
Procedural Justice at the Manhattan Criminal Court

Impact, Limitations, and Implications

By Rachel Swaner, Elise White, Dana Kralstein, and Lauren Lyons

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Executive Summary

In the last decade, some reformers have sought to strengthen the legitimacy of the court system by embracing the goal of procedural justice, which requires treating criminal defendants with greater respect and dignity and clearly explaining the court's procedures and decisions. Some key elements of procedural justice include:

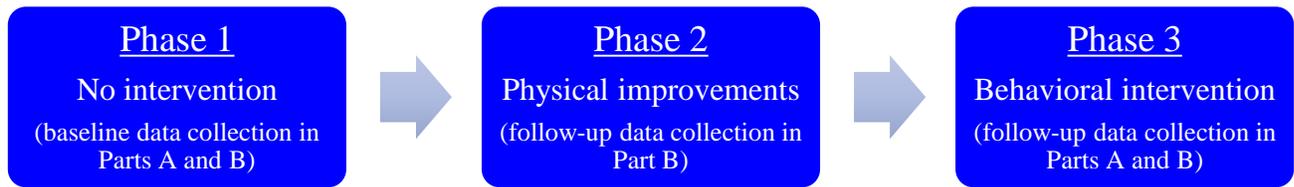
- **Respect** Court actors treat those with whom they interact with respect and dignity;
- **Understanding** People understand the process, their rights, judicial decisions, and what is required of them;
- **Voice** People have an opportunity to voice their questions and concerns, tell their side of the story, and correct misinformation about their case; and
- **Neutrality** Court decision-making processes are unbiased.

Some research has highlighted procedural justice's potential for positively influencing people's future law-abiding behavior as well as their perceptions of criminal justice actors and institutions. Given this, 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, sought to test whether a discrete set of interventions at a high-volume New York City criminal court could 1) improve defendant perceptions of procedural justice, and if so, 2) build overall trust in the court system.

Overview of the Project

From June 2017 to June 2018, the Center for Court Innovation implemented and evaluated an intervention designed to increase perceptions of procedural justice among defendants at the Manhattan Criminal Court. The project tested two types of interventions: (1) *physical improvements* to the court building and to one courtroom; and (2) *behavioral changes* in how judges and court officers interact with defendants. The project took place in two post-arraignment all-purpose courtrooms (Part A and Part B). Figure 1 outlines the project phases.

Figure 1. Overview of the Three-Phase Project



The research design included two components: 1) an implementation analysis that used structured courtroom observations, training observations, and stakeholder interviews to document the intervention and identify challenges to implementation; and 2) an impact evaluation that included a survey of defendants’ perceptions of procedural justice and overall court legitimacy before and after each of the two interventions. Over one thousand surveys were collected and analyzed (N = 1,111).

Physical Improvements

Signs were installed throughout the building and in the courtroom in Part B to help defendants navigate the courthouse, understand key court processes (e.g., what the courtroom rules are, what key terminology means, where to find specific actors and on-site amenities), inform them of their Constitutional rights, and convey a commitment to fair treatment. Most stakeholders agreed that the signs gave the building an increased sense of professionalism.

New microphones were added to Part B to increase audibility, in hopes of facilitating defendants’ understanding of courtroom proceedings, and sense of transparency of the process. Additionally, physical improvements included a deep cleaning of the ground floor walls in the lobby and hallways of the courthouse out of the belief that their dirt and disrepair communicate disrespect.

Challenges to Implementation

Key challenges to implementation related to the physical improvements included:

- **Challenge #1: Decentralized authority and decision-making** Obtaining authorization for implementing each aspect of the signage component was complicated due to the courthouse being a building with multiple tenants who all act fairly independently. There were a number of senior administrators from different agencies that had to reach a consensus on each decision. This led to confusion and conflicting information.

- **Challenge #2: Sign upkeep** Normal wear and tear over a relatively short period of time resulted in some signs needing to be repaired or replaced. Given the cost of upkeep and replacing signs due to information changes or updates, future projects might consider digital signs.

Behavioral Intervention

Scripts and Bench Cards

The intervention involved encouraging court staff to use scripts to say and do certain things that aligned with the basic tenets of procedural justice (e.g., using defendants' names and making eye contact to demonstrate respect, announcing courtroom rules at the beginning of each court session to increase understanding). Much of the scripts' focus was on letting defendants know the court rules (particularly around cell phone use), explaining the order in which cases were called, and thanking defendants for being on time and for waiting patiently.

Staff Training

Trainings for court officers and judges included a presentation laying out core procedural justice principles and a summary of key findings from the Phase 1 (baseline) defendant surveys. For judges, the training also covered the judge's role in defendants' experiences and the overlap of procedural justice principles with courtroom management. A booster training was provided to judges after initial implementation of the scripts.

Challenges to Implementation

- **Challenge #1: Initial framing** Some interviewees reported that though there was some early communication with the court officers' and clerks' union leadership, there should have been even more in order to secure their buy-in. This may have made trainings less challenging later on.
- **Challenge #2: Full project participation not required** While the participating judges were perceived as being open to the intervention and were encouraged to participate by judicial leadership, key court administrators, in consultation with the Center for Court Innovation, decided not to mandate participation. This resulted in varying fidelity to scripts by judges and court staff.
- **Challenge #3: Irregular court schedules** The New York State Unified Court System has numerous pressures it must factor into the ways judges are scheduled, including night court rotations, new judge observation and training, and judicial trainings

and conferences. The result of these irregular schedules was that in order to collect the necessary number of defendant surveys for the evaluation, the intervention lasted longer than initially promised and in some cases increased frustration among implementers.

- **Challenge #4: Differing understandings of procedural justice** There may have been limited understanding among judges and court staff about the nuances of procedural justice. One judge felt that procedural justice principles could be leveraged to help deal with ongoing tensions in the courtroom around the no cell phone in the courtroom policy, which court staff are mandated to enforce. He articulated procedural justice as a courtroom management system that allowed him to provide understanding on this problematic defendant behavior rather than on issues that might be connected to defendants' perceptions of disrespect. As a result, deviations from scripts were at times misaligned with the larger goals of procedural justice (e.g., telling defendants that they would have their case called last if they took out their phones).

Impact on Defendants' Experience that Day

Over 1,100 surveys (N=1,111) were collected during the three phases of the study from defendants in the two all-purpose courtrooms (Part A and Part B) where the procedural justice intervention took place. For ease of analysis and presentation of quantitative items, we compared Phase 1 (baseline) to Phase 3 (post-physical improvements *and* behavioral intervention) surveys. The vast majority of respondents were black and Latino men.

- **Background information** The majority of defendants surveyed were in court for misdemeanors or violations (86% in Phase 1, 84% in Phase 3) and were represented by a public defender. Over half had their case adjourned and were given another court date. The most common arrest charges included: assault, petty larceny, drug possession, disorderly conduct, driving without a license, theft of services (e.g., jumping the turnstile), and trespassing.
- **Impact of navigational signs and building cleaning** There were significant increases in the percentage of respondents reporting ease and clarity of navigating the building from Phase 1 to Phase 3. For example, the percentage reporting that they found their way around the courthouse easily increased from 77% to 91%.
- **Impact of courtroom signs** After courtroom signs were posted, significantly more respondents reported seeing courtroom rules in writing inside the courtroom (19% v.

72%), seeing a sign that explained their rights (18% v. 51%), and feeling that the signs posted in the courtroom were written in a respectful way (62% v. 93%).

- **Impact on perceptions of judicial behavior** On indicators related to respect from the judge, defendants had relatively positive perceptions of their interactions at baseline. There were modest but significant improvements from Phase 1 to Phase 3, including increases in the percentage of respondents agreeing that the judge treated them politely, made eye contact, and called them by name. The statistical significance of these changes was driven by defendants seen in Part B. There was no significant change on other components of procedural justice (understanding, voice, neutrality) as they related to the judge, except as related to the judge conveying rules.
- **Impact on perceptions of other court staff behavior** After the behavioral intervention, more respondents reported positive interactions with non-judicial court actors, with more defendants report reporting that they were treated respectfully by court officers in the courtroom (79% v. 88%), feeling that court officers or clerks were happy to answer questions (55% v. 66%) and gave helpful answers (69% v. 84%), and that someone greeted them when they entered the courtroom (26% v. 40%). Again, significant changes were driven by defendants in Part B.

Impact on Perceptions of Overall Legitimacy

From Phase 1 to Phase 3, despite more positive perceptions of certain aspects of how defendants were treated in court that day (*procedural justice*), defendants did not report significantly improved trust and confidence in the fairness of the New York City court system overall (*legitimacy*).

- **Respect** A little more than a third (34% in Phase 1, 39% in Phase 3) agreed or strongly agreed that the court system treats people with dignity and respect.
- **Understanding** Over half (52%) in both phases believed that the average person cannot understand what takes place in the courts.
- **Voice** Only about a third felt that the court listens carefully to what people have to say, with no significant increase following implementation.
- **Neutrality** Over half of respondents felt that African Americans, those who are Latinx, and low-income people are treated worse by the courts; 40% of people surveyed felt that

those who don't speak English are treated worse. These numbers did not change following implementation.

- **Overall fairness** About half of the respondents in both phases felt that New York City court system has judges that are fair and honest.

Dissatisfaction with the Court

Improving Court User Experience

When asked what could have made their court experience better that day, most survey respondents identified the sources of their discontent instead of offering specific suggestions for improvement. Responses centered around four primary themes:

- **Long wait times** Respondents expressed frustration with the amount of time they had to spend in court that day before their case was seen by the judge. They noted that the wait time negatively impacted their lives by taking them away from important familial responsibilities or causing them to lose a day's pay.
- **Lengthy time to case resolution** Respondents were frustrated with the length of time it took for their case to be fully resolved, and made connections between the length of time to case resolution and its negative impact on their lives, including missed work or short stays in jail (during the pretrial period).
- **Lack of voice** Respondents felt that their experience in court that day would have been better if they had been able to have more interactions with the judge and other key court actors. Some felt that not being able to do so meant they had no ability to share their experiences or defend themselves.
- **Court officer attitudes** Some respondents remarked that court officers were rude and intimidating, and were "constantly" telling people to put their phones away.

Some of these sources of dissatisfaction, however, are the result of customs, policies, or laws designed to protect defendants. For instance, defense attorneys discourage their clients from direct conversation with the judge, and statewide court policy directly prohibits the use of cell phones and mandates court staff to enforce the policy.

Sources of Low Perceptions of Legitimacy

Perceptions of overall court and criminal justice system legitimacy among survey respondents were low. In addition to past negative experiences in court, five primary reasons were identified as sources of low overall legitimacy.

- **Perceived differential treatment of certain racial/ethnic groups** Many respondents perceived racial and ethnic disparities, feeling that “African Americans and Latinos don’t get respect from the court system.” They believed that white defendants were seen more quickly and given more lenient sentences, particularly for drug crimes. They also pointed out that the judges and court staff are mostly white and the defendants are mostly black and Latinx.
- **Perceived mistreatment of those lacking financial resources** Respondents felt that the courts treated those lacking financial resources worse than others. For some, there was a clear correlation between being treated poorly by the courts and their inability to afford a private attorney, which they felt was the reason for case delays and harsher case outcomes.
- **The justice system’s focus on low-level crimes** Most of the study respondents (84%) were in court that day for low-level misdemeanor crimes or violations, and for some, their negative views of the court system stemmed from feeling that the court was wasting everybody’s time on cases such as theirs.
- **Experiences with the police** When we asked respondents about what accounted for their negative overall perceptions of the *courts*, their responses often had to do with negative experiences with the *police*. For some, their views of the police related to interpersonal treatment, which they described as “abusive,” “racist,” and “unjust.”
- **The media** Some respondents stated that things they saw on television or read about online or in the newspaper influenced how they felt about the court system overall. They cited both local incidents (“that guy in Rikers who killed himself”) and things that occurred in other cities (“Trayvon Martin. I don’t think I need to say much more than that”).

We note that the last three sources of the defendants’ in this study’s distrust go beyond the court system, and are related to laws created and enforced by the executive and legislative branches, and the defendants’ own and others’ experiences with other institutions (e.g., the police, corrections).

Implications for Theory & Practice

Procedural Justice

A notable finding from this study is that modest physical and/or behavioral interventions that are consistently implemented can lead to more positive perceptions of procedural justice. How much more could perceptions improve with more intensive efforts and higher implementation fidelity? Based on this study, we have developed some suggestions for future procedural justice interventions, including:

- **Trainings** More training hours—and thus increased exposure to core concepts of procedural justice—might have helped those implementing the scripts to have greater understanding of what procedural justice is and what it is not. Additionally, future interventions might consider using a “train the trainer” model, identifying leaders from the target jurisdiction (e.g., for this project, Manhattan Criminal Court court officers, New York City judges) and training them to facilitate trainings and encourage participation among their colleagues. This might reduce the sense among line staff that their expertise at doing their jobs is being critiqued.
- **Procedural justice priorities** According to our study, for many New York City criminal court defendants, the components of procedural justice that are most meaningful relate to wait time and the chance to tell their side of the story. Future interventions to improve perceptions of procedural justice in New York City criminal courts might focus on these factors. For example, procedural justice interventions to address wait time might include staggering reporting times across separate morning and afternoon sessions. Defense attorneys should be involved in designing any procedural justice intervention to increase voice.

Overall Legitimacy

This study also revealed some of the drivers of defendants’ distrust in and lack of satisfaction with the New York City criminal court system. Many of these underlying concerns go beyond what the tools of procedural justice can address—and beyond what the court system alone can address. Future efforts to increase the overall legitimacy of and trust in the New York City court system should include a focus on defendants’ perceptions of differential treatment of certain racial/ethnic groups and people without financial resources, the criminal justice system’s attention to low-level crimes, and their experiences with the police. Many of these efforts are related to policies and laws implemented and enforced by the executive and legislative branches, not the judiciary. Suggested actions these branches of government could

take that may help to address defendant concerns, and hence lead to increased trust in the court system, include:

- **Eliminating “process as punishment”** To address time spent in court, particularly for misdemeanor and violation cases, alternative models that could minimize “process as punishment” might include: 1) decriminalizing certain low-level crimes (e.g., marijuana or minor drug possession); 2) having police issue civil summons tickets instead of making an arrest; and 3) offering diversion programs.
- **Addressing sources of distrust** Two of the major contributors to overall distrust in the court system for defendants in this study related to the perceived differential treatment of racial/ethnic minorities, and reported negative treatment by the police. The courts could work with the police and the district attorney’s office to address these concerns. Some potential approaches include: 1) vacating past marijuana possession convictions; and 2) having judges convene police officers and community members to encourage dialogue around community perceptions of mistreatment and differential enforcement, and how to increase mutual trust.
- **Promoting institutional culture change** Identifying and understanding institutional barriers to change may be the first step in any large-scale project designed to increase the legitimacy of the courts or the overall criminal justice system. A participatory research project—created and implemented with the active engagement of key criminal justice actors—could help uncover these barriers and might lead to interventions that are more likely to be embraced.

Chapter 1

Introduction

In the last decade, some reformers have sought to strengthen the legitimacy of the court system by embracing the goal of procedural justice, which requires treating criminal defendants with greater respect and dignity and clearly explaining the court's procedures and decisions. Procedural justice has been operationalized in multiple ways, but key elements identified by some practitioners and researchers (e.g., Judicial Council of California 2007; LaGratta 2015; Tyler 2008) include:

- **Respect** Court actors treat those with whom they interact with respect and dignity;
- **Understanding** People understand the process, their rights, judicial decisions, and what is required of them;
- **Voice** People have an opportunity to voice their questions and concerns and tell their side of the story; and
- **Neutrality** Court decision-making processes are unbiased.¹

Some research has highlighted procedural justice's potential for positively influencing people's future law-abiding behavior as well as their perceptions of criminal justice actors and institutions. However, these conclusions are generally based on surveys of the general population (e.g., Tyler 1990; Tyler 1988), or on experiments with people going through specialized courts (e.g., drug courts) where case outcomes may be fundamentally different than in traditional courts (e.g., Gottfredson, Kearley, Najaka, and Rocha 2007; Rossman et al. 2011).

Could these findings be replicated with a criminal court population? 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, sought to test whether a relatively discrete

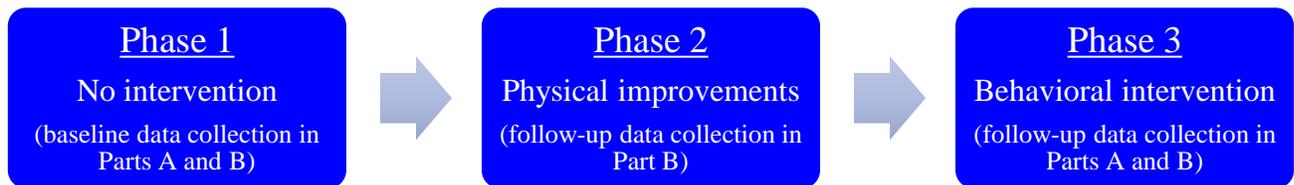
¹ Key components that other researchers have identified include consistency in decisions and treatment across time and people, decision quality, and accuracy (e.g., see Barrett-Howard & Tyler 1986; Leventhal 1980; Sheppard & Lewicki 1987; and Thibaut and Walker 1975).

set of interventions at a high-volume New York City criminal court could improve defendant perceptions of procedural justice and, consequently, build overall trust in the court system.

Overview of the Project

From June 2017 to June 2018, the Center for Court Innovation implemented and evaluated an intervention designed to increase perceptions of procedural justice among defendants at the Manhattan Criminal Court at 100 Centre Street. The project took place over three phases and included two separate components: 1) improvements to the physical court building and courtrooms where cases were heard (to increase defendant feelings of respect and understanding), and 2) trainings and distribution of materials intended to change the behavior of specific court actors (to increase defendant feelings of respect, understanding, voice, and neutrality). The intervention and the evaluation took place in two post-arraignment all-purpose courtrooms (Part A and Part B), selected in consultation with the New York State Office of Court Administration. Figure 1.1 outlines the project phases.

Figure 1.1. Overview of the Three-Phase Project



The interventions are discussed in depth in Chapter 2, but, briefly, the physical improvements to the courthouse included posting signs in the lobby and in Part B related to wayfinding, courtroom behavioral rules, court processes, and defendant rights; cleaning the ground floor walls in the lobby and hallways; and adding new microphones in Part B. The behavioral intervention included a procedural justice training for the judges, clerks, and court officers who preside in Parts A and B, as well as the distribution of scripts (that include exact wording for things such as opening statements) and bench cards (that include shorthand reminders) for these court actors to use throughout the day.

Implementation Assessment

To document and assess the implementation of the procedural justice intervention and fidelity to the behavioral components (i.e., use of scripts as written), Center for Court Innovation research staff employed three key data collection methods: training observation, structured courtroom observation, and stakeholder interviews.

Training Observation Research staff attended all three trainings conducted by the Center for Court Innovation’s expert assistance team responsible for the procedural justice intervention. Trainings were held for the two participating judges, court officers, and clerks, and took place in January, February, and April 2018. Researchers took detailed notes on content delivered and the discussion.

Structured Courtroom Observations Research staff conducted three day-long observations of each participating courtroom during each phase of the project. This included baseline observations in both courtrooms during Phase 1, observations in Part B following installation of signs and microphones and building cleaning (Phase 2), and observations in both courtrooms after implementation of the behavioral intervention (Phase 3). Observers sat in the back of each courtroom and used a structured observation protocol (see Appendix A) that enabled them to track key aspects of the experience for defendants, including: major components of court operations (e.g., start and end time, number of cases heard); judicial and court officer adherence to the scripts; visibility of/verbal explanation of court rules; and clarity of process throughout the day. A supplemental instrument was designed to track fidelity to the scripts developed for Phase 3 and was used after those had been finalized (beginning in April 2018).

Stakeholder Interviews Semi-structured interviews were conducted with key stakeholders, including individual interviews with the two participating judges and the chief clerk and a group interview with three members of the Center for Court Innovation’s expert assistance team, who led the design and implementation of the procedural justice intervention. Interviews lasted between 40 and 90 minutes and explored interviewees’ understanding of project goals and execution, and recommendations for future similar projects.

Findings from the implementation assessment are presented in Chapter 2.

Impact Evaluation

To evaluate the impact of the two procedural justice intervention strategies, researchers conducted a quasi-experimental pre-post impact evaluation, with data collection occurring in three phases, as outlined above in Figure 1.1. The research questions the impact study sought to answer were:

- 1. Procedural Justice:** Can a discrete set of interventions at a high-volume New York City criminal court improve defendant perceptions of procedural justice?

2. Legitimacy: If perceptions of procedural justice improve, does this lead to greater feelings of overall court fairness and legitimacy?

Surveys

To assess change in defendant perceptions of procedural justice and overall feelings of court legitimacy before and after the intervention, researchers administered surveys to defendants (who were at least 18 years of age) immediately after their cases were heard in Parts A or B. Surveys took 15-20 minutes to complete and were confidential. For participating, defendants were given a \$15 gift card to a fast food/coffee chain with several locations near the courthouse as well as citywide. The survey (see Appendix B) was administered in English and Spanish² and included questions related to trust in criminal justice agencies, wayfinding, perceptions of procedural justice (related to respect, understanding, voice, and neutrality) during their case that day, overall opinions of the New York City court system, and demographics. The study was approved by the Center for Court Innovation’s Institutional Review Board.

Table 1.1 provides the number of surveys collected in each courtroom during each phase of the project. Baseline surveys were collected from defendants in both courtrooms before any procedural justice intervention was implemented.³ Because new signs (Phase 2) were only put up in Part B, no surveys were collected in Part A during that phase.

Table 1.1. Surveys Completed By Phase (N=1,111)

	Phase 1 (June-Sep 2017)	Phase 2 (Nov 2017-Jan 2018)	Phase 3 (April-June 2018)	Total
Part A	208	0	254	462
Part B	205	169	275	649
Total	413	169	529	1,111

Analysis

There were no statistically significant differences in background characteristics (e.g., gender, race/ethnicity, housing, employment status, education) or substantive questions (e.g., perceptions of procedural justice) between Parts A and B defendants in Phase 1, so Phase 1 surveys were combined for the quantitative analyses in this report. Likewise, in Phase 3, there were no significant differences in background characteristics between Parts A and B, so

² Though available in Spanish, nearly all (98%) of surveys were conducted in English by defendant choice.

³ Different defendants were surveyed in each phase—i.e., this was not a longitudinal study.

surveys for that phase were also combined. Additionally, there were very few significant differences in baseline characteristics of defendants responding during Phases 1, 2, and 3,⁴ therefore, we concluded that sampling bias was not an issue and did not pursue a weighting strategy.

We compared Phase 2 and Phase 3 survey responses related to courthouse signage for those defendants who were exposed to this aspect of the intervention (i.e., defendants appearing in Part B). There was only one significant difference, related to how defendants knew where to find their courtroom once they got through security. Due to lack of gross differences in Phases 2 and 3, the quantitative analyses presented in this report focus only on the comparison of Phase 1 to Phase 3.

All closed-ended survey responses were analyzed using SPSS. We ran descriptive statistics on all questions, with t-tests and chi-square tests used to determine significant differences or relationships between variables between phases.⁵

Quantitative survey findings are presented in Chapter 3, and a qualitative summary of the open-ended survey items from all three phases (N=1,111) is presented in Chapter 4.

Study Limitations

For the implementation assessment, we limited our interviews to the implementing judges, the chief clerk, and the expert assistance team who designed the procedural justice intervention. Interviews with others who were affected by or had concerns about the intervention (e.g., clerks, court officers, translators) may have helped to further illuminate implementation challenges.

The surveys in this study rely on self-reporting, as researchers could not verify criminal justice data (e.g., case type, appearance outcome) with official administrative sources. Additionally, survey data collection methods relied on non-probability sampling, thereby limiting the generalizability of the findings. We were not able to survey defendants who were taken into custody after their appearance.

⁴ The only two significant differences were that in Phase 3, defendants were slightly older (average age of 34 years) than those surveyed in Phase 1 (average age of 32 years). Respondents in Phase 1 were more likely to be employed than in Phase 3 (61% v. 53%).

⁵ Given that the vast majority of respondents (90%) were Black and Latinx, no comparisons were made by race/ethnicity because of low sample size numbers in other categories (e.g., only 6% of the sample identified as white, 1% as Asian).

Finally, we chose to measure concepts of procedural justice in specific ways; for example, respect was operationalized in survey items that asked defendants whether the judge made eye contact with them, whether the judge was polite, and whether the judge called them by their name. We recognize that this is a simplification of a complex concept. Additional measures of respect—e.g., asking whether coming to court had an economic cost to them, in terms of child care payments or lost work—might have given a fuller picture of respect.

Chapter 2

Physical Improvements & Behavioral Intervention

This chapter presents the findings of the implementation analysis, based on interviews with the intervention designers and implementers, structured courtroom observations, and training observations. For both components of the procedural justice intervention, we provide an overview of the strategy, its implementation, and challenges.

Physical Improvements

At the outset of the project, the Center for Court Innovation’s expert assistance team (distinct from the Center for Court Innovation researchers who conducted this evaluation) conducted multiple focus groups with Manhattan Criminal Court actors (e.g., defense attorneys, prosecutors, judges, defendants, clerks) to determine key issues in court operations related to procedural justice’s core components—respect, understanding, voice, and neutrality. Based on these conversations, the team set out to increase the number and improve the content of signs located throughout the building and in one courtroom (Part B) in order to help defendants navigate the courthouse and courtroom (e.g., finding their way, informing them of their Constitutional rights, helping them to understand who key players are and key court terminology). Additionally, the team removed some of the previously existing signs that were out-of-date or written in a confusing way. The team also resolved to prioritize a deep cleaning of the ground floor walls in the lobby and hallways, with the belief that their dirt and disrepair communicated disrespect. Finally, new microphones were added to Part B to increase audibility, in hopes that would facilitate defendants’ understanding of courtroom proceedings and sense of transparency of the process.

Implementation

Content for the signs was created based on a process led by a contracted design company and after several meetings with Office of Court Administration leadership, also drawing from the Office of Court Administration website. After content was developed, it was presented to clerks, Office of Court Administration staff, and other court stakeholders for edits and approval. Signs were installed outside the building, in the lobby and outside courtrooms (Image 2.1), and on the backs of the benches in Part B (Image 2.2). They were designed to

help defendants understand key court processes, inform them of their legal rights, and convey a commitment to fair treatment. Content included identifying what the courtroom rules are, outlining Constitutional rights, defining key terminology (e.g., “fees and fines”), and locating on-site amenities (e.g., cafeteria, ATM) in the courthouse and key players in the “well” area of the courtroom.

Most stakeholders agreed that the signs gave the building an increased sense of professionalism. “The rationale for the content of the signs was that the walls can hold send messages of fairness, from how to navigate the building, to the sequence of a case, to the court’s mission to treat all court users equally,” explained one Center expert assistance team member.

Image 2.1. Lobby and External Courtroom Signs

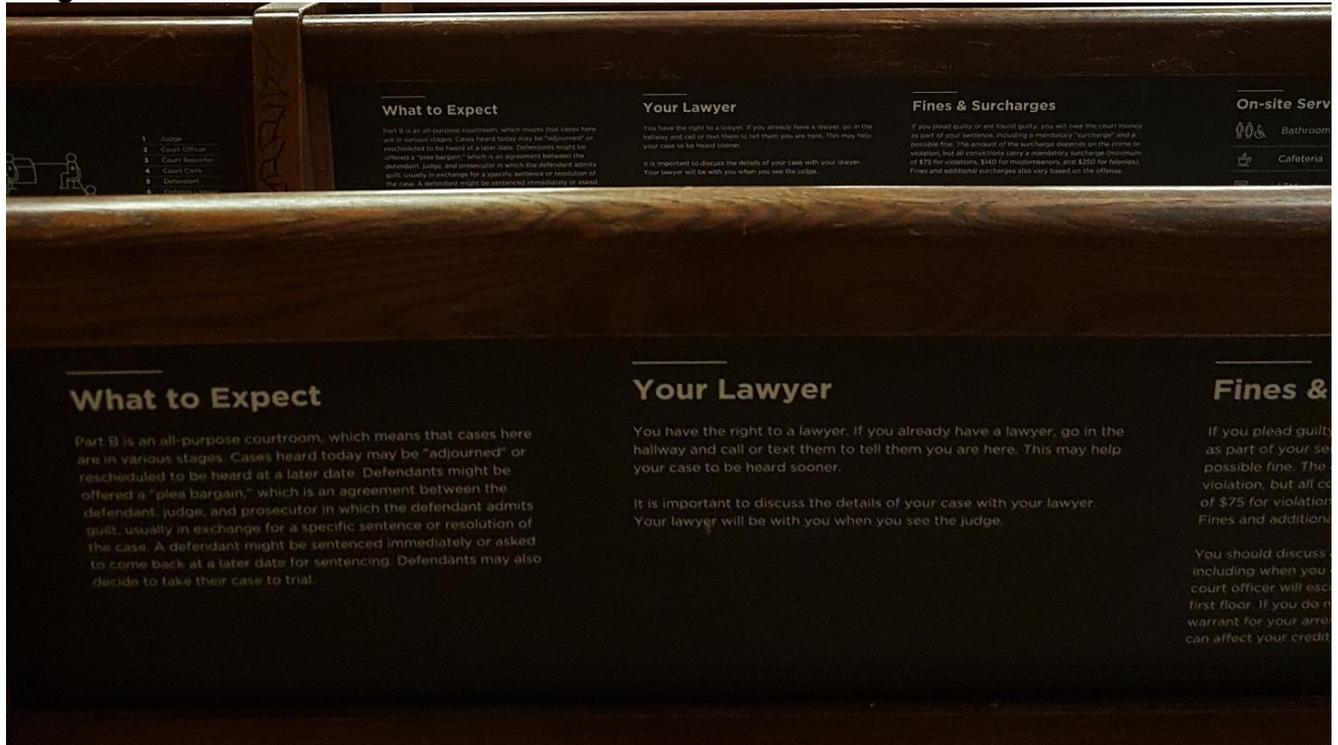


Additionally, in the interest of increasing defendant feelings of respect and dignity, portions of the building were repainted and the marble was cleaned.

Perceived Impact of Signs Several of the stakeholders we interviewed reported that they had gotten positive feedback from defense attorneys about the signs (particularly the informational and defendants’ rights signs). In addition, many interviewees felt that the new signs increased the sense of “professionalism” of the building, making it feel more modern and contemporary and less archaic. Specifically reflecting on the added signs, one

interviewee suggested that the changes have greatly improved the appearance of the courthouse, “imparting a good impression and adding more clarity right off the bat as people enter.” He added, “It’s something that you’d already expect from a courthouse of this stature that gets as much traffic as it does.”

Image 2.2. Part B Benches



Challenges to Implementation

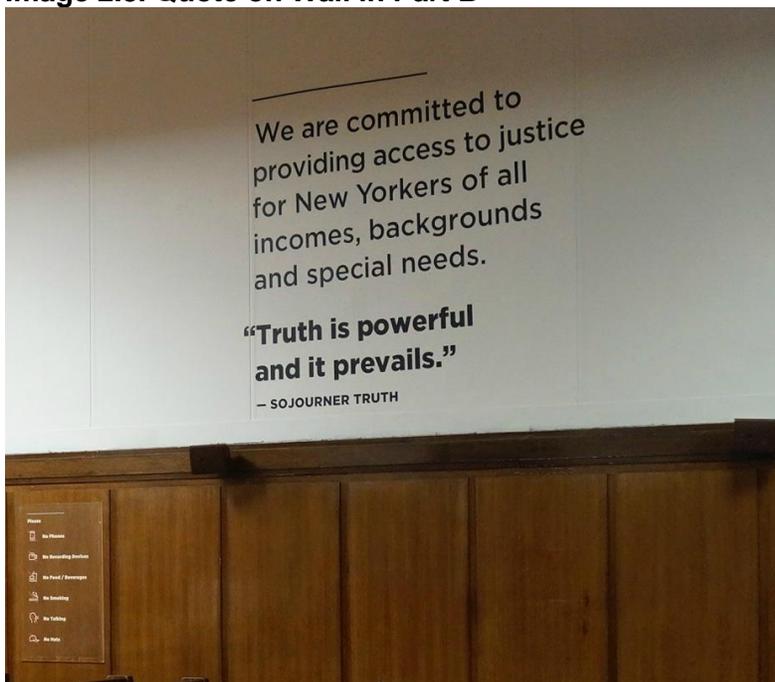
There were myriad challenges to implementing the physical building changes (i.e., signs, cleaning, microphones), including the size and design of the building itself, which some implementers expressed conveyed a sense of authority and majesty of the law that runs counter to human-centered design more common in today’s architecture. Other primary challenges specifically related to the number of agencies and people involved in court operations.

Challenge #1: Decentralized Authority and Decision-Making The courthouse is a large building with multiple tenants who all act fairly independently. All interviewees reported that obtaining authorization on each aspect of the content for the signage component was overly complicated due to the number of senior-level administrators from different agencies that had to reach consensus on each decision. This led to confusion and conflicting information, given that these senior-level administrators were often unaware of the specific

information to be included in the signs. The result was that some information included on signs was out of date (e.g., amounts listed for fees and fines) and some of the translation to languages other than English was reportedly incorrect—though translations were corrected later. Additionally, in such a big building, there are nuances to information and traffic flow that can be challenging to reduce to easily-digestible signs. As one expert assistance team member explained, “So yes, this one office is on the 12th floor, but to get there you can’t take this elevator. Things like that.” There are lots of details to get right and lots of opinions about how to phrase things.

Challenge #2: Prioritizing Partners’ Concerns When deciding on sign content, the large number of people and agencies involved in or affected by court operations—court officers, fire wardens, Office of Court Administration, Department of Citywide Administrative Services, defense attorneys, defendants—resulted in a diverse list of often-competing concerns or desires. It became challenging to create signs that were safe, durable, and visually appealing. One interviewee reported that court officers felt that the free-standing signs compromised security, since they could fall over or be picked up. Another interviewee reported that the selected quote for the wall in Part B (Image 2.3) was “too intellectual,” raising the additional issue of whether defendants should have been consulted before the quote was put up to see if it resonated with them and to learn what message *they* felt it conveyed.

Image 2.3. Quote on Wall in Part B



Challenge #3: Physical Improvements Upkeep Interviewees reported that, even though this was a pilot intervention, there was never a discussion about who would assume responsibility for the labor and cost of maintaining the signs once this project concluded. Weather and normal wear and tear over a relatively short period of time (i.e., about six months) resulted in some signs needing to be repaired or replaced. As one Office of Court Administration staff member asked, “When [the Center for Court Innovation] pulls up stakes, are we left managing the signs?” In retrospect, given the cost of upkeep and replacing signs due to outdated or incorrect information, many felt that digital signs might have been a better investment.

Behavioral Intervention

The behavioral intervention had two primary components for court staff: 1) creating scripts and bench cards, and 2) providing a procedural justice overview training to court personnel. By having court staff say and do certain things aligned with the basic tenets of procedural justice (e.g., using defendants’ names and making eye contact to demonstrate respect, providing the opportunity for defendants to ask questions to increase voice, announcing courtroom rules to increase understanding), it was hypothesized that defendant perceptions of procedural justice would improve, and feelings of fair processes would lead to greater feelings of the court’s legitimacy.

Scripts and Bench Cards

The central component of the behavioral intervention was scripts designed for the court’s major actors (i.e., judges, court officers, clerks, and interpreters). The scripts were created by the Center for Court Innovation’s expert assistance team through an iterative process with the Office of Court Administration staff and judges over several months; scripts were amended over time based on user feedback after initial implementation in courtrooms. The scripts were written to be used by different staff members to increase defendants’ perceptions of each element of procedural justice, as defined above.

The Center for Court Innovation drafted an initial set of talking points for judges, court officers, and clerks. Once they had been internally edited, the Center for Court Innovation expert assistance team shared them with project partners at the Office of Court Administration, including the chief clerk, deputy chief clerk, and chief administrative judge. Based on feedback from these initial readers, the scripts were edited and shared with the judges and court staff in Parts A and B during initial trainings in January and February of 2018. A significant portion of both the judge and court staff trainings offered in early 2018

was dedicated to workshopping and reality-testing the scripts, though few concrete decisions were reached by the conclusion of these meetings. Center for Court Innovation expert assistance staff subsequently worked individually with judges on the scripts, and after a short pilot trial, finalized them in early April, following a judicial “booster” training session. A final set of bench cards (that include shorthand reminders for staff rather than the full scripts) were produced. Table 2.1 provides sample excerpts from the scripts. Full language can be found in Appendices C and D. Much of the scripts’ focus was on using clear, respectful language to let defendants know the court rules (particularly around cell phone use), explain the order in which cases were called, and thank defendants for being on time and for waiting patiently. The bench cards also contained reminders to maintain eye contact and be mindful of tone/demeanor.

Table 2.1. Sample Script Language

Role	Sample Script Excerpt
Judge	<p><i>Opening:</i> “We will start hearing cases as soon as the first case is ready. We cannot call your case until your lawyer is here, so if your lawyer is not here, you may want to go into the hallway and call or text them.”</p> <p><i>During morning overview:</i> “Every case is important, so we need you to be quiet so I can hear and so the court reporter can make an accurate record of what takes place. Cell phones are not allowed to be used, unless I’ve given you permission. This includes texting, reading email, playing games, checking social media, etc. This is for your privacy so court proceedings aren’t video recorded.”</p> <p><i>For each defendant appearance:</i> “Good morning. Thank you for your patience this morning.”</p>
Court Officer	<p>“Cases will be called when your lawyer and the prosecutor are ready, and your lawyer has signed in the case. Cases are not called by calendar number. They are called in the order your lawyer signs in. Please take a seat, and silence and put away all cell phones. They are not allowed to be used in the court.”</p>

Training

Initial Trainings for Judges and Court Staff In early 2018, the Center for Court Innovation expert assistance team, assisted by Judge Victoria Pratt from the Newark Municipal Court, provided judges from the two courtrooms with a 90-minute training followed by observation on the bench and subsequent debriefs. A second, two-hour training, led by Center for Court Innovation expert assistance staff, the chief clerk, and participating judges was offered two days later for 18 court officers and clerks.

Both trainings were built around a similar structure: a presentation laying out the core principles of procedural justice, as well as key takeaways from baseline findings from the Phase 1 baseline defendant surveys. This portion was significantly longer for judges than for court staff, with the additional time spent focusing on the importance of the judge’s role in defendants’ experiences in court and the overlap of procedural justice principles with courtroom management. Trainers then led participants in both trainings through a review and discussion of the proposed scripts.

Judicial “Booster” Implementation of the behavioral intervention began the third week of February, approximately two weeks after the trainings took place. By the end of March, researchers and program staff both observed divergences from the scripts, particularly among court officers. These challenges to implementation are detailed below. A subsequent “booster” training provided an opportunity for judges to talk through their experiences, to workshop challenges together and with the Center for Court Innovation and Office of Court Administration teams, to talk through court officer script implementation challenges, and to arrive at a finalized script that both judges would implement for the remainder of the intervention.

Perceived Impact of Behavioral Intervention

Implementers and expert assistance staff at the Office of Court Administration and Center for Court Innovation reported mixed reactions to the behavioral portion of the intervention. Some negative press coverage (centered around a claim that the project was about critiquing the past behavior of court personnel and encouraging them to coddle criminal defendants) during Phase 2 of the project occurred before court officers or judges had been fully informed. This predisposed some court officers in particular to view the intervention as an implicit critique of their job performance, creating later training challenges.

Despite this challenge, however, judges and implementers reported some positive shifts and perceptions as well. One judge, for instance, said that from the time he began sitting in his courtroom to the current time period, “even the court officers have noticed that everyone in the part seems to be happier.” He also stated that he got a lot of good feedback from defense attorneys, who told him that both they and their clients responded positively to the changes.

Challenges to Implementation

Though this phase of the intervention had fewer agencies and individuals required to “sign off,” its implementation presented even more challenges than the physical improvements.

Challenge #1: Initial Framing The Center for Court Innovation’s expert assistance team worked closely with Office of Court Administration leadership at all stages of the project. Though the team also had some early communication with the court officers’ union leadership, one interviewee reported that even more communication with the court officers’ and clerks’ union leadership at the project start would have been helpful for obtaining buy-in and would have made trainings easier later on. As one Office of Court Administration administrator reflected,

You have to be extraordinarily cautious to not make it seem like, by introducing this new methodology, you’re criticizing the way the staff is currently doing something. You need to explain that the interventions are not there to imply that they need to finish school, or training, or that you’re going to correct the way they’re doing something.

Clerks’ lack of foreknowledge resulted in their union representative—who was not a person who was scheduled to be trained—attending the court staff training unannounced. The clerks were ultimately excluded from the intervention to avoid further difficulties. Some interviewees felt that this lapse in early outreach made trainings challenging. Considerable support from the presiding judges and the chief clerk gave the project the credibility necessary to achieve implementation. Such support was particularly critical in getting court officers to utilize the scripts. Participation still varied significantly, however, among court officers and even between the two groups of officers in the participating courtrooms (Part A and Part B).

Challenge #2: Full Project Participation Not Required Key court administrators, in consultation with the Center for Court Innovation, decided not to mandate participation by judges and court staff. Because of this, the participating judges were chosen because they were considered to be both politically aligned with the intervention (i.e., not as “old school” as others, as one judge stated) and already open to and engaging in behaviors similar to those advocated by the model. The purposeful decision not to obligate full participation resulted in challenges, including: 1) partial fidelity to the final scripts by judges and court staff; and 2) having judges who may have already been implementing elements of the final script prior to the intervention (e.g., making eye contact with defendants and using their names, explaining implications of pleas).

Challenge #3: Irregular Court Schedules Understandably, the New York State Unified Court System has numerous pressures it must factor into the ways judges are scheduled,

including night court rotations, new judge observation and training, and judicial conferences and professional development days. Nonetheless, from the outset, these realities proved challenging for scheduling the numerous lengthy trainings the behavioral intervention ideally would have required, as well as the requirements of the research design (e.g., consistent presence of one judge on the bench without outside influence for a sustained period). The result of these irregular schedules was that the intervention lasted longer than the initially-promised two months, in order to get sufficient survey responses to support evaluation activities.

Challenge #4: Differing Understandings of Procedural Justice Given the busy schedules of many court actors, the behavioral intervention involved only a small amount of training. This may have limited understanding among judges and court staff about the nuances of procedural justice that might have been able to be solidified with more training hours. The small intervention dosage meant that it became challenging later to get those who were trained to adhere to key components of the scripts. Individual interviews with Office of Court Administration administrators and Center for Court Innovation expert assistance staff revealed that they have a deep understanding of procedural justice. Both groups, however, identified the brief (and for non-judicial actors, one-time) trainings as insufficient to fully convey such an understanding to participating court actors. Procedural justice was reportedly a new concept to most implementing the intervention in the courtroom. While all agreed the material was covered in the trainings, real-life examples provided by external experts in the first judicial training, for instance, did not always match the definitions provided, nor did they necessarily resonate in the New York City jurisdiction.

Taken together, this produced some confusion and muddying of definitions among implementers. One judge articulated procedural justice as a courtroom management system that allowed him to provide understanding on three issues he considered problematic: 1) cell phone use in the courtroom; 2) frustrations over wait time resulting from defense attorneys not being present; and 3) defendants jumping the chain on their way into the “well” area when their cases were called. This judge appreciated what he considered to be procedural justice’s framework for handling cell phone use. During the course of the behavioral intervention, he devised a rule that defendants found to be using their phones would have their cases called last. While he reported that to be extremely effective, researchers observed a clear shift in the tone of the courtroom between the first and last phases of the project among court officers, even on one instance reporting two courtroom arrests arising from confrontation between court officers and defendants over cell phone use. And while other implementers agreed that the absence of defense attorneys was often the driver of wait times,

they were careful to point out that defense attorneys are mandated to go to supreme court first, then work with detained defendants next, then released criminal court defendants last. The drive to create understanding of why there might be a delay in calling cases by describing the defense attorney as responsible, then, was to some degree unfairly offloading some ability on the part of the judge to apologize or acknowledge defendants' frustrations about the wait times. Meanwhile, the second judge described procedural justice in an entirely different light, as a way to keep defendants from interpreting the experience as an "us against them" mentality.

The result of these incomplete and differing conceptualizations of the underlying theory meant that model deviations were often misaligned with the larger goals of procedural justice. Perceptions of political ramifications among trainers (i.e. perceptions that negative feedback would alienate judges and upset trainers' relationships with them) limited their comfort in providing feedback (e.g., through the weekly email updates they sent during Phase 3) that would have made clear to implementers when their interpretations were antithetical to the concept.

Challenge #5: Varying Fidelity to the Scripts It is difficult to test the impact of a model and, if it works, export it elsewhere, if the model is fluid and allowed to vary widely based on each judge's evolving needs, desires, and comfort levels with the content. As previously discussed, court staff participation was voluntary and adherence to the scripts could not be required. Therefore, in all sessions, training staff presented the script as a jumping off point for brainstorming the best methods of implementing procedural justice and content. The script was repeatedly presented as building on what staff, "as the experts," were already doing so well. In the court staff training, for instance, when there was some pushback about script content, one trainer, perhaps hoping to diffuse the tension, said: "You've figured out the best way to deal with people breaking the rules. We don't want to take away from the things that everybody else is doing. Some of this is designed to anticipate the problems before they happen." Later, to try to identify "pain points" that could benefit from clarification, a trainer asked for more input, asking, "Is there something that if [defendants] just knew the answer in advance it would make your job so much easier?" These statements and questions—essential for the *development* of a usable model—seemed out of place in a training *on* that model, and also shifted the focus from making the process more fair for defendants (e.g., increasing voice or respect) to making court staff jobs easier (e.g., by getting people to not use their cell phones).

In fact, Center for Court Innovation staff reported acutely feeling the need for fluidity of “both the script and talking points to match the individual styles of the judges.” This was conveyed so effectively in trainings, in fact, that all implementers identified as a strength of the script the fact that “we just adjusted [it] based on our personalities.” Judges reported changing the script, for instance, based on their own perceptions of what was truly relevant. “The least relevant parts,” said one, “I don’t remember what they were, I just cut it out and didn’t do it.” Said another, if it was hot outside, “I’d emphasize the need for quiet and warn that if it gets too loud, we’d have to close the windows, which no one wants because it will be boiling.” He also mentioned that in criminal court, “You’re dealing with a very specific population—maybe 60% on average have mental health issues, a lot aren’t highly educated ... and so I had to choose a lower vocabulary so that the rules were understandable to everyone.” The fluid and changeable script had some benefits, including increase in use. However, it also meant that key components correlated to the issues defendants identified in Phase 1 surveys as most important—e.g., wait time and delays in court beginning—were not addressed. Table 2.2 highlights key parts of the scripts and identifies whether these components were consistently spoken during court session.

Table 2.2. Fidelity to Scripts

Role	Script Component	Fidelity*
Judge	“We will start hearing cases as soon as the first case is ready. We cannot call your case until your lawyer is here, so if your lawyer is not here, you may want to go into the hallway and call or text them. If you don’t know who your attorney is, the court officers would be happy to assist you. If you need assistance, please step up to the rail and speak to an officer.”	High
Judge	“I know that waiting for your case to be heard can be frustrating. Like I said, we can only call your case once your lawyer arrives and signs it up. There are two exceptions to this: cases where the defendant is in jail while their case is pending, and cases where the prosecutor is ready for trial today. Those cases are given a priority. Today we have [X] cases on the calendar, including cases where the defendant is currently in jail while their cases are pending. I’m usually pretty good at moving the calendar fast, unless I have to stop to tell everyone to be quiet, put away their cell phones, or wait for the defendant or lawyer to show up and sign up their case.”	Moderate
Court Officer	“We need to keep the courtroom quiet, so please, no talking. Also, please silence and put away your cell phones. For privacy reasons they are not allowed to be used in the court. It’s important that each of us agree to follow the rules because by following the rules we are ensuring that each case receives the fairness it deserves. If you need to talk or use your phone, please step into the hallway.”	Moderate

Court Officer	“It is important that each of us follows the rules because by following the rules we ensure that each case receives the fairness it deserves.”	Low
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* “High” fidelity is defined as all relevant court actors using a specific component of the script every time or almost every time it was supposed to happen (e.g., when court opens, when interacting with each defendant). “Moderate” fidelity is defined as all relevant court actors using the specific component of the script about half the time, or some always using it and others never or rarely. “Low” fidelity is defined as the relevant court actors never or rarely using a specific component of the script. These classifications are based on courtroom observations.

Chapter 3

Defendant Survey Results

This chapter presents the results of the defendant surveys, highlighting changes from Phase 1 to Phase 3. The research questions the pre-post surveys were designed to answer are:

1. **Procedural Justice:** Can a discrete set of interventions at a high-volume New York City criminal court improve defendant perceptions of procedural justice?
2. **Legitimacy:** If perceptions of procedural justice improve, does this lead to greater feelings of overall court fairness and legitimacy?

Demographic Characteristics of the Sample

Table 3.1 presents the demographic background of the survey respondents. The majority were black and Latino men. The average age of the sample was 32 years in Phase 1 and 34 years in Phase 3, with ages ranging from 18 to 78 across the phases. A majority (83%) of respondents had at least a high school diploma or GED. Those surveyed in Phase 3 were less likely to be employed than in Phase 1.

Table 3.1. Survey Sample Demographics

	N	Phase 1 413	Phase 3 529
Mean Age		32.03	34.17***
% Male		77%	73%
% with High School Diploma/GED		83%	83%
% Employed		61%	53%*
Race/Ethnicity			
Black/African American		48%	51%
Latinx		28%	25%
Biracial (e.g., Black and Latinx)		13%	14%
White		6%	6%
Asian		1%	1%
Other		4%	3%
Housing			
Private		52%	56%
Public Housing		29%	30%
Homeless		15%	11%
Other		5%	4%

Had previously been to Manhattan Criminal Court	87%	92%
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*p<.05, **p<.01, ***p<.001

Background Information

We asked respondents questions about their visit that day. Table 3.2 highlights some of the key aspects of their case. Most had come to court own their own (i.e., had not been held in jail or the courthouse prior to their appearance). The vast majority were there for misdemeanor or violation cases (86% in Phase 1, 84% in Phase 3) and were represented by a public defender (87% in Phase 1, 91% in Phase 3). The most common arrest charges included: assault, petty larceny, drug possession, disorderly conduct, driving without a license, theft of services (e.g., jumping the turnstile), and trespassing.

Table 3.2. Defendants' Current Cases

N	Phase 1 413	Phase 3 529
Not in Custody at Time of Court Appearance	96%	98%
Had friends/family present in courtroom that day	22%	17%
Reason for Arrest		
Misdemeanor	61%	64%
Violation	25%	20%
Felony	9%	7%
Don't know	5%	9%
Attorney		
Public Defender	87%	91%
Private Attorney	8%	7%
Self-represented	2%	1%
Don't Know	1%	1%
Appearance Outcomes		
Case was Adjourned/Given Another Court Date	57%	61%
Adjournment in Contemplation of Dismissal (ACD)	12%	9%
Sentenced	11%	20%
Case Dismissed	11%	9%
Other	9%	2%

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

Appearance Outcomes

Over half of respondents (57% in Phase 1, 61% in Phase 3) had their case adjourned that day and were given another court date. (Others were given an adjournment in contemplation of dismissal, had their case sentenced, or had their case dismissed.) No one in either Phase reported having bail set. There were no significant differences between Phases 1 and 3 in

respondents reporting that the outcome of their case that day was favorable for them (45% v. 49%, respectively).

Impact of Physical Improvements Navigation Signs and Building Cleaning

Table 3.3 shows that there were significant increases in the percentage of respondents reporting ease and clarity of navigating the building from Phase 1 to Phase 3. There was a modest significant difference in perceptions of building cleanliness.

Table 3.3. Impact of Navigation Signs & Building Cleaning[†]

	Phase 1	Phase 3
	413	529
Security procedures for entering the building were clear	81%	92%***
I found my way around the courthouse easily	77%	91%***
I knew who to ask for assistance finding my way around	73%	86%***
Building was clean and well maintained	60%	66%*
Signs clearly directed me to the courtroom	56%	72%***
Bathrooms were clean	40%	47%

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

[†] Percentages represent respondents agreeing with each statement.

Courtroom Signs

Signs to increase understanding of courtroom rules, identify where key players were located in the courtroom (e.g., clerk, prosecutor, and defense attorney), indicate the location of amenities (e.g., cafeteria), and inform defendants of their rights were posted in Part B only. The courtroom signs led to positive improvements. Table 3.4 shows the findings for Part B only. At baseline, the large majority of defendants reported knowing where the different court actors were throughout the courtroom, though there were still significant changes, particularly for the defendants' ability to locate the prosecutor and clerk. Additionally, more people reported seeing courtroom rules in writing, seeing a sign that explained their rights (18% v. 51%), and feeling that the signs were written in a respectful way (62% v. 93%).

Table 3.4. Impact of Courtroom Signs in Part B

	Phase 1	Phase 3
	205	275
Knew where these individuals were in the courtroom (% responding yes)		
Judge	97%	100%*
Court Officers	96%	99%*
Defense Attorney	93%	98%*
Prosecutor	90%	98%*

Clerk	81%	96%*
Saw courtroom rules posted/listed in writing today		
No, did not see them posted/listed	64%	21%***
Yes, saw a sign <i>inside</i> the courtroom	19%	72%***
Yes, saw a sign <i>outside</i> the courtroom door	12%	2%
Multiple	5%	5%
Rights and Respect (% responding yes)		
I noticed a sign explaining my rights	18%	51%***
Signs in the courtroom were written in a respectful way	62%	93%***

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

Behavioral Intervention Impact: Judges

The second component of the procedural justice project was the behavioral intervention primarily with judges and court officers that included training on the tenets of procedural justice and scripts and bench cards to use in court (see details in previous chapter). The behavioral intervention took place in Parts A and B.

On indicators related to *respect* from the judge, defendants had relatively positive perceptions of their interactions with the judge at baseline. There were modest but significant improvements from Phase 1 to Phase 3. As Table 3.5 shows, there were small increases in the percentage of respondents agreeing that the judge treated them politely (84% v. 92%), made eye contact (76% v. 88%), and called them by name (57% v. 69%). The statistical significance of these changes was driven by defendants whose cases were seen in Part B. Most of these changes were not significant for Part A respondents.⁶ On other components of procedural justice (*understanding, voice, and neutrality*) there were not significantly improved perceptions of the judge after the procedural justice intervention, except as it related to the judge conveying rules.

Table 3.5 Defendant Perceptions of Judicial Interactions[†]

	Phase 1	Phase 3
N	413	529
Respect		
The judge:		
Treated me with respect	86%	92%*
Was polite to me	84%	92%*
Made eye contact with me	76%	88%***
Called me by name	57%	69%**

⁶ For example, in Phase 1, 57% of respondents in Parts A and B combined said that the judge called them by their name. In Phase 3, these numbers were 58% in Part A and 80% in Part B.

Tried to understand my needs	48%	59%**
Cared most about getting my case over quickly	42%	49%*
The judge or court staff:		
Thanked me for my patience	21%	40%***
Apologized for any delay/wait	8%	24%***
Understanding		
The judge:		
Seemed concerned about making sure I understood anything the court was ordering me to do	70%	75%
Seemed concerned about making sure I understood everything that was going on in my case	67%	73%
Explained what will happen if I violate the court's orders	66%	76%*
Told me what the rules were in the courtroom	2%	40%***
Used a lot of language I didn't understand.	15%	13%
The judge or my attorney:		
Explained to me my rights as a criminal defendant	62%	67%
Voice		
The judge:		
Considered what I/my lawyer said before making a decision	67%	73%
Gave me/my lawyer a chance to tell my side of the story	51%	55%
Neutrality		
The judge:		
Treated me worse than others because of my race/sex/age	7%	6%
Showed bias in favor of the prosecutor	19%	12%**
Seemed to make his decisions fairly	76%	82%*

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

† Percentages represent respondents agreeing with each statement.

Though there was a significant increase in the percentage of respondents reporting that the judge introduced himself (38% in Phase 1, 64% in Phase 3, p<.001), nearly all respondents still reported not knowing the name of the judge. Only 3% of respondents in Phase 1 and 5% in Phase 3 knew the judge's name.

Behavioral Intervention Impact: Other Court Staff

Some of the defendants' baseline perceptions of court staff were relatively high at baseline, including feeling that security officers, court officers, and the clerk treated them with respect. Still, after the behavioral intervention, more respondents reported positive interactions with non-judicial court actors. Phase 3 saw more defendants report being treated respectfully by officers at the security line and by court officers in the courtroom, feeling that court staff were happy to answer questions and gave helpful answers, and that someone greeted them

when they entered the courtroom. However, the significance of these changes in aggregate was again driven by Part B; there was only one significant change on these survey items for defendants from Part A (the item related to the court officers or clerk giving helpful answers to questions).

Table 3.6. Defendant Perceptions of Interactions with the Other Court Actors[†]

N	Phase 1 413	Phase 3 529
Court Officers		
I was treated respectfully by the security officers as I entered the building.	88%	93%**
The court officers treated me with respect.	79%	88%**
The court officers or clerk gave helpful answers to questions.	69%	84%***
The court officers or clerk seemed happy to answer any questions anyone had.	55%	66%**
Court Staff in General		
My attorney treated me with respect.	87%	89%
The court clerk treated me with respect.	80%	81%
The prosecutor treated me with respect.	66%	72%*
Someone said "hello"/"good morning" to me when I entered the courtroom.	26%	40%***
The court staff were intimidating.	18%	21%

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

[†] Percentages represent respondents agreeing with each statement.

Components of the judge and court officer scripts included letting people know that cases were not called by calendar number, but by the order the lawyers sign in. From Phase 1 to Phase 3, there was a significant increase in the percent of respondents reporting that they knew why some people’s cases got called before theirs and others came after (28% v. 50%, p<.001).

Impact on Perceptions of Legitimacy & Future Behavior

From Phase 1 to Phase 3, despite more positive perceptions of certain aspects of respect and understanding related to how defendants were treated in court that day (*procedural justice*), defendants did not report any significantly improved trust and confidence in the fairness of the courts or criminal justice system, overall (*legitimacy*).

Trust in Criminal Justice Agencies

As Table 3.7 shows, trust in New York City criminal justice agencies was low, with only a significant increases in the percentage stating that they were confident or very confident in judges from Phase 1 to Phase 3.

Table 3.7. Confidence in NYC Criminal Justice Agencies[†]

N	Phase 1 413	Phase 3 529
Defense Attorneys	42%	50%
Judges	40%	49%***
Other Court Employees	33%	40%
Prosecutors	16%	17%
The Police	16%	12%
City Government Overall	15%	15%
The Jails	8%	5%

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

[†] Percentages represent respondents reporting that they are confident or very confident in select agencies.

NYC Court System

As shown in Table 3.8, there were no significant improvement in defendants’ overall perceptions of the New York City court system related to concepts of procedural justice from Phase 1 to Phase 3.

- **Respect** A little more than a third (34% in Phase 1, 39% in Phase 3) agreed or strongly agreed that the court system treats people with dignity and respect.
- **Understanding** Over half (52%) of respondents in both Phase 1 and Phase 3 felt that the average person cannot understand what takes place in the courts.
- **Voice** Only about a third felt that the court listens carefully to what people have to say, with no significant increase from Phases 1 to 3—unsurprising given that we also did not see any change around perceptions of voice during their interactions with the judge that day.
- **Neutrality** Over half of respondents felt that African Americans, those who are Latinx, and low-income people are treated worse by the courts. Additionally, four in ten people surveyed felt that those who don’t speak English are treated worse as well. The numbers did not change from Phases 1 to 3.
- **Overall fairness** About half of the respondents in both phases felt that New York City court system has judges that are fair and honest.

Table 3.8. Overall Perceptions of the New York City Court System

N	Phase 1 413	Phase 3 529
The average person cannot understand what takes place in the courts.	52%	52%
The New York City Court System: †		
... has judges that are honest and fair.	48%	53%
... is ensuring public safety.	45%	54%*
... treats people with dignity and respect.	34%	39%
... listens carefully to what people have to say.	33%	36%
... is protecting the constitutional rights of everyone.	31%	34%
The following group of people usually receive worse treatment than others in the court...#		
African Americans	60%	59%
Low-income People	57%	56%
Latinos or Hispanic Americans	54%	53%
People Who Don't Speak English	41%	40%
People with Physical Disabilities	21%	19%
Asian Americans	17%	15%

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

† Percentages represent respondents agreeing with each statement.

Percentages represent respondents saying "worse" or "much worse."

Laws and the Criminal Justice System

Respondents were asked about their view of the New York City criminal justice system overall. Though there was an increase in the percentage agreeing or strongly agreeing that the New York City criminal justice system is fair (34% in Phase 1 v. 41% in Phase 3), this change was not statistically significant.

Table 3.9 shows that there were no significant changes from Phase 1 to Phase 3 in perceptions of laws (enforcement, intentions, impact), in feeling that the police protect everyone, or in belief that the justice system was designed to treat everyone equally. Responses highlight defendant perceptions of a lack of neutrality in the criminal justice system.

Table 3.9. Defendant Perceptions of Laws†

N	Phase 1 413	Phase 3 529
Laws are intended to protect people.	60%	64%
People should obey the law even if it goes against what they think is right.	56%	59%
This country's justice system was designed to treat everyone equally.	36%	39%
Most police protect everyone regardless of who they are.	24%	29%
I believe all laws are good laws.	15%	14%

Laws are enforced more when some people break them than when others do.	72%	76%
Laws prevent me from doing what I want.	41%	42%
Breaking the law is no big deal as long as you don't physically harm someone.	22%	27%

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

† Percentages represent respondents agreeing with each statement.

Future Behavior

Survey respondents were asked about their likelihood of specific positive future behaviors. Their reported likelihood of complying with their court order, paying their fine or surcharge, appearing for their next court date, and obeying the law in the future and were all high at baseline (in some cases, with hardly any room to improve), and there were no significant changes after the procedural justice interventions. There was one indicator that was not high in both phases: less than half reported being likely to report a crime to the police in the future.

Table 3.10. Reported Likelihood of Future Behavior[†]

	N	Phase 1 413	Phase 3 529
How likely are you to...			
Comply with your court order		92%	96%
Pay fine or surcharge		75%	78%
Appear for next court date		96%	98%
Obey the law in the future		87%	86%
Report a crime to the police in the future		41%	47%
Tell people that the criminal justice system is fair		30%	36%

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

† Percentages represent respondents reporting likely.

Summary of Survey Findings

The two procedural justice interventions led to positive and significant changes in defendant perceptions of certain components of procedural justice. Specifically, the new signs and the behavioral intervention with judges and court officers led to defendants having greater clarity related to navigating the building, more understanding of the rules governing courtroom behavior, and greater feelings of respect from some court actors. The changes did not, however, lead to improved perceptions of other components of procedural justice (voice and neutrality), nor to respondents reporting that the judge made sure they understood what was going on with their case or what they needed to do. This makes sense given that the

interventions did not focus much on those components. Overall, these findings help us answer our first research question:

Indeed, a discrete set of interventions at a high-volume New York City criminal court can improve defendant perceptions of procedural justice.

Findings were not consistent by part, however. Survey results, combined with findings from the implementation analysis, suggest that the personality of the judge, the judge's or lead court officer's control over the tenor of the courtroom, and the consistency of implementation may impact the efficacy of any procedural justice intervention. These things may account for why the intervention did not seem to work in Part A but did in Part B.

While the procedural justice interventions led to positive changes in defendants' experiences in court that day related to perceptions of certain aspects of respect and understanding, our less positive findings related to overall perceptions of legitimacy lead to this answer to our second research question.

Positive changes in perceptions of procedural justice, and in particular in perceptions related to understanding and respect, did not translate into improved overall feelings of trust in, legitimacy of, and fairness of the court or the criminal justice system.

Moreover, given that the percentage of defendants who felt respected by defense attorneys, court officers, clerks, and the judge during their appearance that day was much higher than the percentage who felt that the New York City courts generally treat people with dignity and respect, it is worth acknowledging the limitations of operationalizing respect solely on the basis of interpersonal treatment by any given actor. Additionally, defendants reported high levels of understanding of how to navigate the building and knowing what the rules of the courtroom are, but only about half of respondents felt that the average person could understand what is happening in court. Future procedural justice interventions may want to focus on other aspects of things defendants should understand (e.g., how sentences are decided on) that, conceivably, go more to the core of defendants' overall takeaway about whether they understood the process.

Chapter 4

Dissatisfaction with the Court System

The previous chapter highlighted that although defendants had relatively positive perceptions of procedural justice during their court appearance, they still had low overall views of the court system. The previous chapter drew these conclusions based on the results of closed-ended items in the defendant survey. At the end of the survey, we asked three open-ended questions to try to gain a deeper understanding of the issues underlying defendants' perceptions:

1. If there is one thing you would change about your experience in the court building today, what would it be?
2. What are some of the things you take into consideration when rating the court system overall?
3. Do you have anything else you would like to tell me about how you or other people are treated by the court?

This chapter reports on the aggregate findings from these questions.

Improving Court User Experience

When asked what could have made their court experience better that day, most respondents identified the sources of their discontent instead of offering specific suggestions for improvement. Responses centered around four primary themes: 1) long wait times, 2) lengthy time to case resolution, 3) lack of voice, and 4) attitudes of court officers.⁷

⁷ We note that some of these sources of dissatisfaction are the result of customs, policies, or laws designed to protect defendants. For instance, defense attorneys discourage their clients from direct conversation with the judge, and statewide court policy directly prohibits the use of cell phones and mandates court staff to enforce the policy.

Long Wait Times

Long wait times was by far the most commonly reported source of frustration in court. Survey respondents expressed irritation and frustration with the amount of time they had to spend in court on the day they were interviewed. Most arrived in the morning and waited for hours before seeing a judge. They stated that they wished they did not have to “be here so early just to wait to be called after five hours for nothing,” and that the court should “tell me when I will be called. I got here at 9am and got called at 3pm.” Some respondents further described their disappointment by adding that they waited for a long time “just to stand in front of the judge for two seconds.”

Although never mentioned in Phases 1 and 2, in Phase 3 many respondents began to lay blame on their defense attorneys as the reason for their wait, specifying things such as “public defenders should be on time for their clients,” “lawyers held up court by being late,” “[I] had to wait for [my] lawyer and sat with no understanding of how long it would be,” and “lawyers should have to come on time instead of not respecting [our] time and coming hours after their [clients].” Courtroom observations and interviews with the participating judges revealed that, during Phase 3, in an effort to increase defendant understanding of the order in which cases were called and why people had to wait, judges would regularly announce in the courtroom that it was because defense attorneys were not present that cases were not being heard on time. Additionally, judges conveyed that if defendants were upset about their wait time, they should exit the courtroom and go call their attorney.

Some respondents across all phases noted that the wait time negatively impacted their lives by taking them away from important responsibilities. As one respondent explained, “There is no reason for people who have lives, family, and work to get back to need to sit here all day.” Another stated, “The wait was really bad. I am a single mom and I have to now race to get my daughter and I been here since 10am.” Some pointed to the negative consequences of missed work. One respondent cited the impact of a previous experience at the court by stating, “One time last year I got fired because I had to wait so long,” while another said that, “I lost money and missed another interview after having to be here all day without any organization as to what is going on and when I would be called.”

Some respondents proposed solutions to alleviate the wait time, such as having misdemeanor cases handled over the phone or Internet, having defendants come at specific times (as opposed to having everyone come in the morning and wait), and having a case time notification system. Waiting irritation may be exacerbated by the fact that people are not allowed to use their cell phones while in the courtroom and are reprimanded for doing so.

Some suggested that the court should reevaluate this rule in order to make the time defendants do have to wait “go faster.”

Lengthy Time to Case Resolution

In addition to being irritated about the amount of time they had to wait in court that day, respondents were also frustrated with the length of time it took for their case to be fully resolved. Some pointed to the added frustration of having to come back *and wait* multiple times: “It seems to be a waste of time to sit here all day when the case is just given another court date.”

Again, respondents made connections between the length of time to case resolution and its negative impact on their lives. For some, it had to do with their jobs, as one respondent stated: “This case has been going on since last year, [it’s] messing with [my] work.” For others, in instances prior to their appearance that day, they had to remain in jail until their case was resolved. “Sometimes when you are being remanded it takes too long and you have to stay in a cell for three days,” explained one respondent. Another took this sentiment further by saying that his case took a long time to process, and that staying in jail during that time “was one of the worst experiences.” One respondent laid the blame on multiple court actors for these case delays:

Even if the case looks favorable for the defendant, it’s like the system is set up to linger in the event that the prosecution does find something. It’s discouraging. I have to be here for every court date and call out of work, but the cops haven’t shown up as witnesses once. They shouldn’t keep pushing it just because the prosecution isn’t ready. If I wasn’t ready, that wouldn’t matter.

As another respondent concisely put it: “It’s easy to come into the justice system, but hard to get out.” Respondents also made connections to the length of time to case resolution and ultimate outcomes, questioning the merit of bringing their cases into the system to begin with. They stated things such as they wished they did “not hav[e] to come back so many times to just have my case thrown out,” and “I came to court three times for my case to get dismissed.”

Lack of Voice

Respondents felt that their experience in court that day would have been better if they had been able to have more interactions with the judge and other key court actors (e.g., defense attorney, prosecutor). They expressed sentiments such as, “I wanted to talk to the judge. I

wanted to talk. I wanted to be heard. They rushed my case. They rushed me out,” and “I wish I had the ability to talk to the DA and have one-on-one conversations with them and the judge.”

Others felt that not being able to do so meant they had no ability to share their experiences or defend themselves. One respondent stated, “I should have had a chance to explain what happened in my case,” while another said, “I wish I had the opportunity to tell my side. They treat us all like we are guilty until proven guilty.” For some, this lack of voice meant they felt their unique circumstances were not taken into consideration, stating things such as “They didn’t ask if I could pay the fine,” and “People’s stories aren’t heard individually. Things are considered based solely on the charge.”

Court Officer Attitudes

Finally, some respondents remarked that court officers “were not speaking to people respectfully” and “talk to people rudely,” and found them to be “extremely authoritative and intimidating.” Respondents felt that court officers were “constantly” telling people to put their phones away—a source of frustration for many sitting in the courtroom. (Statewide court policy directly prohibits the use of cell phones and mandates court staff to enforce the policy.) As one respondent stated, “The COs going around collecting phones for no reason. It causes us to feel less human. How are we supposed to get ahold of our lawyers at that point?”⁸ Another respondent recounted a story of feeling unfairly targeted by a court officer, who accused him of using his Apple watch to text when he was not doing so, while others next to him were in fact on their phones. He noted that no one was reprimanded except for him, and he “got punished by having [my] case called last in the day.”

Low Perceptions of Legitimacy

As shown in Chapter 3, survey respondents had low overall perceptions of legitimacy of the New York City court system. Of the over 1,100 respondents across all three phases of the project, 51% agreed that the average person cannot understand what takes place in the courts, 51% agreed that judges are honest and fair, 39% agreed that the courts treat people with dignity and respect, and 36% agreed that the court listens carefully to what people have to

⁸ This example highlights the potential challenge of a procedural justice intervention that focuses on getting defendants to understand courtroom rules. In this case, the attempt to increase understanding around no cell phone usage may actually instead be counterproductive if the defendants feel the rule itself is disrespectful.

say. Only 35% stated they were likely to tell their friends or family members that the New York City court system was fair.

To better understand what accounts for negative overall views of the court system, we asked respondents what factored into their perceptions of the court, and also asked them to share anything else they wanted the researchers to know about how people are treated by the court. Some respondents pointed to the ways they or people close to them (e.g., “loved ones,” “brother,” “boyfriend,” “friend”) have been treated in court in the past as the reason why they had overall negative views of the system. Respondents also often felt that even if they had a good experience that day, treatment by judges was inconsistent. (Eighty-nine percent of study respondents across all three phases reported having previously been to the Manhattan Criminal Court before their appearance that day.) They stated things such as “The last time I got a judge who was stupid and mean,” and “Sometimes judges are ok, sometimes not.”

Overall, however, reasons were similar across phases and courtrooms, and fell primarily into five categories: 1) perceived differential treatment of certain racial/ethnic groups, 2) perceived mistreatment of those lacking financial resources, 3) the court’s focus on low-level crimes, 4) experiences with the police, and 5) the media.

Perceived Differential Treatment by Race/Ethnicity

Many respondents felt that the courts treat certain people worse because of their race or ethnicity. Across all three phases, 57% said African Americans and 51% said Latinx are treated worse by the courts than others. Across all phases, respondents articulated race as a problem in their assessment of the courts, feeling that it was “blatantly obvious minorities have it a lot worse,” and that, “African Americans and Latinos don’t get respect from the court system.” Some made connections to who was in the courtroom as defendants (“men of color”) and the perceived roots of the criminal justice system (“based on war, slavery” and “designed without African American people’s input”).

Respondents also pointed to racial disparities between the court staff and the defendants as a reason for their overall negative views of the court. “There is a disparity between the judges—white, versus defendants—black,” one respondent said. Another made a similar observation: “What I saw in the courtroom, criminals are mostly male people of color and court officers and attorneys are mostly white men.” Another stated that, “Ninety percent of

the defendants were of color, and 90% of the people behind the stand were white.”⁹ They expressed a desire for there to be “more black people working in the courthouse instead of being judged by it,” “more black judges,” and “more minority judges dealing with minority people because they will understand where people are coming from.”

Finally, race factored into respondents’ overall perceptions of the court in that they felt that racial minorities were treated differently than whites. Some observed that the few white defendants in court that day “were seen quickly,” and that, in general, white people receive more leniency from judges. As one respondent expressed, white defendants were “being let go for crimes [that] black people are incarcerated for.” Another respondent stated that, “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.” The feeling that “people have the same charge and different outcome based on race” was most discussed in relation to drug crimes. One respondent connected it to the opioid epidemic: “[The] crack epidemic hit people of color. Now that white people are addicted, they want to give them treatment as an alternative to jail.” Another discussed the disparity in case outcomes in relation to marijuana charges: “You’ve got men locked up for years for selling reefer, yet [courts] don’t prosecute white boys.”

Perceived Mistreatment of Those Lacking Financial Resources

Race was not the only identity factor that affected respondents’ perceptions of the court system. Over half (55%) of the three-phase sample felt that the courts treated poor people worse than others. This sentiment came out in the open-ended questions as well, with respondents stating things such as “People are treated like second-class citizens because they don’t have money” and “[The] homeless are treated like shit.” Some perceived bail decisions to be particularly harmful for poor people, stating things such as “Sometimes they give defendants high bail for small crimes knowing they can’t pay, then just hold them,” and “We get railroaded into charges for things we didn’t do, and they set crazy high bail they know we can’t pay.”

For some respondents, there was a clear correlation between being treated poorly by the courts and their inability to afford for a private attorney. They pointed to lack of private attorney as reasons for case delays— “They drag things out when you have no money. Poor people are in jail longer. ... If I had paid for an attorney this case would be over”—and lack

⁹ Indeed, this classification reflects what we found in this study. Only 6% of the people we surveyed identified as white; however, almost all of the court staff who participated in the procedural justice training were white.

of good representation—“You need to pay for a good lawyer in order to be properly represented.” Additionally, they felt that those without money received harsher case outcomes, stating that, “There are big differences in the outcome of your case if you have a public defender versus a private attorney” and “Because people don’t have high-priced lawyers, they get talked into taking pleas for things they didn’t do.” One respondent summed it up by saying, “People are treated different based on their income. Like, if you can’t afford a good lawyer, or having to be in jail for a crime that someone else with money doesn’t have to sit in jail for.”

The Justice System’s Focus on Low-level Cases

Across the three phases, most of the study respondents (84%) were in court that day for low-level misdemeanor crimes or violations, and for some, their negative views of the court system stemmed from feeling that the court was wasting everybody’s time on cases such as theirs. As respondents stated, the courts “worry a lot about small crimes when the focus should be on big crimes” and “should let go of petty things and use resources for more important criminal offenses.” Some offered suggestions such as “not to arrest people for a violation crime,” and “get rid of violation [and] misdemeanor crimes as court appearances. Low crimes should be tickets.” In addition to the impact that these low-level cases had on people’s time (as discussed above), respondents pointed out that court involvement had larger consequences. They stated things such as, “Things that aren’t violent shouldn’t be used to railroad people and ruin lives,” and “[The] case isn’t that serious but [the] penalty is heavy.”

Respondents were particularly upset with the fact that the court was continuing to process marijuana cases. One respondent asked, “Why do people still get arrested and put through this for smoking weed? I wasn’t doing anything wrong.” Another detailed: “I had half a blunt. I see many here sitting all day, 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.”

Experiences with the Police

Similar to a finding in another recent procedural justice study (Swaner et al. 2018), when we asked respondents about what accounted for their negative overall perceptions of the *courts*, their responses often had to do with negative experiences with the *police*, stating things such as, “Court isn’t the problem, police are,” “I take into account the front-end dealing with the police,” and “The problem is the police, not the court system itself, but it feeds into the system.” For some, their issues with the police related to interpersonal treatment, which they

described as “abusive,” “racist,” and “unjust.” They also reported being “mistreated,” “treated like animals,” and “beaten up” by the police. Others felt that the role the police had in their court case was problematic: “How police write up the initial report, they fabricate,” and “The way the police handled my case in the beginning—the investigation went all wrong.” Finally, some felt “constantly” harassed by the police for just being in their neighborhood: “It’s like you sneeze and someone calls the cops.”

The Media

Finally, some respondents stated that things they saw in the media (“online,” “TV,” “news,” “media”) influenced how they felt about the court system overall. They cited both local incidents (“I see all the nonsense on the news, people getting fucked up by cops and that guy in Rikers who killed himself”) and things that occurred in other cities (“Trayvon Martin. I don’t think I need to say much more than that”). Additionally, they pointed to national circumstances: “The immigration stuff happening right now with the separation of families.” Though no one pointed directly to the courts, its connection to other criminal justice agencies was implicit.

(We note that the the last three sources of the defendants’ in this study’s distrust go beyond the court system. They are related to laws created and enforced by the executive and legislative branches, and to the defendants’ own and others’ experiences with other institutions such as the police and corrections.)

Chapter 5

Implications for Theory & Practice

Procedural Justice

A notable finding from this study is that modest physical and/or behavioral interventions that are consistently implemented can lead to more positive perceptions of procedural justice. Though the percentage of defendants who felt respected by court actors was relatively high at baseline (e.g., 86% reported feeling respected by judges, 88% by security officers when they entered the building, and 79% by court officers in the courtroom), there were still significant and positive improvements (to 92%, 93%, and 88%, respectively). Important areas where baseline percentages were more negative and there was even greater improvement after the intervention related to indicators of common courtesy. For example, the percentage reporting that someone apologized for any delay or wait went from 8% to 24%, and the percentage saying that someone said “hello” or “good morning” to them when they entered the courtroom went from 26% to 40%. These numbers indicate that even limited interventions can improve certain aspects of a defendant’s experience in discrete courtroom appearances. How much more could perceptions improve with more intensive efforts? Based on this study, we have developed some suggestions for future procedural justice interventions.

Trainings

The positive changes we found on some survey items may have been even greater with more fidelity to the created scripts created for judges and court staff. More training hours—and thus increased exposure to core concepts of procedural justice—may have helped those implementing the scripts to have greater understanding of what procedural justice is and what it is not, and may have helped them to accept all aspects of the behavioral intervention.

Additionally, future interventions might consider providing implementers with continuous feedback on where implementation is strong and weak. Many court staff have spent years developing expertise and practices that they believe work best for their courtroom. Behavioral interventions that ask system actors to do certain components of their jobs differently are sometimes seen as an implicit critique. This is doubly true when the interventions are driven by external organizations, as was the case in this study. Future interventions should consider using a “train the trainer” model, where they identify leaders from the target jurisdiction (e.g., for this project, Manhattan Criminal Court court

officers, New York City judges) and train them to facilitate trainings and encourage participation among their colleagues.

What Aspects of Procedural Justice Matter Most?

As procedural justice theorist Tom Tyler (1988) argues, the aspects of fair procedures that people care about vary by situation and setting. This study revealed that for defendants in a New York City criminal court who are mostly there on misdemeanor or violation charges, the components of procedural justice that may be most meaningful to them relate to wait time (i.e., *respect* of defendants' time) and the chance to tell their side of the story and convey their unique circumstances (i.e., *voice*). Reducing wait time and increasing voice were not major components of the intervention evaluated in this study. Future interventions to improve perceptions of procedural justice in New York City criminal courts could focus on these factors. To design interventions to address wait time, we recommend the following:

- **Convening Multiple Stakeholders to Address Calendaring** On scheduled court dates, there are many complex factors that affect how long defendants must wait in the courtroom until their cases are heard, including how quickly morning Supreme Court sessions are completed and how quickly court proceedings are moving in those courtrooms that defense attorneys attend first. (Defense attorneys spend their days moving from one courtroom to the next, beginning with any cases they are representing in the Supreme Court, until finally representing all their clients.)¹⁰ A committee could be convened that includes defense attorneys, court officers, prosecutors, judges, clerks, and technology experts to determine potential solutions for streamlining the process and reducing the amount of time defendants wait.
- **Piloting Morning and Afternoon Sessions** Staggering defendants' expected reporting times across separate morning (i.e., before lunch) and afternoon (i.e., after lunch) sessions may help to reduce wait time before cases are heard—preventing defendants from having to wait nearly all day because they showed up in the morning and their cases were not called until late afternoon—and provide defendants with a more realistic time frame of how long they may have to wait.

Efforts to increase voice may not be as easy as having judges ask defendants if there is

¹⁰ About 90% of participants in this study were represented by public defenders. Indigent defense attorneys are obligated to attend to their Supreme Court cases, which involve indicted felonies, before their criminal court cases each day. (The lower criminal courts hear felonies in the pre-indictment stages and cases with lesser charges.)

anything they want to say, given that many defense attorneys think it is in the best interest of their clients' cases not to have them speak. Therefore, defense attorneys should be included in developing any procedural justice intervention to increase defendant voice.

Overall Legitimacy

This study also revealed some of the drivers of defendants' distrust in, and lack of satisfaction with, the New York City criminal court system. Many of these underlying concerns go beyond what the tools of procedural justice can address—and beyond what the court system alone can address. Future efforts to increase the overall legitimacy of and trust in the New York City court system should include a focus on defendants' perceptions of differential treatment of certain racial/ethnic groups and people without financial resources, the criminal justice system's attention to low-level crimes, and their experiences with the police. Additionally, efforts must reckon with the wide-ranging and long-term negative effects of defendants' experiences with the police in their communities and during the arrest process.¹¹ Many of these efforts are related to policies and laws implemented and enforced by the executive and legislative branches, not the judiciary. Below we outline suggested actions these branches of government could take that may help to address defendant concerns, and hence lead to increased trust in the court system. We note that achieving these changes requires significant resources and political will, as well as the commitment of both administrators and line staff at multiple agencies.

Eliminating “Process as Punishment”

The vast majority of the defendants in this study were in court for misdemeanor crimes or violations. Respondents noted the long wait time before their case was heard and the lengthy time to case resolution. Additionally, the criminal justice system's focus on low-level cases led many defendants to question the overall legitimacy of the court system. (This suggests that some of the work New York City is doing to reduce arrests for marijuana, fare evasion and failure-to-appear on low level summonses may have implications for the perception of the entire justice system.) To address time spent in court, particularly for misdemeanor and

¹¹ Another recent procedural justice study in Newark, NJ and Cleveland, OH had similar findings to this study: justice-involved individuals surveyed did not view the court system as legitimate or fair, and their opinions were largely shaped by their individual interactions with police officers, and perceived contextual factors such as institutional racism, the over-policing of minor crimes, a court and penal system excessively focused on punishment, and a lack of accountability of all criminal justice agents (Swaner et al. 2018).

violation cases, alternative models that could minimize “process as punishment”¹² might include:

- **Alternative Models for Low-Level Offenses** Currently, many low-level offenses lead to disposal at arraignment or adjournments in contemplation of dismissal (and then dismissal). Alternative models for handling these cases could be designed to keep them out of criminal court completely. These alternative models could include:
 1. Decriminalizing—and therefore stopping arrest and detention for—certain low-level crimes (e.g., marijuana or minor drug possession).¹³
 2. Having police issue civil summons tickets instead of making an arrest for selected cases.
 3. Offering diversion programs that allow participants to avoid coming to court.¹⁴

Addressing Sources of Distrust

This study found that two of the major contributors to overall distrust in the court system related to 1) the perceived differential treatment of racial/ethnic minorities, and 2) reported negative treatment by the police. The courts could work with the police and the district attorney’s office to address these concerns. Potential approaches might include:

¹² Malcolm Feeley’s 1979 book *The Process is the Punishment: Handling Cases in a Lower Criminal Court* highlights how the real cost to criminal defendants of invoking their rights in lower criminal courts is not the fines or jail sentences meted out by the court, but the costs incurred before the case even comes before the judge—including lost wages from missed work and wasted time. Therefore, the overriding interest of the defendant is to minimize the time, and money, spent dealing with the court.

¹³ In December 2018, New York State Governor Andrew Cuomo announced that he would push for legislation to legalize recreational marijuana in early 2019, and New York City Mayor Bill de Blasio endorsed legalization as well.

¹⁴ For example, Project Reset is a diversion program in New York City serving those arrested for the first time for selected offenses (e.g., shoplifting, trespassing). If someone chooses to participate in Project Reset, completes the program, and does not get re-arrested, the District Attorney’s Office will not prosecute their case in court and no criminal record will be generated. Programs like Project Reset could be expanded in terms of geography and case eligibility. An alternative diversion program could be to require participants to complete an online tutorial or e-learning module within a short time frame.

- Vacating past marijuana possession convictions may be one way to address disparities.¹⁵ Recent research (Mueller, Gebeloff, & Chinoy 2018) has shown that across New York City, black and Latinx people have been arrested on low-level marijuana charges at eight times and five times the rate of white, non-Latinx people. Defendants in our study pointed to perceived racial disparities in arrest and prosecution for low-level offenses—particularly drug crimes—as a source of their distrust in the court system.
- Perceptions of the courts are tied to perceptions of the police. Judges could convene police officers and community members to encourage dialogue around community perceptions of mistreatment and differential enforcement, and how to increase mutual trust.

Promoting Institutional Culture Change

Implementing the procedural justice intervention at the Manhattan Criminal Court was challenging in multiple ways, including navigating the many stakeholders and institutions (e.g., Office of Court Administration, various court staff unions, Department of Citywide Administrative Services, line court staff). It is difficult to create institutional change. Identifying and understanding the cultural barriers to change may be the first step in any large-scale project designed to increase the legitimacy of the courts or the overall criminal justice system. A participatory research project—conceptualized, designed, implemented, analyzed, and disseminated by key criminal justice actors *alongside* researchers—could help uncover these barriers and may lead to interventions that are more likely to be embraced.

¹⁵ This recommendation is similar to what the New York City Mayor’s Task Force on Cannabis Legalization recommended in December 2018. Their report stated, “Legalization will bring with it an enforceable obligation to redress the historical harms that occurred when cannabis was criminalized. This will require, at minimum ... automatic expungement of cannabis-related convictions, giving people with prior cannabis-related convictions a chance to start over, free of the stigma of criminalization.” Mayor de Blasio, in his opening statement to the report, also stated, “Too many people of color have seen their lives ruined by low-level arrests ... legalization offers an opportunity to automatically expunge low-level marijuana convictions.” Recommendations available at: <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/12/A-Fair-Approach-to-Marijuana.pdf>.

References

- Barrett-Howard, E., & Tyler, T. R. 1986. Procedural justice as a criterion in allocation decisions. *Journal of Personality and Social Psychology*, 50(2):396-304.
- Feeley, M. 1979. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- Gottfredson, D. C., Kearley, B.W., Najaka, S.S., and Rocha, C. M. 2007. How drug courts work: an analysis of mediators. *Journal of Research in Crime and Delinquency*, 44(1):3-35.
- Judicial Council of California. 2007. Procedural fairness in the California courts. San Francisco: CA: Judicial Council of California/Administrative Office of the Courts.
- LaGratta, E. 2015. Procedural justice: practical tips for courts. New York, NY: Center for Court Innovation.
- Leventhal, G. S. 1980. What should be done with equity theory? in K.J. Gergen, M.S. Greenberg, and R. H. Weiss (eds.), *Social Exchange: Advances in Theory and Research*. New York: Plenum.
- Mayor's Task Force on Cannabis Legalization. 2018. A fair approach to marijuana: recommendations from the mayor's task force on cannabis legalization. Available at <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/12/A-Fair-Approach-to-Marijuana.pdf>
- Mueller, B., Gebeloff, R., and Chinoy, S. 2018. Surest way to face marijuana charges in New York: be black or Hispanic. *The New York Times*, 13 May 2018. Available at <https://www.nytimes.com/2018/05/13/nyregion/marijuana-arrests-nyc-race.html>
- Rossman, S. B., Roman, J. K., Zweig, J. M., Rempel, M., & Lindquist, C. H., eds. 2011. The multi-site adult drug court evaluation. Washington, D.C.: The Urban Institute.
- Sheppard, B. H., & Lewicki, R. J. 1987. Toward general principles of managerial fairness. *Social Justice Research*, 1(2):161-176.

Swaner, R., Ramdath, C., Martinez, A., Hahn, J., & Walker, S. 2018. What do defendants *really* think? Procedural justice and legitimacy in the criminal justice system. New York, NY: Center for Court Innovation.

Thibaut, J., and Walker, L. 1975. *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum.

Tyler, T. R. 2008. Procedural justice and the courts. *Court Review: The Journal of the American Judges Association*, (44):1-2, 26.

Tyler, T. R. 1990. *Why people obey the law*. New Haven. CT: Yale University.

Tyler, T. R. 1988. What is procedural justice? Criteria used by citizens to assess the fairness of legal procedures. *Law & Society Review*, 22(1):103-135.

Appendix A.

Courtroom Structured Observation Protocol

Supplemental Form (post intervention)

Court Part: _____

Date: _____

Judge: _____

Observer: _____

JUDICIAL PRACTICES

JUDGE WELCOME (to be said as soon as the judge takes the bench, approximately 9:30am):

<i>Question Number</i>	<i>Statement</i>	<i>Did the judge say this ...</i>
1.	Introduces self: I'm Judge _____ in Part _____	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
2.	Thanks defendants for being on time	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
3.	States that this court is different	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
4.	Reminds defendants that their experience matters	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all

		<input type="checkbox"/> N/A (please explain)
5.	Acknowledges that waiting is frustrating	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
6.	Explains reasons for case order (as cases are ready)	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
7.	Explains why and how defendants should contact their attorneys (if they're not here case can't be called; they should go into the hallway to call or text attorneys)	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
8.	Tells defendants another announcement will be coming later with more information and in the mean-time they should ask lawyer any questions they have	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)

JUDGE OVERVIEW (to be said at mid-morning lull, approximately 10:30am):

<i>Question Number</i>	<i>Statement</i>	<i>Did the judge say this...</i>
9.	Welcome <ul style="list-style-type: none"> ○ Thanks defendants for being on time ○ Explains reasons for case order ○ Explains why/how defendants should contact attorneys 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time

	<ul style="list-style-type: none"> ○ Explains how to check in if being represented by Legal Aid 	<p>(check which)</p> <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
10.	<p>Judge's Role</p> <ul style="list-style-type: none"> ○ Explains it is to help ensure a fair process ○ Explains he will consider all evidence ○ Promised to help defendants understand the process (along with their lawyers) 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time (check which) <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
11.	<p>Rules</p> <ul style="list-style-type: none"> ○ Stresses importance of every case ○ Need for quiet ○ No cell phones, reasons for restrictions (to avoid photos or recordings of proceedings; cause distractions and can slow down the calendar) and exceptions for court staff ○ PART B ONLY: points out signs that explain the process 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time (check which) <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
12.	<p>Pleas</p> <ul style="list-style-type: none"> ○ Stresses importance of discussing these decisions with attorneys ○ Reminds defendants of immigration consequences ○ Explains the DNA sample requirement ○ Explains surcharges and fines 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time (check which) <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
13.	<p>Waiting</p> <ul style="list-style-type: none"> ○ Acknowledges that waiting is frustrating ○ Explains reasons for case order (lawyer must be present and have signed case up) ○ Describes exceptions to this order (jail cases, prosecutors ready for trial) ○ Provides number of cases on day's calendar 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time (check which) <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
14.	<p>Misc</p> <ul style="list-style-type: none"> ○ Explains communicating with court officers 	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time

	<p>and approaching the rail</p> <ul style="list-style-type: none"> ○ Implications of lunch break on case (if not called by 10 to 1:00 must return after lunch) 	<ul style="list-style-type: none"> <input type="checkbox"/> Partially as written, at the prescribed time (check which) <input type="checkbox"/> Partially as written, at a later time (check which) <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
--	---	---

FOR EACH DEFENDANT:

- *Good morning* [to defendant, greeting by name]. *Thank you for your patience this morning/afternoon.*
- (Before announcing decision, to lawyer): *Is there anything else you'd like me to know about this case before I make my decision?*
- (Before setting adjournment date): *Is ____ a good day for you both to return to court?*
- (At the end of every case): *Good luck to you OR I wish you well, sir/ma'am.*

15. Did the judge say these, as applicable?

- All, to all defendants
- All, to some defendants
- Some, to all defendants
- Some, to some defendants
- This did not happen at all
- N/A (please explain)

Notes:

PERIODIC REMINDERS (said as relevant throughout the day):

Voice Volume Reminder

Ladies and gentlemen, as a reminder, please help keep the courtroom quiet so I can hear each case.

16. Did the judge say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Cell Phone Reminder

Cell phones are not allowed—even to check email or texts.

17. Did the judge say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Lawyer/Questions Reminder

If you have any questions about your case, please speak in the hallway with your attorney.

18. Did the judge say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Case Order Reminder

Cases are called in the order your attorney signs them in, with priorities given to jail and trial-ready cases. If your attorney is not here, yet, please go into the hallway and contact them.

19. Did the judge say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Caution Against Rail

Please do not approach the rail while a case is being hear.

20. Did the judge say this?

- Yes, as written → Number of times: _____

- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

COURT OFFICER PRACTICES

PRE-OPENING (to be said as soon as the courtroom is opened):

<i>Question Number</i>	<i>Statement</i>	<i>Did the court officers say this...</i>
21.	Good morning. This is Part __. Thank you for being on time. Cases will be called when your lawyer and the prosecutor are ready, and your lawyer has signed in the case. Cases are not called by calendar number. They are called in the order your lawyer signs in. Please take a seat, and silence and put away all cell phones. They are not allowed to be used in the court. Please remove all hats, earphones, and hoodies. If you need to use your cell phone, please go into the hallway. Thank you.	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)

OPENING (to be said as soon as the courtroom is opened):

<i>Question Number</i>	<i>Statement</i>	<i>Did the court officers say this...</i>
22.	(All rise/remain seated). Good morning, ladies and gentlemen. May I have your attention please. This is Part __. The Hon. _____ is presiding. Thank you for being on time. Cases will be called when your lawyer and the prosecutor are ready.	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
23.	We need to keep the courtroom quiet, so please, no talking. Also, please silence and put away your cell phones. For privacy reasons they are not allowed to be used in the court. It's important that each of us agree to follow the rules because by following the rules we are all making sure that	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time

	each case receives the fairness it deserves. If you need to talk or use your phone, please step into the hallway.	<input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)
24.	It's important that each of us agrees to follow the rules because by following the rules we ensure that each case receives the fairness it deserves.	<input type="checkbox"/> As written, at the prescribed time <input type="checkbox"/> As written, but at a later time <input type="checkbox"/> Partially as written, at the prescribed time <input type="checkbox"/> Partially as written, at a later time <input type="checkbox"/> This did not happen at all <input type="checkbox"/> N/A (please explain)

PERIODIC REMINDERS (said as relevant throughout the day):

Voice Volume Reminder

Ladies and gentlemen, as a reminder, please help keep the courtroom quiet so I can hear each case.

25. Did the court officer say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Cell Phone Reminder

Cell phones are not allowed—even to check email or texts.

26. Did the court officer say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Lawyer/Questions Reminder

If you have any questions about your case, please speak in the hallway with your attorney.

27. Did the court officer say this?

- Yes, as written → Number of times: _____

- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Case Order Reminder

Cases are called in the order your attorney signs them in, with priorities given to jail and trial-ready cases. If your attorney is not here, yet, please go into the hallway and contact them.

28. Did the court officer say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

Caution Against Rail

Please do not approach the rail while a case is being hear.

29. Did the court officer say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No
- N/A (please explain)

Notes:

DURING BREAKS AND LULLS

Ladies and gentlemen, as a reminder, please help us maintain order in the courtroom. This means no talking and no cell phones. That's right—no cell phones—even to check your messages. If you need to talk or use your phone, please step into the hallway. We appreciate your help with this.

30. Did the court officers say this?

- Yes, as written → Number of times: _____
- Yes, partially as written → Number of times: _____
- No

N/A (please explain)

Notes:

31. Did the judge say this?

Yes, as written → Number of times: _____

Yes, partially as written → Number of times: _____

No

N/A (please explain)

Notes:

COURTROOM SESSION OBSERVATION FORM

Name of Judge: _____

Date: _____

Court Part: _____

Observer: _____

Session start
time: _____

Session end
time: _____

Number of cases heard: _____

Questions 1 – 9 pertain to observations at the beginning of the court session. The remainder of questions applies to the entire court session, considering all of the cases that appeared.

	Yes	No	N/A
1. The court started on time.			
2. The judge or other court staff apologized for any delay in the starting of court.			
3. The judge or other court staff clearly explained court etiquette and rules at the beginning of the court session.			
4. The judge provided an explanation for the order in which cases would be called.			
5. The judge introduced him/herself by name.			
6. The judge or other court staff made an announcement about when the court would break for lunch.			
7. The judge provided some overview of what might happen during court and/or how decisions would be made.			
8. The judge's name was visibly posted on the bench.			
9. Court rules were posted clearly in the courtroom.			

10. Were there any incidents, (e.g.,; fights or altercations between court staff and court users or among two court users) in the Courtroom today?

- Yes
 No

If yes, please describe:

	Never	Sometimes	Most of the time	Always
11. The judge and attorneys were audible.				
12. The judge made eye contact with defendants during their court appearances.				
13. The judge referred to defendants by name.				
14. The judge demonstrated an interest in the defendant's understanding of what rights he/she was surrendering by pleading guilty.				
15. The judge described what the defendant must do to comply with the court order or sentence.				
16. The judge asked the defendant to repeat back his/her understanding of the sentence and/or next steps.				
17. The judge assured defendants that all of the admissible evidence would be considered before making any decision.				
	Never	Sometimes	Most of the time	Always
18. The judge used plain language to explain legal terms or acronyms.				
19. The judge made sure that the defendant understood the fines and surcharges they had to pay.				
20. Court staff made an "on deck" announcement – informing the court which would be the next cases called.				
21. People entering the room were greeted by court staff.				
22. Court users were observed asking questions of court staff.				
23. Court staff responded to court user questions.				
24. Defendants seemed confused about where to put their DAT slip or how to check in with the court.				
25. Court users were observed looking at the rules.				
26. Court users took the handouts available and were observed reading them.				
	Never	Sometimes	Most of the time	Always
27. The defendant was provided written instructions about his/her sentence.				

28. Family and friends in the courtroom were allowed to greet in-custody defendants.				
--	--	--	--	--

29. What was the demeanor of the judge as s/he interacted with defendants?

30. Notes/impressions:

Appendix B. Defendant Survey

**CENTER FOR COURT INNOVATION
Procedural Justice Survey
Manhattan Criminal Court
100 Centre Street**

Hi, my name is _____. I'm with the Center for Court Innovation, a nonprofit organization that is independent of the court system. We are conducting a survey about people's experiences at the Manhattan Criminal Court. The survey will take about 15-20 minutes, and it is confidential. I won't ask you your name. Please answer honestly, as there are no right or wrong answers. Your participation is voluntary, and you can stop at any time and skip any questions. As a thank you for participating, I will give you a \$15 gift card at the end of the survey. Would you be willing to participate?

ELIGIBILITY QUESTIONS

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

- 1) What is your date of birth? ____/____/____
→ *To be eligible, person must be 18 years of age or older. If date of birth is on or after today's date in 2000, thank them and say they are not eligible because we are only surveying people over the age of 18. Do not conduct survey.*
- 2) Were you in court for your own case today?
 Yes (Eligible)
 No → *If no, do not conduct survey.*

Great! You are eligible for the survey. Just to let you know what to expect, I'll start with a few questions about how you got here today, questions about different parts of the building and your interactions with different people here today, attitudes in general about the criminal justice system, and finally a few demographic questions. Do you have any questions for me? Okay, let's get started!

COMPLETED BY THE INTERVIEWER

- 3) Today's Date: _____
- 4) Court session: Morning Afternoon
- 5) Court Part:
 AR2/Room 129
 Part B/ Room 402
 Part A/Room 405

6) Language of Interview

- English
- Spanish

VISIT TODAY

7) Had you been in this building (the Manhattan Criminal Court building) before today?

- Yes
- No

8) If yes, what brought you here before? (*select multiple – prompt other options*)

- My current case
- A previous case of mine
- Came for a friend or family member
- Jury duty
- Other: _____
- N/A

9) Were you held prior to your court appearance or did you come to court on your own today?

- Came on my own
- Was held in the courthouse after my arrest
- Was held in jail and brought in this morning on the bus
- Other: _____

10) When were you arrested for your current case? _____ (mo/day/year)

11) What were you arrested for?

12) Were you arrested for a violation, misdemeanor or felony? (Mark response given by participant)

- Violation
- Misdemeanor
- Felony
- Don't know

13) Were any friends or family of yours in the courtroom today? If so, who? (*check all that apply*)

- No one
- Spouse or partner
- Parent
- Minor child (own child under the age of 18)
- Adult child (own child 18 or older)
- Friend
- Other relative
- Other: _____

14) Did you have a private attorney that you are paying for or did the court appoint you a public defender?

- Private attorney
- Public defender
- Neither, represented self
- Not sure

TRUST IN CRIMINAL JUSTICE AGENCIES

Now I'm going to ask you some general questions about the criminal justice system in New York City.

On a scale from 1 to 5, please tell me how confident you are in the following agencies, with 1 being not at all confident and 5 being very confident:

	1 Not at all confident	2 Not very Confident	3 Neutral	4 Confident	5 Very Confident
15) The police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16) The prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17) The defense attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18) The judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19) Other court employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20) The jails	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21) City government overall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For the following statements, please indicate whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree.

22) New York City's criminal courts treat defendants with dignity and respect?

- Strongly agree
- Somewhat agree
- Somewhat disagree
- Strongly disagree

23) Overall, New York City's criminal justice system is fair.

- Strongly agree
- Somewhat agree
- Somewhat disagree
- Strongly disagree

Now I'd like to ask you some questions about your experience in the courthouse today. [If the person did not enter the building on their own, skip to Question 50]

ENTERING THE BUILDING/LOBBY/MAKING WAY TO COURTROOM

24) About how many minutes did you wait in line to get through security? _____(minutes)

25) How did you know where to find your courtroom once you got through security? (*check all that apply – list continues on next page*)

- Had been to the same courtroom before
- Looked at a map or directory
- Looked at court calendar (list of defendant names and courtrooms in the lobby)
- Information desk
- Asked security officer/court officer
- Asked someone other than a court officer
- Had it on my DAT slip or other court paperwork
- Signs directed me to the right place
- Someone told me in advance where I should go
- Just found my own way
- Other: _____

26) Did signs around the courthouse clearly direct you to your courtroom?

- Yes
- No
- N/A

Please tell me if agree, disagree or are neutral on the following statements about the building.

	Disagree	Neutral	Agree	N/A
27) Signs outside the building helped me know what to expect today.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28) The security procedures for entering the building were clear.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29) I was treated respectfully by the security officers as I entered the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30) Court staff seemed happy to answer any questions I had.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31) The bathrooms were clean.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32) I found my way around the courthouse easily.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33) I knew where to get water if I was thirsty.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34) The building was clean and well maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35) Signs inside the building were confusing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Disagree	Neutral	Agree	N/A
36) The temperature inside the building was comfortable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37) I knew who to ask if I needed assistance finding my way around the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

38) What would have made the process of navigating the courthouse easier for you today?

COURTROOM

I'm now going to talk to you about the courtroom you spent time in today.

39) When you got to your courtroom, how did you let court staff know that you were there?

- I did not let them know
- Followed the posted sign-in instructions
- Put the DAT slip in the basket (AR2 only)
- Told my lawyer
- Told the court officer
- Someone called my name
- Other: _____

40) Did anyone tell you what the rules were in the courtroom (*i.e.*, what you could and couldn't do while you waited on the benches)?

- Yes, my attorney
- Yes, a court officer
- Yes, the judge
- Yes, other court staff
- Yes, another court user
- No one told me the courtroom rules

41) Did you see courtroom rules posted or listed anywhere in writing today? If yes, where?

(check multiple)

- Yes, I saw a sign outside the courtroom door
- Yes, I saw a sign inside the courtroom
- Yes, in a pamphlet or on piece of paper someone gave me
- No, I did not see them posted or listed anywhere
- Other: _____

42) Do you feel like you knew what the rules were in the courtroom?

- Yes
- No
- Unsure

43) Do you think the courtroom rules were fair?

- Yes
- No
- Unsure

44) Why or why not?

45) About how long did you wait in the courtroom before your case was called?

_____ (specify hours or minutes)

46) While waiting in the courtroom, did the judge or court officer tell you about how long you would wait until your case was called?

- Yes
- No
- Can't recall

47) What did you do while you waited for your case to be called? (*check all that apply*)

- Watched other court appearances
- Read a book or newspaper
- Read materials provided in the courtroom
- Looked at phone
- Nothing
- Waited outside of the courtroom (specify where:
_____)
- Other: _____

48) What would have made the waiting experience better?

49) Did you know where the following people were located in the courtroom?

Judge	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Prosecutor	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Defense attorney	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Court Officers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Clerk	<input type="checkbox"/> Yes	<input type="checkbox"/> No

COURTROOM

Now I'm going to read you a list of statements about your experience in the courtroom today. Please let me know if you agree, are uncertain, or disagree with the following statements. (Some participants will have been detained so not all questions will be applicable).

	Disagree	Uncertain	Agree	N/A
50) Signs posted inside the courtroom were written in a respectful way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51) There was an interpreter available for you if you needed one.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52) Someone who works for the court said "hello" or "good morning" to you when you entered the courtroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53) The judge or court staff apologized for any delay before your case was called.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
54) The judge or court staff thanked you for your patience.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55) The judge or court staff clearly explained how decisions would be made.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56) It was easy to hear what was happening in the courtroom with other cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
57) You knew why some people's cases got called before yours and others came after.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58) If you had a question, you knew who in the courtroom to ask.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
59) The court officers or clerk <u>gave helpful answers</u> to questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60) The court officers or clerk <u>seemed happy to answer</u> any questions anyone had.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61) The <u>court officers</u> treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
62) The <u>prosecutor</u> treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63) The <u>court clerk</u> treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64) Your <u>attorney</u> treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65) You noticed a sign that explained your rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HOLDING/JAIL [Skip to Question 69 if did not come through holding cells]

For the next part of the survey I am going to ask about your experiences if you came to court today through the holding cells/the back.

66) How long were you held prior to your appearance before the judge today? _____ (specify hours or days)

67) Why were you released today? (*don't read list*)

- Released on Own Recognizance (ROR)
- Made bail
- Released to a Supervision Program
- Pled guilty/received a sentence
- Case was dismissed
- Other reason: _____

68) Overall, how satisfied were you with the way you were treated by court officers?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat unsatisfied
- Very unsatisfied

INTERACTION WITH THE JUDGE

69) Did the judge introduce himself or herself at the beginning of the court session?

- Yes
- No
- Can't recall

70) What was the name of the judge you saw? _____ Don't know

71) Did the judge explain that you are innocent unless proven guilty?

- Yes
- No
- Can't recall

I'm going to ask you some questions specifically about your interactions with the judge. When it was your turn to see the judge with your lawyer...

	Disagree	Uncertain	Agree	Refused
72) The judge treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73) The judge was polite to you.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
74) The judge or your attorney explained to you your rights as a criminal defendant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75) The judge gave you or your lawyer a chance to tell your side of the story.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76) The judge made eye contact with you.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
77) The judge called you by name.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Disagree	Uncertain	Agree	Refused
78) The judge tried to understand your <u>particular needs for services</u> or any other needs you had.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
79) The judge clearly explained what will happen if you <u>violate the court's orders</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
80) The judge seemed concerned about making sure you understood everything that was <u>going on in your case</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
81) The judge seemed concerned about making sure you understood anything the court was <u>ordering you to do</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
82) The judge showed bias in favor of the prosecutor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
83) The judge cared most about getting your case over quickly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
84) The judge considered what you or your lawyer said before making a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
85) The judge seemed to make his or her decisions fairly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
86) The judge treated you worse than others because of your race, sex, age, or some other reason.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
87) The judge used a lot of language you didn't understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88) You felt comfortable having other people in the courtroom hear your interaction with the judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

89) Did the judge get any of the facts wrong in your case?

- Yes
- No
- Can't recall

90) If yes, were you or your lawyer able to correct them?

- Yes
- No
- N/A

91) Was there anything you wanted to say to the judge that you weren't able to?

- Yes
- No

92) What was it?

CONSIDERING YOUR OVERALL EXPERIENCE TODAY, including your own court appearance today and any other appearances you observed while waiting in the courtroom, do you disagree, agree, or neither agree or disagree with the following statements?

	Disagree	Neither	Agree
93) Overall, the judge handled your case fairly today.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
94) Overall, you accept the judge's decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
95) The other cases you observed were handled fairly by the court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disagree	Neither	Agree
96) You feel that other defendants were treated with respect in the court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97) The court staff were intimidating.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
98) When you left the courtroom, you understood what you had to do next for your case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
99) You felt pushed around by people with more power than you.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The next few questions ask about the outcome of your case, and what, if anything, you were asked to do.

100) What was the outcome of your case today?

- The judge set bail
- You were sentenced
- Case was adjourned/you got another court date
- Case was dismissed
- ACD (adjournment in contemplation of a dismissal)
- Other: _____

101) If you were sentenced, what was your sentence?

102) Did you need to pay a fine or surcharge as part of your sentence?

- Yes
- No
- N/A

103) If yes, do you know how much you needed to pay and how to pay it?

- Yes
- No
- N/A

104) Did you or a friend or family members of yours have to pay bail for you to be released at any point in this case, either today or at an earlier point?

- Yes, today
- Yes, another day
- No

105) If yes, how clearly were the bail amount, type, and payment options communicated to you and/or the person paying your bail?

- Very clearly
- Somewhat clearly
- Somewhat unclearly
- Very unclearly
- N/A

106) Overall, how do you rate the fairness of your outcome today?

- Very fair
- Somewhat fair
- Somewhat unfair
- Very unfair

107) Was the result of your case favorable or unfavorable for your side of the case?

- Favorable
- Neither
- Unfavorable

108) Were you given any paperwork to remind you what you still need to do for your case?

- Yes
- No

109) Did you need proof that you attended court today for work or some other reason?

- Yes and I got it
- Yes, but I didn't get it
- No

110) Overall, did your experience in court today make you more confident or less confident in New York City's criminal courts?

- More confident
- Had no effect
- Less confident

For the following questions, please tell me if you are likely, unlikely or unsure whether you will...

	Unlikely	Unsure	Likely	N/A
111) ... Comply with your court order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

112) ... Pay your fine or surcharge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
113) ... Appear for your next court date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
114) ... Obey the law in the future?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
115) ... Report a crime to the police in the future?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
116) ... Tell family members or friends of yours that the criminal justice system is fair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL EXPERIENCE

Now I have some questions for you about your feelings about the Manhattan Criminal Court as a whole. On a scale from 1 to 5, with 1 as much worse and 5 being much better, please tell me if you think the following group of people usually receive better or worse treatment than others in court.

The following group of people usually receive better or worse treatment than others in the court...	1 Much worse	2 Worse	3 About the same	4 Better	5 Much better
117) African Americans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
118) Asian Americans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
119) Latinos or Hispanic Americans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
120) Low income people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
121) People with physical disabilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
122) People who don't speak English	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tell me how much you agree or disagree on a scale from 1 to 5 with the following statements about local courts, 1 being strongly disagree and 5 being you strongly agree.

The New York City Court System...	1 Strongly Disagree	2 Disagree	3 Uncertain	4 Agree	5 Strongly Agree
123) ... is protecting the constitutional rights of everyone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
124) ... treats people with dignity and respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
125) ... listens carefully to what people have to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
126) ... is ensuring public safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
127) ...has judges that are honest and fair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The New York City Court System...	1 Strongly Disagree	2 Disagree	3 Uncertain	4 Agree	5 Strongly Agree
128) The average person cannot understand what takes place in the courts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Now I'm going to ask you a series of statements about your feelings about laws and the justice system in general. Please tell me how strongly you agree or disagree with each statement on a scale from 1 to 5, with 1 being that you strongly disagree and 5 that you strongly agree.

	1 Strongly Disagree	2 Disagree	3 Uncertain	4 Agree	5 Strongly Agree
129) Laws are intended to protect people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
130) 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"/>
131) Most police protect everyone regardless of who they are.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
132) Laws prevent me from doing what I want.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
133) I believe all laws are good laws.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
134) Laws are enforced more when some people break them than when others do.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
135) In general, this country's justice system was designed to treat everyone equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
136) Breaking the law is no big deal as long as you do not physically harm someone.	<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.

137) How do you identify your gender?

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

138) 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, Blackfoot 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):

139) What kind of housing do you currently have?

- Private apartment or house
- Public housing (New York Housing Authority/section 8/other subsidized housing)
- Homeless or living on the street or in a shelter
- Other (Specify): _____

140) Did you graduate high school or receive a GED?

- Yes
- No

141) Are you legally employed?

- Yes
- No
- Refuse to answer

142) *(Ask only if overall view of court system is low but feelings of procedural justice are higher):* You expressed that you felt some parts of your treatment today in the court system felt fair, but your overall view of the court system remains negative. What are some of the other things you are taking into consideration when you rate the court system overall? (Probe: past experiences, experiences of family members, outcome of your case, etc.)

143) If there is one thing you would change about your experience in the court building today (aside from not being required to come here in the first place), what would it be?

144) Do you have anything else you would like to tell me about how you or other people are treated by the court?

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 \$15 Dunkin Donuts gift card.

Appendix C. Scripts

Judge Opening (at 9:30am)

Good morning, and welcome to Part __. I'm Judge _____. Thank you for being here on time and for your patience today. You may notice that we do things a little bit differently in this courtroom. Your experience here matters to me, so I am going to make some announcements to help ensure that you understand the process.

I know that waiting for your case to be heard can be frustrating. I will do my best to move the calendar quickly, but we also want to make sure that everyone has a chance to be heard.

We will start hearing cases as soon as the first case is ready. We cannot call your case until your lawyer is here, so if your lawyer is not here, you may want to go into the hallway and call or text them. If you don't know who your attorney is, the court officers would be happy to assist you. If you need assistance, please step up to the rail and speak to an officer.

As you listen to other cases, you may have questions about your case or the court process, like when is DNA testing required or what court surcharges will be due if you plead guilty. I will make an announcement about some of these things in about an hour, but I also encourage you to ask your lawyer.

Judge Overview (at 10:30am)

Good morning. I'm Judge _____. Thank you for being on time. The court officer is going to call your cases in the order they become ready. Your cases are not called by calendar number, and we cannot call your case until your lawyer signs it up. If your lawyer is not here, yet, you might want to go into the hallway and call or text them. This may help your case be heard sooner. If you are represented by The Legal Aid Society, you should check in up front (as soon as they arrive). If you are unsure of who your attorney is, please approach the rail – that's the bar right there and a Court Officer will assist you.

My job is to ensure a fair process to both sides. I will consider all of the evidence – including what your lawyer says – before I make my decision. I'll do my best to help you understand the process, and so will your attorney.

Every case is important, so we need you to be quiet so I can hear and so the court reporter can make an accurate record of what takes place. Cell phones are not allowed to be used, unless I've given you permission. This includes texting, reading email, playing games, checking social media, etc. This is for your privacy so court proceedings aren't video recorded. Often people who are accused of a crime don't want other people to know that. Also, the phones cause distractions that can slow down the calendar. If you need to use the cell phone, let your lawyer know (if they are here), and just go in the hallway, use it, and come back in. If you see any of the court staff using cell phones, typically we use them to communicate with the other courtrooms or clerks in order to speed up the cases, get files here quickly if they are missing, or track down attorneys or interpreters.

PART B only: Please use the signs to familiarize yourself with the parties standing around the courtroom

If you decide you want to take a guilty plea, you will be waiving your trial rights. There might also be immigration consequences if you are not a U.S. citizen. Again, you should discuss this decision with your attorney.

If you plead to a misdemeanor and it's your first, you may also have to give a DNA sample. In that case, an officer will take you to another room and do a quick swab of your cheek with a Q-tip.

If you plead guilty or are found guilty, and your sentence does not include restitution, there is a mandatory "surcharge," or tax that the law requires you to pay in addition to any fines that are part of the sentence. The amount of the surcharge varies - \$88 for a traffic infraction, \$120 for a violation, \$250 for a misdemeanor. You should discuss any fines or surcharges with your lawyer, including whether you want to pay today, or need time to pay. If you want to pay today, a court officer will escort you to the cashier on the first floor. If you request time and don't pay, you could end up with a warrant issued for your arrest, or a civil judgment entered against you, which could affect your credit rating.

I know that waiting for your case to be heard can be frustrating. Like I said, we can only call your case once your lawyer arrives and signs it up. There are two exceptions to this: cases where the defendant is in jail while their case is pending, and cases where the prosecutor is ready for trial today. Those cases are given a priority. Today we have _____ cases on the calendar, including cases where the defendant is currently in jail while their cases are pending. I'm usually pretty good at moving the calendar fast, unless I have to stop to tell everyone to be quiet, put away their cell phones, or wait for the defendant or lawyer to show up and sign up their case.

If you already know that your attorney is not going to show up, please let one of the court officers know. Just approach the rail when a court officer is not busy and someone will help you. Do not approach the rail when a case is being heard or another defendant is being helped. If you have a health or safety emergency, please speak to the closest court or police officer.

We typically break for lunch at about 10 minutes to 1:00. If your case has not been called by then, you will need to return to court after lunch at 2:15pm. We appreciate it if you do not approach the rail; we won't have any additional information for you until after lunch. If you are waiting for paperwork, we will let you know whether to wait in the hallway or come back after lunch.

Periodic Reminders

Ladies and gentlemen, as a reminder, please help keep the courtroom quiet so I can hear each case.

If you have any questions about your case, please speak in the hallway with your attorney.

Cases are called in the order your attorney signs them in, with priorities given to jail and trial-ready cases. If your attorney is not here, yet, please go into the hallway and contact them.

For interpreters:

This is Part _____. The judge is _____. It is an all-purpose part, where cases either go to trial, defendants plead guilty, or cases are dismissed. If you are not a U.S. citizen, you should let your lawyer know before you take a plea; any plea could have immigration consequences. The judge has asked me to tell you that (1) you must be quiet while waiting for your case to be called, (2) no cell phones may be used inside the courtroom, and (3) cases are called in the order the lawyers sign them up. If you have questions about your case, you should ask your lawyer. An interpreter will be with you when it's your turn to talk to the judge.

For Court Officers:

Court Officer Opening the Part

Good morning. This is Part _____. Thank you for being on time. Cases will be called when your lawyer and the prosecutor are ready, and your lawyer has signed in the case. Cases are not called by calendar number. They are called in the order your lawyer signs in. Please take a seat, and silence and put away all cell phones. They are not allowed to be used in the court. Please remove all hats, earphones, and hoodies. If you need to use your cell phone, please go into the hallway. Thank you.

Court Officer Opening

(All rise/remains seated). Good morning, ladies and gentlemen. May I have your attention please. This is Part _____. The Hon. _____ is presiding. Thank you for being on time. Cases will be called when your lawyer and the prosecutor are ready. We need to keep the courtroom quiet, so please, no talking. Also, please silence and put away your cell phones. For privacy reasons they are not allowed to be used in the court/ it's important that everyone follow the rules because by following the rules we are all making sure that each case receives the fairness it deserves. If you need to talk or use your phone, please step into the hallway. Thank you.

Appendix D.

Procedural Justice Bench Card for Judges

PROCEDURAL JUSTICE BENCH CARD

PARTS A & B

OPENING (9:30AM)

- | | |
|---|--|
| <input type="checkbox"/> Judge ___ in Part ___ | <input type="checkbox"/> Reasons for case order |
| <input type="checkbox"/> Thank defendants for being on time | <input type="checkbox"/> Why and how defendants should contact their attorney |
| <input type="checkbox"/> This court is different | <input type="checkbox"/> Listen for another announcement; ask lawyer questions |
| <input type="checkbox"/> Your experience matters | |
| <input type="checkbox"/> Waiting is frustrating | |

OVERVIEW (10:30AM)

WELCOME

- Thank defendants for being on time
- Reasons for case order
- Why and how defendants should contact their attorney. Instructions to check in if being represented by Legal Aid.

JUDGE'S ROLE

- Ensure a fair process
- Consider all of the evidence
- Help you understand the process (so will your lawyer)

RULES

- Importance of every case
- Need for quiet
- No cell phones. Reasons for restrictions.
Note: court staff may use phones
- Part B only: Signs that explain the process

PLEAS

- Importance of discussing these decisions with your attorney
- Immigration consequences
- DNA sample
- Surcharges and fines

WAITING

- Waiting is frustrating
- Reasons for case order
- Exceptions (defendants held in jail, prosecutor ready for trial)
- Number of cases on day's calendar

MISC.

- Communicating with court officers/ approaching the rail
- Lunch break

DURING BREAKS/LULLS

- Ladies and gentlemen, as a reminder, please help us keep the courtroom quiet so I can hear each case. Cell phones are not allowed—even checking email or reading. Thank you for your help with this.

RESPECT - VOICE - UNDERSTANDING - NEUTRALITY

PROCEDURAL JUSTICE BENCH CARD

PARTS A & B

GENERAL REMINDERS

Explain/excuse breaks,
side bars, and late starts.

Eye contact

Explain anomalies
(visitors, sickness, etc.)

Plain language
(e.g., avoid acronyms
and abbreviations)

Tone and demeanor

Microphone

EACH APPEARANCE

FOR EACH DEFENDANT

- Good morning/afternoon. Thank you for your patience this morning/afternoon.
- Is there anything else you'd like me to know about this case before I make my decision?
- Is _____ a good day for you to return to court?
- Good luck to you OR I wish you well, sir/maam.

PERIODIC REMINDERS

- Ladies and gentlemen, as a reminder, please help us keep the courtroom quiet so I can hear each case.
- Cell phones are not allowed—even to check email or texts.
- If you have any questions about your case, please speak in the hallway with your attorney.
- Cases are called in the order your attorney signs them in, with priorities given to jail and trial-ready cases. If your attorney is not here yet, please go into the hallway and contact them.
- Please do not approach the rail while a case is being heard.

RESPECT - VOICE - UNDERSTANDING - NEUTRALITY