eligible, continue screening with Question A)
A. Were you released from a jail or prison in the last 2 years (*between May 2014-2016*)
 No (*If also no active or recent case, they are not eligible, Thank them and say they are not eligible because we are interested in more recent cases.*)
 Yes, jail (<2 years) (Eligible)

- When were you released? _____
- How long were you there? _____
- Yes, prison (<2 years) (Eligible)
 - When were you released? _____
 - How long were you there? _____

PROCEDURAL JUSTICE STUDY SURVEY

Okay, for the first few questions I will be asking you a little bit about your neighborhood and community.

- 1) What is the closest street corner/intersection to your home? _____ and _____

- 2) What ward do you live in? _____

- 3) How many years have you lived in Newark? _____ (*number of years*)

- 4) How many years have you lived at your current address?
 - Less than 1 year
 - 1-3 years
 - 4 or more years

- 5) How do you define your **neighborhood**? *Check all that apply*
 - Your building
 - Your apartment/home
 - Your block
 - Your ward
 - A group of people (i.e. people in your life that have similar interests and values as you):

 - Other (Specify): _____

- 6) How well do you know the people in your **neighborhood**?
 - Very well
 - Well

- Neutral
- Not that well
- Not at all

7) How involved are you in your **neighborhood events/activities**?

- Not at all
- Mildly
- Moderately
- Heavily

Now I'll ask some questions about your neighborhood, and you can tell me how much you agree or disagree using the numbers on this card.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
In my neighborhood....					
8) People treat each other with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) People look out for each other (e.g., when someone is sick, take care of each other's pets).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) People try to look out for kids and teenagers (e.g., take care of each other's kids, intervene if the youth were in trouble).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11) People would help a resident who has been hurt (e.g., mugged, robbed, jumped).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) People feel safe being outside.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13) If there were a local school closing, people would organize to try to keep it open.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14) If there were a shooting nearby, people would try to raise awareness and give support to neighbors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15) If people need help, they go to formal government systems, such as the police or elected officials.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16) If people need help, they go to informal resources such as local clergy/pastors, family, friends, or unelected leaders.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17) Are you a part of any group in your community? (i.e., groups of people that have similar interests as you such as church, gangs, sports, dance, art, music)

- No (**Skip to question 20**)
- Yes (Specify): _____
 → If Yes, how involved are you in this group?
 - Not at all
 - Mildly
 - Moderately
 - Heavily

18) How well do people in your group seem to know, help, and trust each other?

- Very well
- Well
- Neutral
- Not that well
- Not at all

19) How likely is it that others in your group would intervene if they saw you getting robbed, assaulted, or mugged by another person (this could mean calling the police, or trying to stop the altercation verbally/physically)

- Very likely
- Likely
- Not Sure
- Unlikely
- Very unlikely

ATTITUDES ABOUT THE LAW AND THE CRIMINAL JUSTICE SYSTEM

Now I'm going to ask you some questions about the laws and the criminal justice system in Newark. Please use the numbers on this card to tell me how much you agree or disagree with the following statements.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
20) Laws are intended to protect people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
21) People should obey the law even if it goes against what they think is right.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22) Bankers, lawyers, and politicians get away with breaking the law every day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23) The criminal justice system is racist.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Using the numbers on this card, please tell me how satisfied you are with the following in Newark.

	1. Not at all Satisfied	2. Somewhat Unsatisfied	3. Neutral	4. Somewhat Satisfied	5. Extremely Satisfied
24) The police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25) The prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26) The defense attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27) The judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28) The court system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29) The people who run the jail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30) The mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31) The sanitation department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32) The fire department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33) The public schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34) The media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HISTORY OF ARRESTS

The next few questions are about your personal experiences with the criminal justice system such as being arrested, going to court, and going to jail or prison. You can feel free to skip any of these questions.

35) How many times have you been arrested? _____

36) Were you ever arrested for the following? *(Check all that apply.)*

- A violent crime (e.g., assault, robbery, homicide, or domestic violence)
 - Carrying a gun, knife, or other weapon
 - A nonviolent property crime (e.g., burglary, theft, or larceny)
 - Unpaid tickets
 - Drug sales or possession
 - Other crimes: What were they? _____
-

37) Were you ever arrested for a felony?

- No
- Yes

ENCOUNTERS WITH THE POLICE

Ok, now I'm going to ask you a little bit about your personal experiences with the police. You only have to share what you feel comfortable sharing.

38) In the past 2 years, did the police approach you, stop you, or make contact with you for any reason?

- No **(Skip to question 41)**
- Yes
 - A) For what reason(s): *(Check all that apply.)*
 - Victim of a crime
 - Suspected of a crime
 - Arrested for a crime
 - Stop, Question and Frisk; ID checking; or Record checking
 - Unpaid tickets
 - No reason
 - Other (Specify): _____

39) The last time you were stopped, were you arrested for anything?

- No

Yes

40) The last time you were stopped, how satisfied were you about the way the police treated you?

- Very satisfied
- Somewhat satisfied
- Neutral/Don't know
- Somewhat unsatisfied
- Very unsatisfied

41) In the past 2 years, did you ever call the police for help?

- No
- Yes

→ A) If yes, the last time you called the police for help, were they helpful?

- No
- Yes

42) In the past 2 years, did you have any positive experiences with a police officer?

- No
- Yes

PROCEDURAL JUSTICE AND PERCEPTIONS OF FAIRNESS: POLICE

Now I'd like you to think about the very last time a police officer arrested or stopped you. Please tell me how much you agree or disagree with the following statements.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
43) The police officer clearly explained why you were stopped or arrested.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44) The police officer listened to what you had to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45) The officer treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46) You were treated differently by the police because of your age, income, sex, race, or some other reason.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47) The officer took your needs into account.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48) The officer answered your questions well.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49) The officer did their job well.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50) The officer clearly explained everything that would happen next.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The next few questions are about how you feel about the Newark Police Department overall. Please tell me how much you agree or disagree with the following statements.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
51) You would call the police if you were in trouble.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52) The police generally have the same sense of right and wrong as you do.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53) If a violent crime were to occur near to where you live, you can trust the police to arrive quickly at the scene.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
54) The police are usually trying to protect and look out for people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55) The police are generally respectful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POLICE INVOLVEMENT IN THE COMMUNITY

Now I will ask about the level of police involvement in your community.

56) Has a police officer ever asked you or other community residents for advice on police issues (e.g., ways to prevent crime or keep your community safe)?

- No
- Unsure/Don't know
- Yes

57) Do you know or recognize some of the police officers in your area?

- No
- Yes

58) When you see a police officer on the street or near your home, do they greet or acknowledge you in some way?

- No
- Yes
- Sometimes

59) Are there any police sponsored programs for youth in your community?

- No
- Yes
- Unsure/Don't know

PROCEDURAL JUSTICE AND PERCEPTIONS OF FAIRNESS: COURTS

Now I'm going to shift gears and ask about your interactions with the Newark court. Thinking about the last time you went to court for your criminal case, tell me how much you agree or disagree with the following.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree	NA
60) You were always able to find your courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61) Signs were clearly posted to explain any rules in the actual courtroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
62) There was an interpreter available for you if you needed one.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63) The security court officers treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64) Whenever the courts didn't hear your case right away, someone explained why you had to wait.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65) In court, you had the opportunity to express your views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66) In court, your defense attorney spoke up on your behalf.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67) In court, you understood what was going on.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68) The prosecutor treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69) The judge treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree	NA
70) The judge made sure you understood what was going on.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
71) The judge listened to your side of the story before making a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72) During court, you were treated differently because of your age, income, sex, race, or some other reason.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73) Each time you left court, you understood what you had to do next.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
74) Overall, you felt the outcome of your case was fair (i.e. dismissal of the charges or a lighter sentence than expected).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75) Overall you were treated with respect in court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Moving away from your specific case, I'm going to ask you about the Newark Court System overall and whether you think certain people are treated differently than others. You can use the numbers on this card to tell me how much you agree or disagree with the following statements.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
76) Judges in Newark are fair in their decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
77) Judges in Newark are out of touch with what's going on in their communities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78) African-Americans get treated worse by the courts than other groups.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
79) Latinos get treated worse by the courts than other groups.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
80) Those who do not speak English get treated worse by the courts than other groups.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
81) Poor people get treated worse by the courts than other groups.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JAIL & PRISON

For the next part of the survey I am going to ask about your experiences if you have spent time in jail or prison.

82) In the past 5 years, did you spend any time in a jail or a prison?

No (**Skip to question 94**)

Yes, Jail:

→ If yes, how long in days _____ or months _____

→ If yes, for what reason(s): *(Check all that apply.)*

Holding cell before first court appearance

Pre-trial/Pre-disposition

Time served

Convicted and sentenced to jail

Convicted and sentenced to prison

Other (Specify): _____

Yes, Prison: _____

→ If yes how long in days _____ or months _____

→ If yes, for what reason(s): *(Check all that apply.)*

Convicted and sentenced to prison

83) Overall, how satisfied were you with the way you were treated by correctional staff? (Correctional staff include correctional officers, captains, and administrative staff, not healthcare, program, or education providers).

Very satisfied

Somewhat satisfied

Neutral/Don't know

Somewhat unsatisfied

Very unsatisfied

84) Did you feel like you could ask any correctional staff for help?

No

Yes

→ A) If yes, who?

Captain

Corrections Officer

Administrative Staff

Other (e.g., healthcare, program or education providers): _____

→ B) If yes, when asked for help were the correctional staff helpful?

No

Yes

85) While in jail or prison, did you have any positive experiences with correctional staff?

No

Yes

→ A) If yes, who?

Captain

Corrections Officer

Administrative Staff

Other (e.g., healthcare, program or education providers): _____

PROCEDURAL JUSTICE AND PERCEPTIONS OF FAIRNESS: JAILS AND PRISON

Now I'd like you to think about the very last time you were in jail or prison. I am going to ask about correctional officers, wardens, captains, and staff. (Exclude healthcare, program, or education providers). Using the numbers on this card, please tell me how much you agree or disagree.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
86) Correctional staff explained the process of being admitted and housed into the facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
87) Correctional staff listened to what you had to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88) Correctional staff treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
89) You were treated differently by the correctional officers because of your age, income, sex, race, or some other reason.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
90) Correctional staff took your needs into account.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
91) The correctional staff answered your questions well.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92) Correctional staff do their job well.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
93) The correctional staff explained everything that would happen in regards to things such as your housing, transfers, meals, and visitation, and your release.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Now I'm going to ask about all staff in the corrections department overall.

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
94) If a fight broke out in the facility, the correctional staff would arrive quickly and break it up.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
95) The correctional staff are too quick to use force against inmates.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
96) The correctional staff are usually trying to protect and look out for inmates.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97) The correctional staff are generally respectful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEMOGRAPHICS

We're almost done, just a few more questions about you specifically.

98) How do you identify your gender?

- Male
- Female
- Trans Female
- Trans Male
- Other (specify): _____

99) What is your race/ethnicity? *(Check all that apply.)*

- White (e.g., German, Irish, English, Italian, Polish, French, etc.)
- Hispanic, Latino or Spanish origin (e.g., Mexican, Puerto Rican, Dominican, Brazilian, Portuguese, etc.)
- Black or African-American (e.g., African-American, Jamaican, Haitian, Nigerian, etc.)
- Asian (e.g., Chinese, Filipino, Vietnamese, Korean, Japanese, etc.)
- Indian (e.g. East Indian, South Indian, West Indian, Indo-Caribbean etc.)
- Native American or Alaska Native (e.g., Navajo Nation, Blackfeet Tribe, Mayan, etc.)
- Middle Eastern or North African (e.g., Lebanese, Iranian, Egyptian, Syrian, Moroccan, etc.)
- Native Hawaiian or Other Pacific Islander (e.g., Hawaiian, Samoan, Fijian, Marshallese, etc.)
- Some other race, ethnicity or origin (Specify): _____

- 100) What languages are you able to speak fluently? *(Check all that apply.)*
- English
 - Spanish
 - Other: _____
- 101) What country were you born in?
- United States of America
 - Other Country: _____
→ A) How old were you when you came to the U.S.? (Specify number) _____
- 102) What is your current immigration status?
- Lawful resident
 - U.S. citizen
 - Undocumented
 - Not sure
 - Other (specify): _____
- 103) What kind of housing do you currently have?
- Private apartment or house
 - Public housing (Newark Housing Authority/section 8/other subsidized housing)
 - Emergency shelter
 - Homeless or living on the street
 - Domestic violence shelter
 - Couch surfing
 - School/dorm
 - Group Home
 - Halfway House
 - Other (Specify): _____
- 104) How old are you right now? _____ (years)
- 105) Are you currently married or are you in a serious relationship?
- No
 - Yes
- 106) What is the highest level of education that you have completed?
- Did not complete HS

- High school/GED
- Associates Degree
- Bachelor's Degree
- Graduate Degree
- Other (specify): _____

107) Are you currently in school? (*High school classes, a GED course, college courses, vocational/technical training, or any other type of schooling where you receive a certificate or diploma*).

- No
- Yes

108) In what ways do you currently support yourself? (*Check all that apply.*)

- Employed full-time
- Employed part-time
- Employed under the table
- Support from family
- Support from friends
- Disability
- A government program, such as food stamps or social security
- Income through illegal activities (i.e. drug dealing, hustling, sex work)
- Other (Specify): _____

109) Do you have anything else you would like to tell me about how people are treated by the police, courts, jails or prison?

That's all the questions I have for you today. Thank you so much for your time and for participating in this survey. Do you have any questions for me? If not, here is your \$5 Dunkin' Donuts gift card.

Thanks again for participating!

Appendix B. Survey Recruitment Flyer

Have you had a criminal case in Newark OR left jail/prison in the last 2 years?

You may be eligible to participate in a 15 minute survey about the Newark justice system!

You'll get a \$5 Dunkin Donuts Gift Card as a thanks for your time.

- Dates: Mondays, Tuesdays, Wednesdays (May 2 – June 2)
- Times: 9:30am to 5:00pm
- Location: Newark Municipal Court (31 Green Street) Room 200A

The survey is completely confidential. No names or personal information will be collected

For more information call ___-___-___ and ask about the Newark surveys.

HAVE YOUR VOICE HEARD!!!

Appendix C: Qualitative Interview Instrument

Center for Court Innovation Procedural Justice Study

SCREENING QUESTIONS

- D. What month/year were you born? _____/_____
→ *To be eligible, person must be 18 years of age or older. If date of birth is on or after May 1998, thank them and say they are not eligible because we are only surveying adults. Do not conduct survey.*
- E. Do you live in Newark, NJ?
a. *To be eligible, person must be living in Newark, New Jersey.*
 Yes
 No (*Thank them and say they are not eligible because we are only surveying people who live in Newark right now.*)
- F. Do you have an active criminal case in Newark Court?
 Yes (Eligible, but follow up with Question D below)
 No
i. Did you have a criminal court case in Newark in the last 2 years
 Yes (Eligible, but follow up with Question D)
 No (*May be eligible, continue screening with Question D*)
- G. Were you released from a jail or prison in the last 2 years (*between June 2014-2016*)?
 No (*If also no active or recent case, they are not eligible, Thank them and say they are not eligible because we are interested in more recent cases.*)
a. Yes, jail (<2 years) (Eligible)
i. When were you released? _____
ii. How long were you there? _____
b. Yes, prison (<2 years) (Eligible)
i. When were you released? _____
ii. How long were you there? _____

[CONDUCT INFORMED CONSENT, IF ELIGIBLE]

INTERVIEW/RDS INFORMATION

Respondent Coupon Number/RDS code (if applicable): _____

Interviewer Name: _____

Interview Date: ____/____/____ Interview Time: _____

Location of Interview: _____

Language of Interview: English Spanish

What neighborhood/ward does participant live in? _____

Thank you for agreeing to be interviewed. Just to give you an idea of how we're going to go forward in this interview, we'll start with some basic questions about your identity; then we'll focus on your experiences with and attitudes towards four major components of the criminal justice system: We will start with the police, then talk about courts, followed by jail, prison, probation and parole if applicable; and finally we'll wrap up by talking about your recommendations for the justice system. I know that sounds like a lot, but I hope this can be more like a conversation. Remember that anything you say will be kept confidential and we're not collecting your name, so please be honest. Do you have any questions before we start?

DEMOGRAPHICS

The first few questions are just for me to get a little bit of information about you.

- 1) How old are you now? _____
- 2) How do you identify your race/ethnicity? *(Check all that apply.)*
 - White (e.g., German, Irish, English, Italian, Polish, French, etc.)
 - Hispanic, Latino or Spanish origin (e.g., Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Brazilian, Portuguese, etc.)
 - Black or African-American (e.g., African-American, Jamaican, Haitian, Nigerian, etc.)
 - Asian (e.g., Chinese, Filipino, Vietnamese, Korean, Japanese, etc.)
 - Indian (e.g. East Indian, South Indian, West Indian, Indo-Caribbean etc.)
 - Native American or Alaska Native (e.g., Navajo Nation, Blackfeet Tribe, Mayan, etc.)
 - Middle Eastern, North African or South African (e.g., Lebanese, Iranian, Egyptian, Syrian, Moroccan, South African, Zimbabwean, etc.)
 - Native Hawaiian or Other Pacific Islander (e.g., Native Hawaiian, Samoan, Fijian, Marshallese, etc.)
 - Some other race, ethnicity or origin (specify): _____
- 3) How do you identify your gender?
 - Male Female Trans Female Trans Male Other _____

4) What country were you born in?

United States of America

Outside of the US _____ (specify location)

→ A) How old were you when you came to the U.S.? (Specify number) _____

5) Are you currently in school?

(Prompts: By school, I mean high school classes, a GED course, college courses, vocational/technical training, or any other type of schooling where you receive a certificate or diploma.)

Yes, part-time Yes, full-time No

6) What is the highest level of education that you have completed?

≤ 8th grade 9th grade 10th grade 11th grade HS diploma GED

Some College Associate's Bachelor's Master's Other: _____

7) Are you currently employed?

Yes, full-time Yes, part-time No, currently looking for work

No, on disability No, stay-at-home care giver No, retired

No, other: _____

8) In what ways do you currently support yourself? _____

Employed full-time

Employed part-time

Employed under the table (e.g., cash only; "off the books")

Support from family

Support from friends

Disability

A government program, such as food stamps or social security

Income through illegal activities (i.e. drug dealing, hustling, sex work)

Other (Specify): _____

9) How long have you lived in Newark? (Specify number of months or years) _____

10) What is the closest street corner/intersection to your home? _____ and

a) What ward do you live in? _____

11) What kind of housing do you currently live in?

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Apartment | <input type="checkbox"/> Public housing/section 8 | <input type="checkbox"/> House | <input type="checkbox"/> Halfway house |
| <input type="checkbox"/> Emergency Shelter | <input type="checkbox"/> Homeless | <input type="checkbox"/> Couch surfing | <input type="checkbox"/> School/dorm |
| <input type="checkbox"/> Domestic Violence Shelter | <input type="checkbox"/> Single Room Occupancy | <input type="checkbox"/> Other (specify) _____ | |

12) Whom do you currently live with?

- | | | | |
|---|-------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> Boyfriend/Girlfriend/Partner | <input type="checkbox"/> Spouse | <input type="checkbox"/> Children | <input type="checkbox"/> Other family |
| <input type="checkbox"/> Friends/Roommates | <input type="checkbox"/> Live alone | <input type="checkbox"/> Other homeless people | |
| <input type="checkbox"/> Other
(specify) _____ | | | |

ABOUT YOUR NEIGHBORHOOD AND/OR COMMUNITY

We just want to ask you a few questions about your neighborhood and your community. Some people describe these as the same; for others, they are different. First, I'm going to ask questions about your neighborhood and then about your community, if they are different.

13) What is your **neighborhood**, meaning what are the geographic boundaries? (*Prompts: key landmarks including your building, your apartment/home, your block, streets nearby, your ward, a specific group of people with similar interests or values; respondent level of involvement—attending events or activities*)

14) How well do people in your **neighborhood** seem to know, help, and trust each other?

15) Do you feel safe in your **neighborhood**? Why or why not?

16) What are the strengths of your **neighborhood**? What are the challenges of your **neighborhood**? (*E.g., whether people know, help and trust each other; whether neighbors would intervene or help if they saw you getting hurt*)

17) Are you a part of any **community**? (*Prompts: Groups of people that have similar interests as you such as church, gangs, sports, dance, art, music; specific ways the respondent's community is similar or different to their neighborhood; respondent level of involvement*)

→ If yes, how well do people in your group seem to know, help, and trust each other?

- What are the strengths of your **community**? (*E.g., whether people know, help and trust each other; whether community residents would intervene or help if they saw you getting hurt*)
- What are the challenges of your **community**? (*E.g., whether people know, help and trust each other; whether community residents would intervene or help if they saw you getting hurt*)

POLICE INVOLVEMENT IN THE NEIGHBORHOOD

For this set of questions, I want to ask you about the Newark Police Department and police in your neighborhood.

18) In general, how do you feel about the Newark Police Department?

→ Follow up:

- What are some of the things they do that you support or don't support?

19) Do you feel like you should listen to police officers even if you disagree with them? (*Probe: If a police officer asks you to stop even if you feel you did nothing wrong, would you still stop? If a police officer is rude to you, do you still need to listen to him or her?*)

Yes No

→ Follow up:

- What makes you feel this way?
- What happens if you don't do what they tell you?

20) Overall, how do you feel about the police in your neighborhood? (*Prompts: Do they help your neighborhood? In what ways are they helpful? Do they hurt your neighborhood? In what ways are they harmful?*)

- In what ways are they respectful or disrespectful? To whom and when? How do they convey that respect?
- What does it mean to be treated with respect?
- In what ways do they make you feel safe or unsafe?
- Do you know any officer(s) in your neighborhood? Is this officer similar or different to other Newark police? Why? (*Prompts: treatment, specific relationships*)

21) Would you ever go to the Newark police for anything? Yes No

Why or why not? Under what circumstances would you call the police?

(*Prompts: If you witnessed a crime? If you were the victim of a crime? If you needed help?*)

→ Follow up:

- What happens if you go to the police? How long does it take them to come? Do they help?

22) Have you ever experienced some type of crime against you? This could include anything like being mugged, burglarized, assaulted, having something of yours stolen (i.e. your phone), or having your property damaged/vandalized, etc. Yes No

→ Follow up (if yes):

- Does this happen a lot in your neighborhood?
- Can you tell me what happened?
- Did you call the police? Yes No
- What was the outcome?
- Did you get the help you needed? If not, what did you want to see happen instead?

23) Based on your own experience, do you think the Newark police are making a difference in your neighborhood?

→ Follow up:

- How do you judge whether the police are doing their job well? (*Prompts: strong police presence, fast response times, preventing crime, neighborhood safety and helping residents*)
- Do the police respond quickly to serious crime in your neighborhood (e.g., gun violence)?
- Do they try to help the neighborhood? If yes, how? (*Prompt: e.g., know neighborhood by name or attend neighborhood events*)
- Do they treat certain groups of people differently than others like wealthier people, different races, younger or older, by sexual orientation or gender identity? Can you give examples?

24) How has your opinion of the Newark police changed over time?

→ Follow up:

- What do you think has been responsible for that change?
- Have there been any events in the Newark neighborhood that have shaped your opinion? What were they, and how did they affect your opinion of the police?
- What about any experiences outside of Newark? How do Newark police compare with any other experiences you've had with police in other places? Please specify.

RECENT ENCOUNTERS WITH THE NEWARK POLICE

Now, I'm going to ask you some questions about your experiences with the police. In answering these questions, I would like you to focus on just the last two years. And remember that everything you say is confidential.

25) How many times were you stopped by the Newark Police in the last 2 years? _____

Can you tell me about a few instances where you were stopped by the police?

(Prompts: How you were approached and what you were stopped for?)

→ Follow up:

- How many times did these stops result in an arrest? _____
- What were you usually arrested for? _____
- How many times have you *ever* been arrested? _____
- What were you arrested for? _____

26) Now I'm going to ask about your last interaction with a Newark police officer within the last 2 years. Can tell me step by step how the interaction went from when you were approached to when the interaction ended?

(Prompts: How did the officer approach you? Did the police officer communicate to you what was going on? What did he/she say? How did you feel?)

→ Follow up:

- How many officers were there?

- How you were you treated (e.g., fairly and respectfully, or unfairly and disrespectfully)?
- How did you act towards the officer (e.g., ways you showed respect and/or disrespect)? Why did you act that way?
- Did the officer take steps to make sure you knew what was happening? (e.g., answer your questions, clearly explain the reason for the stop, explain what would happen next)
- Did the officer give you a chance to tell your side of the story?
- Are most of your interactions with police officers like this or was this one different? If different, describe a more typical interaction with the police.

27) How have these police interactions made you feel when you see a Newark police officer now? How have those interactions changed your behavior when you see a police officer?

(Prompts: If you see police officers around, how does that make you feel? Do you avoid the police? How so?)

GANGS

For the next set of questions, I'm going to ask you about gangs in Newark. You can answer based on your own personal experience or based on what you know from other people. If you don't know or don't want to respond, you can simply skip the question.

28) Do you think there is a gang problem in Newark?

29) How do you think gangs in Newark are viewed by the police? Are those involved in gangs treated differently by the police? If so, how?

30) How do you think gangs in Newark are viewed by residents? Are those involved treated differently by residents? If so, how?

31) Why do you think people join gangs in Newark (e.g., benefits and challenges)? If people leave a gang, what are the reasons they leave? What does someone have to do to leave a gang?

RECENT ENCOUNTERS WITH THE COURTS

Thank you, you're really sharing a lot of information with me. Moving away from the police, I'm going to start the next section of the interview which is about your experiences with the criminal court system in Newark.

32) When was the last time you went to criminal court in Newark as a defendant? _____

→ Follow up:

- What were you charged with? _____
- Who did you go with? _____

- How did you get there (transportation, any additional costs)? How long did it take?
- Were you provided with directions? _____

33) Thinking back, tell us what it was like when you got to the court house.

→ Follow up:

- Take us through step by step, what it was like to go through security: How did the court security at the entrance treat you? (*Prompts: Did they talk to you? Were they friendly? Were they respectful or disrespectful? How did they show that?*) How long did it take?
- Were there signs or people telling you where to go after security? Were the directions easy to follow?
- What was the overall feel of the courthouse? (*Prompts: chaotic or organized, easy or hard to find your way around*)
- Did you need certain accommodations at the courthouse—language, wheelchair, childcare facility—and were those accommodations provided to you?

34) Now I want to ask you about your experience once you got to your courtroom. Can you take me step-by-step through what happened once you were there?

→ Follow up:

- Did anyone tell you when your case was going to be called? How long did you have to wait before your case was heard? What did you do during that time?
- When you were waiting for your case to be heard, did anyone explain what was going on or answer your questions? Did you have questions that you wanted to ask, but didn't ask? If yes, why?
- Did anyone tell you the rules in the courtroom? What were the consequences if the rules were broken? What happened if the rules weren't followed?
- When your case was called, did you feel like you or your lawyer were able to tell your side of the story?
- Was the judge paying attention to you/your lawyer? How do you know that?
- Each time you left court for that case, how did you know what to do next for your case? When was your next court date (how long after)? How was this date chosen? Did you have any input?

RESPECT IN THE COURTROOM

35) When you were in the courtroom, how were you treated by the following:

→ Follow up:

- Judge: What did the judge do to make you feel respected or disrespected? What could they have done to make you feel more respected?
- Prosecutor: What did the prosecutor do to make you feel respected or disrespected? What could they have done to make you feel more respected?
- Defense: What did your lawyer do to make you feel respected or disrespected? What could they have done to make you feel more respected?
- Other: Was there any other court staff that made you feel respected or disrespected? What could they have done to make you feel more respected?
- How could you make complaint about how you were treated in the courts if you needed to?
- Do you remember any specific judge(s) in Newark? Was this judge(s) similar or different to other Newark judges? Why? (*Prompts: treatment, specific experiences*)
- Do you remember anyone else in a Newark court? How were they similar or different to others? (*Prompts: treatment, specific experiences*)

36) For your last court case, were you convicted? Yes No

→ Follow up:

- If yes, did you take a guilty plea? Yes No
 - Did you feel pressured to take a plea? If yes, what happened?

37) What were your release conditions or your final sentence? (*Prompts: any mandates, such as fines, restitution, community service and/or social services; jail; prison; probation; parole*)

- If yes to mandates (fines, restitution, community service, and social services):
 - What were you expected to do? For how long?
 - Do you feel like this was appropriate for your case? Why or why not?
 - Was this mandate helpful? Why or why not? If not, what might have been more helpful for you?

38) Overall, did you feel the outcome of your case was fair? Why or why not?

- Do you feel the decision was based on the facts presented? If not, in your opinion, what was it based on?

39) Did having to go to court affect your daily life/routine? If so, how? (*Prompts: Did you lose work/any pay? Did you have to pay for childcare?*)

→ Follow up:

- How many times did you have to go?
- How did this affect you financially (e.g. debt, job, school) or emotionally (e.g. family, social support)?
How did it affect you in the long run (life overall, routines, friends, family, etc.)
- Did you get the help you needed at court?

PROCEDURAL FAIRNESS IN THE COURTS

Now we'd like to ask you some questions about how you think the courts treat people in general. By courts, I mean the judge, court clerks, and court officers, but NOT any attorneys.

40) Overall, how do you feel about the Newark Criminal Courts? Be sure to tell us which courts you are talking about.

→ Follow up:

- Do you think they are fair? Why/Why not?
- What are some ways the court showed defendants respect or disrespect?

41) How often do you think the criminal courts make fair decisions based on available evidence?

→ Follow up:

- What do the courts make decisions based on?
- Why do you think that happens? How does that make you feel?
- Are certain groups of people treated differently by the courts (*e.g., wealthier people, different races, younger or older, by sexual orientation or gender identity*)? Can you give an example?

42) How has your opinion of the criminal courts changed over time? Why?

→ Follow up:

- Have there been any events in the Newark community that have shaped your opinion? What were they, and how did they affect your opinion of the courts?
- What about any experiences outside of Newark? How do Newark courts compare with experiences you've had at other courts?

43) How do you think your neighbors in Newark view the courts? How do their views differ from yours?

HISTORY OF ENCOUNTERS WITH THE CORRECTIONS SYSTEM

Moving away from the courts, this next section of the interview involves some questions about any experiences you may have had with being detained in a correctional facility.

44) Have you ever been in a local jail, or state or federal prison? (check all that apply)

No Jail Prison

(Note to interviewer: If interviewee needs clarification, you can say, "Jail is a place people may be sent to before a first court appearance or during a trial. Usually the jail is in your local county, and the sentence is typically for a year or less. A prison is run by the state or the federal government and sentences are typically over a year.")

NONE → Pg. 17 (COMMUNITY SUPERVISION)

JAIL ONLY → Pg. 10 (JAIL HISTORY)

JAIL AND PRISON, OR, PRISON ONLY → Pg. 12 (PRISON HISTORY)

JAIL HISTORY

45) How many times have you gone to a local county jail in Newark? _____

46) The last time you were in jail:

- Which jail were you at? _____
- When was this? _____
- How long were you there for? _____
- *[If not previously mentioned]* What were you charged with? _____
- What were you there for? (e.g., *holding cell waiting for first court appearance, during your case, after your conviction*)
 - Holding cell before first court appearance
 - Pre-trial
 - Time served
 - Post-conviction
 - Other: _____

47) IF PRETRIAL DETENTION: Did you understand your bail options? Why/Why not?

- Who communicated information about bail to you?
- Was your bail posted? Why/why not? By who?
- Was your case ultimately dismissed?
- While you were in jail, were you kept aware of the status of your case? Were there any delays that kept you in jail longer than you thought you would be? What happened?

48) Thinking about this last time you were in jail, can you walk me through what a typical day and night was like for you? What did you do from when you woke up, until you went to bed? (Probes: What was the first thing you did when you got up? How did you pass time during the day? Did you have the opportunity to do any activities or classes?)

→ Follow up:

- What was the physical space you stayed in like?
- How many other people were in the cell with you? What were your interactions with them like?
- Were you offered any medical or mental health services?
- Were you able to communicate with people outside of jail when you wanted to?

49) Thinking about this last time you were in jail, what were some of the rules you had to follow?

→ Follow up:

- How did you learn about those rules?
- Did you know what the consequences were for breaking them?
- Were the rules always enforced? Were the rules enforced the same for everybody? What about the consequences for breaking them? Please explain. (Probes: *Were they*

enforced more often for some groups of people, or were the consequences different for some groups of people? Did it depend on who was working that day?)

- What rules did you think were unfair? Why?
- Did anyone sanction you for breaking a rule in jail? If yes, can you tell me what happened?

50) I want to ask you some questions about various people who worked at the jail. Again, thinking about the last time you were there, who were the jail staff that you interacted with (*e.g., wardens, correctional officers, administrative staff, health care, program, or education providers*)?

- When would you interact with them, and how did they treat you? (*Probes: For example, when would you interact with the guards? Were they respectful? In what ways did they show respect? In what ways did they disrespect you? Did they answer questions you had?*)
- How about the healthcare/program/education providers? How did they treat you?
- Do you remember any jail staff? Was this person(s) similar or different to other jail staff? Why? (*Prompts: treatment, specific experiences*)

For the next few questions, I'm going to ask you about some of the challenges you may have either seen or experienced while in jail. This will include some discussion about fights, harassment, self-harm, and solitary confinement. Please remember that you can stop at any time, skip anything you are not comfortable sharing, and pause to take a break if needed.

51) Do you remember seeing or hearing about: *Check all that apply.*

- Serious verbal arguments
- Physical fights
- Sexual harassment
- Self-harm (people hurting themselves)
- Any other injury _____
 - If yes, how often would you estimate these occur (*ask about each one*)? Generally who was involved (*i.e., CO-inmate, inmate-inmate, inmate and other staff*).

→ Follow up:

- Did you experience any of these yourself? (*Remind them of the options.*)
 - If yes, can you think about the most memorable incident and tell me the story about what happened? (*Prompts: Who was involved? Where did it happen? Why it start? What happened after? Did you tell anyone? What was the response of the staff or anyone else? Were there any consequences? If yes, for whom? Did you get the help you needed? If not, what would have been helpful?*)

52) While you were in jail, did you know people who spent time in solitary confinement? If so, what were people usually sent there for? (*Prompts: protective custody, assaulting a corrections officer, contraband, fighting*)

→ Follow Up:

- Did you ever have to go to solitary confinement?

- If yes, can you describe what you were there for and what it was like for you to be there? (*Prompts: For how long were you there? What did you do to pass time? Was it hard to be there? Why or why not? Did you need or get any services, such as healthcare, medication, or anything else?*).

53) IF FEMALE: While in jail, were you *or* any of the other women that you knew pregnant at the time?

→ Follow up:

- If yes, how were they/you treated? (*Prompts: Ever shackled while in jail, during transport or in court for any reason? Provided with necessary medical services?*)

54) How would you describe your overall experience in jail?

→ Follow up:

- Did you feel safe? What made you feel safe? What made you feel unsafe?
- Was there anything helpful? (*Prompts: any educational or other programs, counselors, healthcare*)
- What was the one hardest thing about being locked up?
- How could you make a complaint if you were treated unfairly while in jail?

55) What impact did being in jail have on your life? Did anything change for you? (*Prompts: life overall, family, friends, employment, emotional well-being, financial situation*)

→ Follow up:

- Has anything helped you move forward past your jail experience (*e.g., family, staff, a visit, a book, meditation, services, etc.*)?

56) Do you think that being in jail can prevent people from committing crimes? Why/Why not? What might be a better alternative?

**** REASSURE, DEBRIEF/CHECK IN WITH PARTICIPANT, THANK THEM FOR SHARING, AND TAKE BREAK IF NECESSARY****

IF NO PRISON → COMMUNITY SUPERVISION

PRISON HISTORY

57) How many times have you gone to prison anywhere in the country? _____

58) Which prisons have you ever been in? _____

59) The last time you were in prison:

- How far was it from where you lived? _____

- When was this? _____
- How long were you in prison for? _____
- What had you been convicted of? _____

60) Thinking about this last time you were in prison, can you walk me through what a typical day and night was like for you? What did you do from when you woke up, until you went to bed? (Probes: What was the first thing you did when you got up? How did you pass time during the day? Did you have the opportunity to do any activities or classes?)

→ Follow up:

- What was the physical space you stayed in like?
- How many other people were in the cell with you? What were your interactions with them like?
- Were you offered any medical or mental health services?
- Were you able to communicate with people outside of prison when you wanted to?

61) What were some of the rules you had to follow while in prison?

→ Follow up:

- How did you learn about those rules?
- Did you know what the consequences were for breaking them?
- Were the rules always enforced? Were the rules enforced the same for everybody? What about the consequences for breaking them? Please explain. (*Probes: Were they enforced more often for some groups of people, or were the consequences different for some groups of people? Did it depend on who was working that day?*)
- What rules did you think were unfair? Why?
- Did anyone sanction you for breaking a rule in prison? If yes, can you tell me what happened?

62) I want to ask you some questions about various people who worked at the prison. Again, thinking about the last time you were there, who were prison staff that you interacted with (*e.g., wardens, correctional officers, administrative staff, health care, program, or education providers*)?

→ Follow up

- When would you interact with them, and how did they treat you? (*Probes: For example, when would you interact with the guards? Were they respectful? In what ways did they show respect? In what ways did they disrespect you? Did they answer questions you had?*)
- How about the healthcare/program/education providers? How did they treat you?
- Do you remember any prison staff? Was this person(s) similar or different to other prison staff? Why? (*Prompts: treatment, specific experiences*)

For the next few questions, I'm going to ask you about some of the challenges you may have either seen or experienced while in prison. This will include some discussion about fights, harassment, self-harm, and solitary confinement. Please remember that you can stop at any time, skip anything you are not comfortable sharing, and pause to take a break if needed.

63) Do you remember seeing or hearing about: *Check all that apply.*

- Serious verbal arguments
- Physical fights
- Sexual harassment
- Self-harm (people hurting themselves)
- Any other injury _____

- If yes, how often would you estimate these occur (*ask about each one*)? Generally who was involved (*i.e., CO-inmate, inmate-inmate, inmate and other staff*).

→ Follow up:

- Did you experience any of these yourself? (*Remind them of the options.*)
 - If yes, can you think about the most memorable incident and tell me the story about what happened? (*Prompts: Who was involved? Where did it happen? Why it start? What happened after? Did you tell anyone? What was the response of the staff or anyone else? Were there any consequences? If yes, for whom? Did you get the help you needed? If not, what would have been helpful?*)

64) While you were in prison, did you know people who spent time in solitary confinement? If so, what were people usually sent there for? (*Prompts: protective custody, assaulting a corrections officer, contraband, fighting*)

→ Follow Up:

- Did you ever have to go to solitary confinement?
 - If yes, can you describe what you were there for and what it was like for you to be there? (*Prompts: For how long were you there? What did you do to pass time? Was it hard to be there? Why or why not? Did you need or get any services, such as healthcare, medication, or anything else?*)

65) IF FEMALE: While in prison, were you *or* any of the other women that you knew pregnant at the time?

→ Follow up:

- If yes, how were they/you treated? (*Prompts: Ever shackled while in prison, during transport or in court for any reason? Provided with necessary medical services?*)

66) How would you describe your overall experience in prison?

→ Follow up:

- Did you feel safe? What made you feel safe? What made you feel unsafe?
- Was there anything helpful? (*Prompts: any educational or other programs, counselors, healthcare*)
- What was the one hardest thing about being locked up?
- How could you make a complaint if you were treated unfairly while in jail?

67) What impact did being in prison have on your life? Did anything change for you? (*Prompts: life overall, family, friends, employment, emotional well-being, financial situation*)

→ Follow up:

- Has anything helped you move forward past your prison experience (*e.g., family, staff, a visit, a book, meditation, services, etc.*)?

68) Do you think that being in prison can prevent people from committing crimes? Why/Why not? What might be a better alternative?

If PRISON AND JAIL, CONTINUE
IF PRISON ONLY → COMMUNITY SUPERVISION

Thanks for sharing all of this information about your prison experience. Now I'm going to ask you to make a few comparisons between your prison and jail experiences.

*****Note to interviewer: Ask overarching questions. Ask follow up questions, if additional details are needed.***

69) How many times have you gone to a local county jail in Newark? _____

70) The last time you were in jail:

- Which jail were you at? _____
- When was this? _____
- How long were you there for? _____
- *[If not previously mentioned]* What were you charged with? _____
- What were you there for? (e.g., holding cell waiting for first court appearance, during your case, time served, post-conviction, awaiting transfer, violation, etc.)

71) IF PRETRIAL DETENTION: Did you understand your bail options? Why/Why not?

- Who communicated information about bail to you?
- Was your bail posted? Why/why not? By who?
- Was your case ultimately dismissed?
- While you were in jail, were you kept aware of the status of your case? Were there any delays that kept you in jail longer than you thought you would be? What happened?

72) You already walked me through what a typical day was like in Prison but can you tell what the days were like in jail? Was it any different? (*Prompts: daily routine, number of people in cell, interactions with other inmates, facility characteristics/cleanliness/food, education/health services, etc.*).

73) Were the rules in prison and jail different? (*Prompts: Which ones? How did you know? What about the consequences?*)

→ Follow up:

- Were the rules and consequences enforced the same for everybody? (*Enforced more often for some groups of people, different consequences for some groups, or more protection for some groups? Did it depend on who was working that day?*)
- Were any rules in jail unfair? Why?
- Were you ever sanctioned for breaking a rule in jail? What happened?
- How could you make a complaint if you were treated unfairly while in jail?

74) Do you feel you were treated differently by the staff in the jails compared to the staff in prison? Can you give me an example? (*Prompts: Better or worse, more or less respectful, more or less help?*)

→ Follow up:

- How about the healthcare/program/education providers?

75) You told me about some of the things you saw/experienced with regards to fights, self-harm, and solitary confinement in prison. I'd like to ask you about if and how this may have been different in the jails. While in jail, did you see or hear about any of the following? *Check all that apply.*

- Serious verbal arguments
- Physical fights
- Sexual harassment
- Sexual advances
- Self-harm (people hurting themselves)
- Any other injury: _____
- Other: _____
 - If yes, would this occur more frequently or less frequently in the jail, when compared to prison?

→ Follow up:

- Did you experience any of these yourself? (*Remind them of the options*)
 - If yes, can you think about the most memorable incident and tell me the story about what happened? (*Prompts: Who was involved? Where did it happen? Why it start? What happened after? Did you tell anyone? What was the response of the staff or anyone else? Were there any consequences? If yes, for whom? Did you get the help you needed? If not, what would have been helpful?*)
 - Was this any different in the jail compared to prison?

76) While in jail, did you spend any time in solitary confinement? If so, why were you put there, and for how long? Can you tell me was that like? Did it differ from solitary confinement in prison?)

77) IF FEMALE: While in jail, were you *or* any of the other women that you knew pregnant at the time?

→ Follow up:

- If yes, how were they/you treated? (*Prompts: Ever shackled while in jail, during transport or in court for any reason? Provided with necessary medical services?*)

78) How would you describe your overall experience in jail when compared to prison?

→ Follow up:

- Did you feel safer in jail or prison? What made you feel that way?
- Was there anything more helpful in either jail or prison? (*Prompts: any educational or other programs, counselors, healthcare*)

79) Did being in jail have a different impact on your life when compared to being in prison? Why? Why not? (*Prompts: Life overall, family, friends, employment, emotional well-being, financial situation; did anything help you move past your jail experience--e.g., family, staff, a visit, a book, meditation, services, etc.*)

80) Do you think that being in jail or in prison can prevent people from committing crimes? Why/Why not? What might be a better alternative?

COMMUNITY SUPERVISION

The next few questions are about community supervision in the form of probation, parole or supervised release.

81) Have you ever been on probation, parole or supervised release? Yes No

IF NO, → CHANGE IN THE CRIMINAL JUSTICE SYSTEM

82) The last time you were on probation/parole/supervised release within the last 2 years:

→ Follow up:

- How long were you on supervision for? _____
- How often did you have to meet with your parole/probation officer?
- Was it easy to make these meetings? Why or why not? (*Probes: How accessible was the location for you? How long did it take you to get there? Were the meetings at times that were convenient for you in terms of work, family responsibilities, childcare, etc.?*)

83) While you were on supervision, were you always aware of what your conditions were? Who communicated that information to you?

→ Follow up:

- Were you given the opportunity to ask questions about your conditions? Were they answered satisfactorily?
- Were there consequences if you did not comply with your conditions? What were they? Were the consequences for violation appropriate? Why or why not? Can you give me an example?

84) Tell me about your interactions with your parole/probation officer. In what ways did they show respect? In what ways did they show disrespect?

→ Follow up:

- Were they helpful to you (*e.g., help with health, education, employment, training, other services you may have needed*)?
- Did they offer you any incentives or praise when you achieved a goal or did something well?
- Did they give you an opportunity to express concerns explain why you may not have met a condition (*e.g. if you had to miss a reporting day*)?
- How could you make a complaint about your probation/parole officer if you were treated unfairly while under supervision?
- Do you remember any specific officer(s)? Was this person(s) similar or different to other parole/probation officers? Why? (*Prompts: treatment, specific experiences*)

CHANGE IN THE CRIMINAL JUSTICE SYSTEM

These are the last few questions that I have for you, and they just are about what changes you would like to see in the criminal justice system.

- 85) If you were in a position where you had to improve the relationship between police and their community and make them more effective at their jobs, what would your recommendations be? (*Prompts: more/less arrests, more/less community policing, better relationship between police and community*)
- 86) If you were in a position where you could help folks have fair experiences while going through the court system, what would your recommendations be? (*Prompts: more/less severe dispositions, more/less severe sentencing, more/less plea bargaining/trial, affordable access to legal counsel, bail reform*)
- 87) If you were in a position to make change in the jail system, what would your recommendations be? (*Prompts: more/less incarceration, more/less community corrections/alternative to sentencing options, better trained corrections staff, less crowded facilities, shorter stays*)
- Follow up:
- What could be done to treat people in jail more respectfully? To communicate better?
 - What about for those who are coming out of jail?
- 88) If you were in a position to make change in the prison system, what would your recommendations be?
- (Prompts: more/less incarceration, more/less community corrections/alternative to sentencing options, better trained corrections staff, less crowded facilities, shorter stays)*
- Follow up:
- What could be done to treat people who are there more respectfully? To communicate better?
 - What about for those who are coming out of prison?
- 89) If you were in a position to make change with probation, parole, or supervised release, what would your recommendations be? (*Prompts: more/less opportunity for community supervision, more/less community corrections/alternative to sentencing options, better*

trained staff, shorter supervision periods)

→ Follow up:

- What could be done to treat people under supervision more respectfully? To communicate better?

90) In thinking about the police, the courts, the jails/prisons, probation/parole, is there **any one** of these that you feel are better or worse? Which one and why?

******That's all the questions I have for you. Thank you so much for your time and for participating in this interview. Do you have any questions for me about the study or the final report?*

Appendix D. Interview Recruitment Flyer

HAVE YOUR VOICE HEARD

- ✓ Do you live in Newark?
- ✓ Are you at least 18 years old?
- ✓ Have you had a Newark criminal case in AND left jail or prison in the last 2 years?

**If yes to all, you may be eligible to participate in a 1-hour interview on the Newark justice system.*

Come to the following locations to be interviewed:

- Office of Reentry: Wed, June 29, 9am to 12pm
- Bridges at St. John's: Thurs, June 30, July 7 & July 14, 9am to 1pm

*******You could earn \$25 cash for participating*******

The survey is completely confidential. No names or personal information will be collected.

Appendix E. Informed Consent Form

Interview #: _____

Interviews with local residents about experiences with the criminal justice system Participant Consent Form

1. Why are you invited to take part in this research?

You are invited to help us do research on people who live in [Newark or Cleveland] and have experience with the criminal justice system. The information below can help you choose whether or not to participate in the study. We hope that the information we collect will help us understand and better address fairness in the justice system.

2. Who is doing the study?

This study is being done by researchers from the Center for Court Innovation, a criminal justice nonprofit in New York City. We do not work for the criminal justice system (courts, police, corrections, etc.).

3. What is the purpose of this study?

The purpose of this study is to find out about attitudes and opinions of individuals who have been involved with the criminal justice system (courts, police, and jail or prison).

4. What are you being asked to do?

You will be asked to sign this consent form, which states that you are voluntarily participating in this study. You will then participate in an interview that will last about one hour, but could take longer based on your responses. You will be asked questions about your experiences with and attitudes towards criminal justice system players such the police, the courts, and corrections, and fairness of those systems. At the conclusion of the interview, you will be given \$25 to thank you for your participation.

5. What are the possible risks and discomforts of participating?

There are no physical risks associated with participating in this interview. Although we are taking several measures to protect your confidentiality (e.g., we are not collecting your name or any identifying information), one risk of the study is that confidentiality cannot be 100% guaranteed. If the interview is conducted in a public setting, others may be able to hear us. In order to help us minimize your risk, please do not tell us details of any criminal activity, but just answer the questions in a general manner.

The other possible risk is that you may become upset during the interview because you are discussing personal issues or memories. If you become upset, you can stop the interview and/or we can refer you to a confidential counselor (Colleen Smith, 201-565-7612). Remember, you are free to skip any questions or stop the interview at any time.

All the answers you give will be kept private and confidential. They will not be given to the police, probation, parole, the courts or any service providers you may be working with.

6. Are there any benefits to your participation?

To thank you for your time in answering questions, we will pay you \$25 for your participation in the interview, even if you do not respond to all of the questions.

7. Do you have to participate?

No, you do not have to participate in this study. Participation is completely voluntary.

8. Will information about you be confidential?

The information that you share will be kept confidential. The only exception to confidentiality is if you tell us you plan to commit a specific future crime. Please do not share such information with the researchers.

Interview #: _____

We will not ask you for your name at any point in time to keep your answers confidential. Only a fake name and randomly assigned id number will be attached to your responses. No one except the study staff at the Center for Court Innovation will have access to anything you tell us. All the paperwork and audio recordings will be kept in a confidential, locked cabinet or password-protected on a computer in our main office. Three (3) years after the project has ended, all research materials will be destroyed. The report on our findings will not be written in a way that would let someone who reads it figure out who you are. Please choose a fake name now and write it on the line below.

If you want to end your participation at this point, you will not be penalized in any way. If you don't want to talk with us, you can stop at any time.

What should you do if you have any questions?

This study is run by Josy Hahn, a Researcher at the Center for Court Innovation. Her phone number is (646)386-5915. You may call her with any questions about your participation.

If you have questions about your rights as a study participant or if you feel that you have been harmed, contact Lama Hassoun Ayoub at the Center for Court Innovation in New York City at (646)386-4183.

PARTICIPANT'S STATEMENT

I agree to participate in this interview. I understand that my participation is voluntary and will not affect how any current or future case is handled. I understand that I can stop participating at any time or refuse to answer questions asked of me. I have received a copy of this form.

- I consent to the interview being audio-recorded.
[If yes, please verbally state that you consent to the audio at the start of the recording]

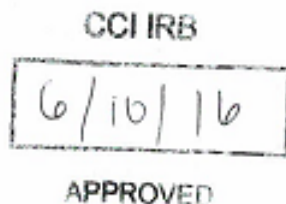
Fake Name _____ Date _____

INVESTIGATOR'S STATEMENT

I have discussed the proposed research with this participant, and in my opinion, the participant understands the benefits, risks and alternatives (including non-participation) and is capable of freely consenting to participate in the research.

Print Name: _____
(Member of the research team)

Signature _____ Date: _____



Appendix F.

Variables Created for Logistic Regression Model

Positive Perceptions of Procedural Justice in Last Police Stop or Arrest Variable

To create a “perceptions of procedural justice in last police stop or arrest scale,” we summed the responses to the following eight questions:

- The officer clearly explained why you were stopped or arrested.
- The officer listened to what you had to say.
- The officer treated you with respect.
- You were treated differently by the police because of your age, income, sex, race or some other reason.
- The officer took your needs into account.
- The officer answered your questions well.
- The officer did their job well.
- The officer clearly explained everything that would happen next.

Responses to these questions were:

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Uncertain
- 4 = Agree
- 5 = Strongly Agree

A higher scale score indicated more positive perceptions of procedural justice during last police stop or arrest. A reliability analysis produced a Cronbach’s alpha of .912.

We then recoded the scale score into two groups: those with a scale score of 1 to 29 were grouped as having low to moderate perceptions of procedural justice during last police stop or arrest (coded as 0), and those with a scale score of 30-40 were grouped as having high perceptions (coded as 1). The total N for this variable was 793.

- 69% of respondents reported having low-moderate perceptions of procedural justice in last police stop or arrest.
- 31% of respondents reported having high perceptions of procedural justice in last police stop or arrest.

This dichotomous variable was included in the logistic regression.

Positive Perceptions of Local Police Variable

To create a “positive perceptions of local police scale,” we summed the responses to the following three questions:

- If a violent crime were to occur near where you live, you can trust the police to arrive quickly at the scene.
- The police are usually trying to protect and look out for people.
- The police are generally respectful.

Responses to these questions were:

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Uncertain
- 4 = Agree
- 5 = Strongly Agree

A higher scale score indicated more positive perceptions of local police. A reliability analysis produced a Cronbach's alpha of .792.

We then recoded the scale score into two groups: those with a scale score of 0 to 10 were grouped as having low to moderate perceptions of local police (coded as 0), and those with a scale score of 11-15 were grouped as having high perceptions (coded as 1). The total N for this variable was 805.

- 70% of respondents reported having low-moderate perceptions of local police.
- 30% of respondents reported having high perceptions of local police.

This dichotomous variable was included in the logistic regression.

Positive Perceptions of Voice and Respect During Last Court Appearance

To create a "positive perceptions of voice and respect during last court appearance scale," we summed the responses to the following six questions:

- In court, you had the opportunity to express your views.
- The judge listened to your side of the story before making a decision.
- The security court officers treated you respectfully.
- The prosecutor treated you respectfully.
- The judge treated you respectfully.
- Overall you were treated with respect in court.

Responses to these questions were:

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Uncertain
- 4 = Agree
- 5 = Strongly Agree

A higher scale score indicated more positive perceptions of voice and respect. A reliability analysis produced a Cronbach's alpha of .848.

We then recoded the scale score into two groups: those with a scale score of 0 to 24 were grouped as having low to moderate perceptions of voice and respect (coded as 0), and those with a scale score of 25-30 were grouped as having high perceptions (coded as 1). The total N for this variable was 795.

- 82% of respondents reported having low-moderate perceptions of local police.
- 18% of respondents reported having high perceptions of local police.

This dichotomous variable was included in the logistic regression.

Positive Perceptions of Understanding During Last Court Appearance

To create a "positive perceptions of understanding during last court appearance scale," we summed the responses to the following three questions:

- In court, you understood what was going on.
- The judge made sure you understood what was going on.
- Each time you left court, you understood what you had to do next.

Responses to these questions were:

- 1 = Strongly Disagree
- 2 = Disagree
- 3 = Uncertain
- 4 = Agree
- 5 = Strongly Agree

A higher scale score indicated more positive perceptions of understanding. A reliability analysis produced a Cronbach's alpha of .740.

We then recoded the scale score into two groups: those with a scale score of 0 to 12 were grouped as having low to moderate perceptions of understanding (coded as 0), and those with a scale score of 13-15 were grouped as having high perceptions (coded as 1). The total N for this variable was 792.

- 75% of respondents reported having low-moderate perceptions of local police.
- 25% of respondents reported having high perceptions of local police.

This dichotomous variable was included in the logistic regression.