

Procedural Justice at the Manhattan Criminal Court: Results and Implications

The New York City Mayor's Office of Criminal Justice Strategic Plan states the city's intention to put into practice principles of fairness and procedural justice and to identify issues concerning New Yorkers' perceptions of the fairness of the justice system. This project brief describes an effort to enhance perceptions of justice among users of the Manhattan Criminal Courthouse at 100 Centre Street.

Procedural justice in the courthouse involves the court and its representatives—judges, attorneys, court staff, and security officers—treating justice-involved individuals with respect and dignity; making sure they understand the process, their rights, judicial decisions, and the consequences of those decisions; ensuring justice-involved individuals are given space to voice their questions and concerns and tell their side of the story; and making decisions without bias. Legitimacy refers more generally to trust and confidence in the fairness of the courts and the criminal justice system overall.

What did we do?

The Center for Court Innovation, with support from the New York City Mayor's Office of Criminal Justice and the New York State Office of Court Administration, set out to learn if a discrete set of interventions at the Manhattan Criminal Court could improve justice-involved individuals' perceptions of procedural justice and, if so, would that lead to greater feelings of overall court fairness and legitimacy? We installed new and improved signage throughout the building to help people better navigate the courthouse, and understand key court processes (e.g., what the courtroom rules are, where to find

specific actors and on-site amenities) and their constitutional rights. We gave judges and court officers scripts that included clear, respectful language to read to justice-involved individuals to let them know the rules, explain the order in which cases will be called, and thank them for arriving on time and for waiting patiently for their cases to be called.

Who were the people we surveyed?

We surveyed justice-involved individuals in two courtrooms before and after the interventions took place and asked them questions about their experiences that day, particularly concerning perceptions of procedural justice and the overall legitimacy of the court system.

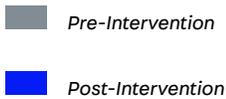
1,111 people	89% black and Latinx	74% male
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Most were in court for misdemeanor or violation cases and were represented by a public defender. The most common charges included: assault, petty larceny, drug possession, disorderly conduct, driving without a license, theft of services (e.g., jumping the turnstile), and trespassing.

PERCEPTIONS OF PROCEDURAL JUSTICE

What impact did the new signs and scripts have on perceptions of procedural justice?

Respondents had relatively positive perceptions of their interactions with the judge even before the interventions, but after project implementation we still saw improvements, including increases in the percentage of respondents agreeing that the judge treated them politely, made eye contact, and called them by name.



Ease of navigating the building



Signs in the courtroom were written in a respectful manner



Court officers treated them with respect



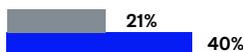
Court officers or clerks were happy to answer questions



Someone greeted them when they entered the courtroom



Thanked them for their patience



Treated them with respect



Told them what the rules were in the courtroom



IMPACT OF SIGNS

IMPACT OF SCRIPTS

RESPONDENTS AGREEING THAT THE JUDGE:

What didn't respondents like about court?

1. Survey respondents expressed frustration with long wait times before their case was heard by the judge. They noted the wait time took them away from important familial responsibilities or caused them to lose a day's pay.
2. Respondents were concerned about how long it often took to resolve their cases (and the many court appearances this could entail), noting the drawn-out process could lead to missed work or brief jail stays while awaiting trial.
3. Finally, many respondents felt they lacked voice, and were given no opportunity to share their experiences or defend themselves.

« There is no reason for people who have lives, family, and work to get back to, to need to sit here all day. — 49-year-old black woman

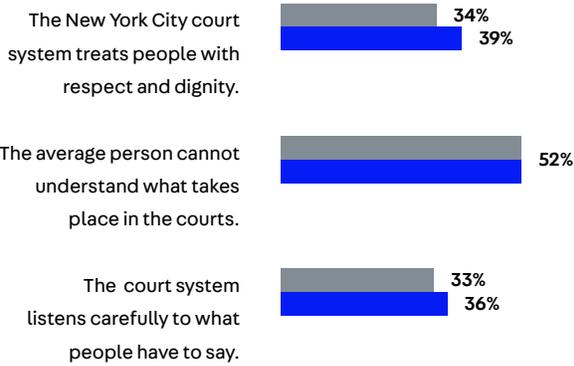
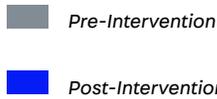
« I came to court three times for my case to get dismissed. — 19-year-old white man

« I wanted to talk to the judge... I wanted to be heard. They rushed my case. They rushed me out. — 51-year-old black man

VIEWS OF LEGITIMACY

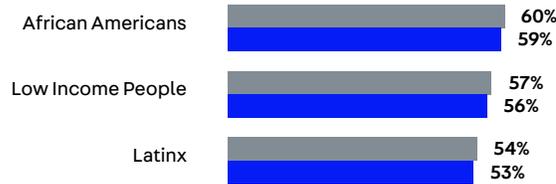
Did overall perceptions of legitimacy change?

Despite more positive perceptions of certain aspects of how they were treated in court that day, respondents did not report improved trust and confidence in the overall legitimacy of the New York City court system.



RESPONDENTS AGREEING THAT:

RESPONDENTS BELIEVING THAT THE FOLLOWING GROUPS GET TREATED WORSE THAN OTHERS IN COURT:



Why did respondents have such poor overall feelings of court legitimacy?

The factors that were responsible for respondents having overall negative feelings towards the court fell primarily into three categories:

1. Perceived differential treatment (e.g., harsher sentences) of people of color and those lacking financial resources.
 - « Because people don't have high-priced lawyers, they get talked into taking pleas for things they didn't do. — 67-year-old Latinx man
2. A feeling that the justice system is “wasting time” on low-level crimes.
 - « I had half a blunt. I see many here...spending a day in court over something that is supposed to no longer be a crime. Now I have lost income from work, an arrest on my record. — 20-year-old black man
3. Experiences of negative treatment by the police.
 - « When you're white, you just get a slap on the wrist. They look for excuses to help with white people, but not black people. — 47-year-old black man

The majority of these sources of distrust stretch beyond the court system to laws created and enforced by the executive and legislative branches, and to respondents' experiences with other institutions, such as the police.

RECOMMENDATIONS

What do the findings mean for policy and practice?

1. A notable finding from this study is that relatively modest physical and behavioral interventions that are consistently implemented can make courthouses easier to navigate and lead to more positive perceptions of procedural justice.
2. Respondents expressed concerns about the court process that improved interpersonal treatment alone cannot remedy—especially the long wait times on the day of a court appearance, and multiple court dates resulting in missed work and other adverse effects. Greater use of staggered court times designed to minimize waiting in the courtroom, and case processing reforms to ensure that there are meaningful developments on each court date (and, thus, fewer court dates overall) may go a long way to ease these concerns.
3. Many of respondents' underlying concerns go beyond what the court system alone can address. Actions that government could take to increase trust in justice might include: decriminalizing selected offenses, encouraging police to exercise their discretion to issue warnings and non-criminal summons tickets instead of making arrests in some cases, increasing the use of diversion programs, and reaching out to the community to encourage dialogue about how to increase trust.