

Hennepin County Court Defendant Survey

Final Report

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1 EXECUTIVE SUMMARY

The state trial courts are an important component in the criminal justice system, and an integral part of American life. The courts' impact on society can be considerable, both through direct interaction with defendants, jurors, and victims, and more generally through legal decisions. At the same time, the courts are reliant to some degree on the support of the general public.¹ Specifically, positive public perceptions of the courts are often predictive of individuals' willingness to cooperate and comply with them.² In short, without public support, the effectiveness of the courts becomes more difficult.

This report presents findings from a study investigating public perceptions of the Hennepin County (Minnesota) Courts using data collected from defendants immediately after their hearings ($n = 565$). The study evaluated several important constructs within the umbrella of positive perceptions of courts—trust in the courts, confidence in the courts, trustworthiness, distributive justice, judge treatment, court staff treatment, court performance, and comfort in court. These factors were also evaluated by court and by defendant race, gender, and custody status. Our results suggest:

- In general, defendants reported slightly positive overall perceptions of the courts, with the most positive responses for judge and court staff treatment. Given the considerable focus on judge treatment in court reform efforts and its effect on perceptions, this is an important and encouraging finding. Additionally however, the findings regarding court staff treatment suggests that these perceptions are also influenced by actors other than judges.
- Respondents were least positive in regards to court performance and their confidence in the court. These constructs focus on the respondents' evaluation of the courts' ability to "do their job." This finding suggests the public is less convinced about the court's capacity to process cases efficiently.
- Custodial status plays a substantial role in perceptions of the court. In custody respondents reported significantly more negative perceptions of the court than non-custodial participants. Race and gender also played a significant role in perceptions of the court—Black males had consistently more negative impressions of the court than other defendants—but this effect was much smaller than that of custody status. Despite some trends, the court in which the defendant appeared played a smaller role.

¹ See Sandra D. O'Connor, *Public Trust as a Dimension of Equal Justice: Some Suggestions to Increase Public Trust*, 36 Court Rev. 10 (1999).

² See Tom R. Tyler & Yuen J. Huo, *Trust in the Law*. (2002).

2 METHOD

2.1 SAMPLE

The data used in this study was collected from defendants by the Hennepin County Courts. Defendants ($n = 565$) were asked to complete a survey immediately following their hearing. The staff who collected the surveys worked for one of four entities within the court system. Non-custodial criminal defendants were provided by the Hennepin County Public Defender ($n = 199$) and Probation Offices ($n = 46$). The Hennepin County Family Court provided non-custodial defendants in family cases ($n = 74$), and the Hennepin County Sheriff's Office provided in-custody criminal defendants ($n = 246$).

A majority of the sample self-identified as Black (42%), with a significant number self-reporting as White (35%; 10% Native American, 6.7% Hispanic, and 2.3% Asian Pacific Islander). The majority of respondents did not use an interpreter in court (89%; one percent of the sample used a Spanish or Somali interpreter and eight percent used an interpreter of another language). The average age was 32.7 with a minimum of 12 and a maximum of 66. On some of the forms ($n = 162$) the defendant's attorney indicated the purpose of the appearance (see Table 1). These purposes ranged from first appearances to sentencing. The most common response was for a pretrial appearance ($n = 29$), but a significant number of appearances were first appearances ($n = 26$) or review hearings ($n = 24$).

Table 1. Purpose of Appearance (Count and Frequency)

PURPOSE	COUNT	FREQUENCY
PRETRIAL	29	5.1
FIRST APPEARANCE	26	4.6
REVIEW	24	4.2
ARRAIGNMENT	17	3.0
PLEA	12	2.1
SENTENCING	12	2.1
DETENTION	7	1.2
PROBATION VIOLATION	7	1.2
PSF	6	1.1
HEARING	5	.9
OMNIBUS	4	.7
TRAFFIC	3	.5
BAIL HEARING	2	.4
BENCH WARRANT	2	.4
PSF ARRAIGNMENT	2	.4
DUI	1	.2
HOMES CT	1	.2
PRE-TRIAL	1	.2
SECOND APPEARANCE	1	.2
DID NOT INDICATE A PURPOSE	403	71.3
TOTAL	565	100

2.2 SURVEY INSTRUMENT

Each participant completed a one-page (front and back) paper survey which included 37 questions relevant to their experience. The survey also included a brief demographics questionnaire. The survey took roughly 5 minutes to complete and participants were not compensated for their time.

2.3 SURVEY CONSTRUCTS

The 37 questions were selected from the literature and previous Minnesota court reports to assess one of eight constructs. Trust was measured using two items that conceptualized the construct as a willingness to accept vulnerability to the authority of the courts generally.³ Confidence was measured using the ten-item Confidence in Legal Institutions-Courts Subscale which measured the expected performance of the courts through questions about judges specifically and the courts generally.⁴ Trustworthiness was measured using three items that assessed the key elements of the court's ability, benevolence, and integrity.⁵ Distributive justice was measured using a single item that assessed the fairness of the outcome of the appearance. Judge treatment was measured

Table 2. Survey Constructs

CONSTRUCT	EXAMPLE ITEM	NUMBER OF ITEMS (RELIABILITY)
TRUST	I would be comfortable letting the courts in my community decide a case that was important to me.	2 (.88)
CONFIDENCE	Most judges in my community do their job well.	10 (.87)
TRUSTWORTH.	The courts in my community care about people like me.	3 (.84)
DISTRIBUTIVE JUSTICE	Did you get an outcome you thought was fair?	1 (n/a)
JUDGE TREATMENT	The judge treated me with respect.	8 (.94)
COURT STAFF TREATMENT	I was treated with courtesy and respect by the court staff (excluding judges).	2 (.77)
COURT PERFORMANCE	Court cases are resolved in a timely manner.	2 (.89)
COMFORT IN COURT	Did you feel comfortable in court today?	1 (n/a)

using eight items that focused on the procedural fairness experienced specifically from the judge's actions. Court staff treatment was assessed using two items which focused on the staff as another potential source of procedural fairness relevant experiences. Court performance was measured using two items that assessed the participant's belief that courts handle cases well

and in a timely manner. Comfort in court was assessed using a single item.

³ See Joseph A. Hamm et al., *On the Cross Domain Scholarship of Trust in the Institutional Context, in Interdisciplinary Perspectives on Trust: Towards Theoretical and Methodological Integration* 131 (Ellie Shockley et al., 2016).

⁴ Joseph A. Hamm et al., *Measuring Older Adult Confidence in Legal Institutions*, *Crim. Just. Pol. Rev.* (2016).

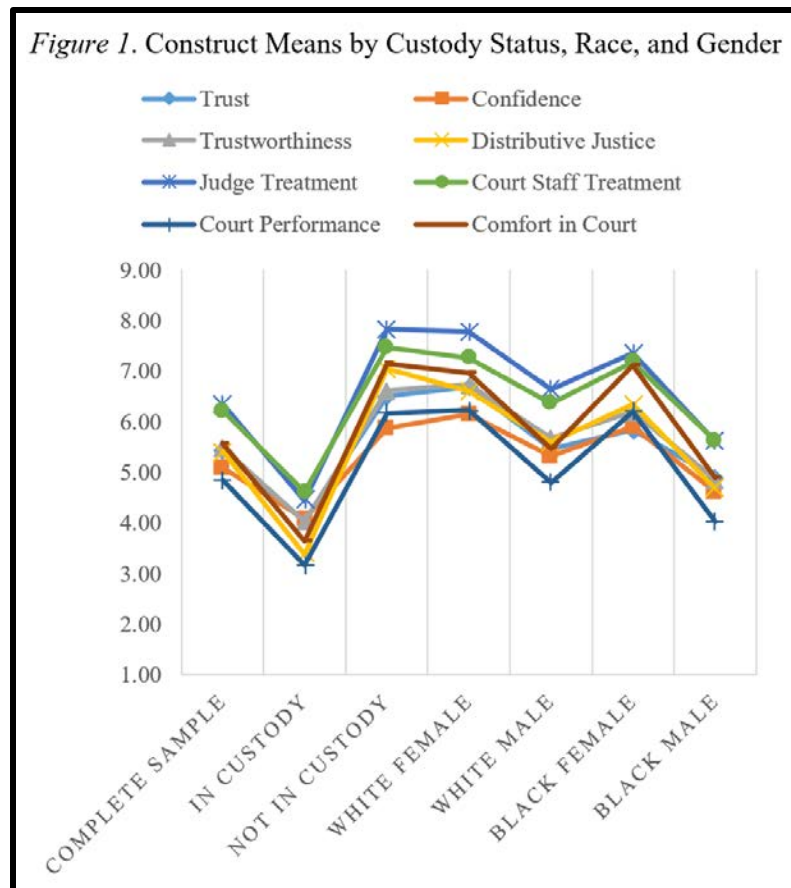
⁵ See Roger C. Mayer et al., *An Integrative Model of Organizational Trust*, 20 *Academy of Mgt. Rev.* 709 (1995).

3 MAJOR FINDINGS

Data from the surveys were first analyzed for the complete sample. As reported in Figure 1, the complete sample responses for all eight constructs were generally slightly above the midpoint of 5 (labelled “neutral”). Regarding the specific constructs, participants were generally most positive regarding their treatment by the judge and the court. They were generally least positive regarding court performance and confidence in the courts.

3.1 FINDINGS BY CUSTODY STATUS

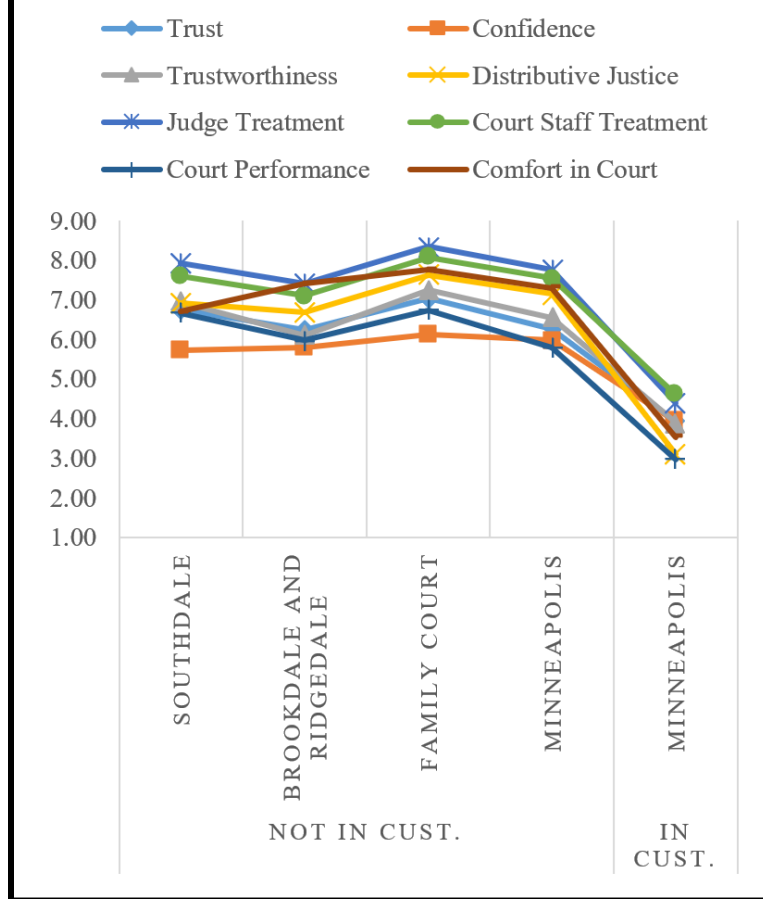
To better understand the results, we next considered the mean levels for individuals who were ($n = 246$) and were not ($n = 319$) currently in custody. As reported in the second and third column of Figure 1, in custody defendants were significantly more negative on all of the eight constructs (all significance values were less than .001). Regarding the specific constructs, defendants who were in custody and those who were not in custody revealed a similar pattern. Both were most negative regarding court performance and distributive justice and were most positive regarding judge and court staff treatment.



3.2 FINDINGS BY RACE AND GENDER

We next evaluated the findings by the race and gender of the defendant. The complete sample included 55 White females, 123 White males, 44 Black females, and 168 Black males. As reported in the last four columns of Figure 1, males were generally more negative in their responses than females and within genders, Black defendants were more negative than White defendants. The mean differences by gender were all significant at .001. The differences by race were also generally significant but the mean difference for comfort in court reached only marginal significance ($p = .06$). Within constructs, all four groups revealed similar patterns but it is worthy of note that Black females reported particularly positive ratings regarding their comfort in court and their perception of the court's performance.

Figure 2. Construct Means by Court



3.3 FINDINGS BY COURT

We finally evaluated the mean values by court. The complete sample included 73 defendants from Southdale, 33 from Brookdale and Ridgedale (these courts were combined because of their low individual numbers), 251 from Minneapolis, and 76 from Family Court (note that 132 cases did not report the court attended). It is important to note, however, that participants were not distributed evenly by custody status across the courts. Southdale, Brookdale, Ridgedale, and Family Court each had less than 5 in custody defendants. Minneapolis, however, was more evenly divided with 159 in custody defendants and 92 non-custodial defendants. We therefore evaluated the non-

custodial defendants for all five courts. We also include the in custody defendants in Minneapolis as a separate group. This is important because of the particularly negative views this group held in general. Participant responses were generally above the midpoint and typically reported judge treatment most positively, followed by court staff treatment. Confidence and court performance were generally lowest, but it is worthy of note that while comfort in court was generally low relative to the other constructs, it was relatively high in Brookdale and Ridgedale. Despite their negative responses, in custody defendants generally revealed a similar pattern of the constructs overall, but it is worthy of note that these defendants rated distributive justice particularly negatively.

4 CONCLUSIONS, CAVEATS, AND NEXT STEPS

The current results shed light on the experience of defendants in the Hennepin County Courts. It is, however, important to remember that the data for this study was not collected in a way that would permit us to speak directly to the generalizability of our findings (especially because of the small samples in some courts and a largely convenience-based sampling). Thus, it may be that the defendants' self-selection into the sample could have resulted in over-sampling individuals who were willing to cooperate because they had an especially positive experience. Our results did not reveal unexpectedly positive means, especially for the in custody defendants, but it remains possible that our sample represents only a subset of defendants in these courts.

Nonetheless, our results do suggest trends that are worthy of note. Overall, most participants were slightly positive in their responses with the most positive values for judge and court staff treatment. This is an important finding for the courts as the treatment of the judges has been a major focus of court reform in recent years.⁶ Court staff treatment has been a more limited focus but research does suggest that these encounters do influence how defendants, witnesses, and victims think about their time in court.⁷

Defendants in our sample tended to feel least positively about court performance and confidence with the mean value for court performance for the complete sample slightly below the midpoint. Both constructs shift the focus from the interpersonal interactions that are the emphasis in the two treatment variables and focus instead on how the courts "do their jobs." Confidence and timeliness have been focus areas of the courts as well⁸ and our results suggest that perceptions of these constructs may be opportunities for growth in Hennepin County.

The most robust findings in the results were the consistent differences between defendants who were and were not in custody at the time they were surveyed. Figure 1 reveals a dramatic difference between these groups such that in custody defendant means were substantially (and significantly) lower than non-custodial means. This finding is especially important when contrasted with the race effect of the current research which was much smaller (effect size comparisons suggest that the effect of race was roughly ½ that of custody status). The reason for this effect is not directly tested here but the especially low values for distributive justice could be suggestive of an important effect for this variable.

Thus, this research points to two important remaining questions. The first is the extent to which these results generalize to all defendants in the Hennepin County Courts. This question could be addressed by collecting additional data in the courts that target a random sample of defendants, stratified to include sufficient samples of relevant groups (courts, demographics, and appearance purposes). The second remaining question is the reasons for the especially negative responses from in custody defendants. It is possible that these defendants were systematically treated more poorly either in court or in the correctional facility but the global decrease in perceptions leaves

⁶ Kevin Burke & Steve Leben, *Procedural Fairness: A Key Ingredient in Public Satisfaction*. 44 Court Rev. 4 (2007).

⁷ Cynthia G. Lee et al., *A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center*. (2013) <http://www.courtinnovation.org/sites/default/files/documents/RH%20Evaluation%20Final%20Report.pdf> (last visited, Sept. 1, 2016).

⁸ See Susan M. Olson & David A. Huth, *Explaining Public Attitudes toward Local Courts*. 20 The Just. Sys. J. 41 (1998).

open the possibility that these defendants simply expected a more negative experience and responded accordingly.