

# Public Involvement as the Key to Public Trust and Confidence:

## A View from the Outside

Margot Lindsay

The Hearst survey conducted for the recent National Conference on Public Trust and Confidence discovered that the public's trust in the courts was driven mainly by its confidence in the jury system. Sixty-nine percent of the 1,000 people surveyed considered the jury to be the most important component of the justice system. I'm not surprised. From my experience in the jury pool, I'd gladly trust my fate to those with whom I served.

I don't know whether judges appreciate just how compelling the jury experience is for those of us for whom a court is unknown and somewhat forbidding territory. It can be riveting in itself, regardless of the case. So much so that more could perhaps be made of it to benefit both court and public.

I still remember my own one experience vividly, even though it was some time ago. When my summons arrived, I was a volunteer lobbyist on prison bills (the outgrowth of helping organize a sheriff's election) and a consultant on issues of public involvement with government. What better combination of these two pursuits than jury duty? I was thrilled to get my notice.

Although our state now has a one-day, one-case system, back then jury duty lasted thirty days. Many of us were so immersed in the process that we made daily notes. To show how compelling the experience can be, here are a few of mine:

This morning we are checked in and given a number. Mine is #149. We are 265, a veritable want-ad listing of occupations: sales clerk, city manager, student, housewife, subway operator, water inspector, unemployed barber, retired cook, self-employed artist, chemist, cura-

tor, bank messenger, telephone repairman, stock boy, engineer.

The three court officers assigned to us introduce themselves as our "baby-sitters," an incongruous term. The judge who has charge of our jury session comes to welcome us. The judge talks about the details of dress and formalities of court procedures. I am disappointed. I had expected words about the awesomeness of our role. Instead the judge tells the men to wear coats and ties, and we are all told to heed the instruction of court officers. The smart looking lady judge with "our boss" says nothing. No one speaks of the importance of the courts, of justice, nor of our role.

#149 is called for the second case of the morning. Sixty of us, cards in hand, file behind a court officer. As we near the courtroom our forced, nervous chatter dies away. We file into the pews at the back of the court, brushing as we go by two men, white, Irish-looking, already seated.

The judge appears. The defendants are told to stand while the charge is read. To my consternation they are the two men whom we had brushed by while coming in. My knees go to jelly. The full impact of sitting in judgment reaches out and hits hard in the middle of the stomach. I had been told by those who had gone through it that jury duty was interesting; no one had mentioned the emotional wallop. I am totally unnerved. I can hardly bring myself to look at the defendants.

The judge gives us the gist of the accusation. It is an unpleasant and sordid affair, not the kind of thing I had thought of as I thought of jury duty. I am called, challenged, dismissed, and feel relieved. Still unnerved by the idea of jury duty now that it has been made flesh and blood, I want some time to get used to it. And back on the fifth floor, I discover others are unnerved too....

Jurors come to tell me about their cases because I never make it beyond the [introductory] story, thrown off each time either by the prosecution or the defense. They are extremely serious about their job, even the most seemingly lighthearted: the ladies who play Boggle incessantly or the young swingers with their penny ante games. Never do I hear any discussion in the elevators, rarely in the corridors, and then never with others around....

We are finished. Our judge comes to thank us for our service and bid us goodbye. He urges us to tell our friends what a "good time" we had had so that they will respond positively should they get summoned. "Good time" seems jarring. It is not a phrase many of us would have used to describe our month together. "Good time" we often have. Jury duty was too important to us, too serious, too unique, to be called "a good time."

The needs of the court and the needs of the public come together during jury duty, and perhaps more could be done to benefit both sides. The public needs to see that justice is obtainable, and jury duty allows it to do just that. For its part, the court needs members of the

public to better understand both its workings and the infrastructure needed to support the courtroom, an infrastructure for which resources are never sufficient. And while on jury duty, a cross-section of the community eager to absorb that knowledge gives the court its undivided attention. Therefore, perhaps:

- *a tour of the courthouse could be offered either during the down time or at the end of the day.* This would allow outsiders to gain a sense of the scope of the court's work, of how many different functions take place within a courthouse. The tour could be conducted by a court officer or by a knowledgeable volunteer, similar to a docent in a museum.
- *the jury could be asked for feedback on the immediate experience, or for its feelings about the court system in general.* The jury pool is the only grouping in the country today that cuts across socio-economic and occupational lines – a ready-made focus group. The court in Sacramento, California, has conducted three-hour discussions with small numbers of jurors with useful results. New York State provides a written survey for jurors to complete when they are dismissed.
- *an advisory group to the jury manager, composed of a handful of veteran jurors, could be created to ensure that the jury experience is as comfortable, positive, and instructive as possible.* Such a group would create a channel of communication to the public for ongoing feedback to the court, and would introduce public involvement in a non-threatening way.
- *a court could provide box lunches to the jurors, with a judge to answer questions on the morning's experience.* Since public funds always are in short supply, this may be an unrealistic thought, but one that would express the value given the jury process and make an indelible impression.

I know judges have constraints placed on their interactions with the public, but I doubt any of these activities would prejudice the jury or compromise

the court.

And if it's the presence of the jury, of fellow members of the public that gives the public confidence in the courts, perhaps it's reasonable to suppose that providing more means to involve the public could only increase that confidence. Many courts, either for this reason or for others, such as access to resources or creating constituencies, have moved in this direction. Some examples:

- New Jersey's courts have had a long tradition of using volunteers in a variety of capacities, including child placement reviewers, mediators, and juvenile conferees, to name a few, all intrinsic to the justice process itself.
- Alabama's courts, following New Jersey's models, have recently instituted volunteer mediation and juvenile conference committees in several jurisdictions. Wisconsin, too, is increasing its use of volunteers.
- California's courts involve members of the public in their annual planning. The Sacramento court conducts focus groups not only with jurors, but also with other community groups, seeking their views on the role and mission of the court system, and the effectiveness of their particular court in carrying them out. Another court has enlisted academics and the business community to help modernize their record keeping.
- Some state courts with responsibility for probation have created advisory councils to state and local probation offices; these councils help bring community resources and public understanding to bear on programs, allow public acceptance to be gauged and policies and procedures to be fine-tuned in response to public concerns.
- New York City's community court works closely with the local community to identify problems, maintains collaborative relationships with community agencies, and uses a Community Advisory Board to find community work sites and maintain a continuing dialogue with the public served by the court. Other courts in New York State have advisory councils

to help them improve their "customer relations."

- Hawaii has long included citizens in its judicial councils.
- In creating bridges to the public, the courts are following the same path as other parts of the justice system. Community corrections and community policing have been followed by community prosecution and community justice. Some excellent publications that provide more information about models and critical elements of these and other successful outreach efforts are listed in the *Court Review* Resource Page later in this issue. For those interested in taking a more comprehensive look at community involvement in the criminal justice system, *Partnerships in Corrections: Six Perspectives*, recently published by the Center for Community Corrections in Washington, D.C., provides an excellent review.

Judges may worry that involvement with their communities will jeopardize their judicial independence. None of the existing models appear to do that. The judges always retain the final authority. And let me say, on behalf of the public, we want it that way. In Vermont, for instance, so-called reparative boards of community members, sent adjudicated cases by the court, devise sentences tailored to the crime, the criminal, and the victim, but subject to the judge's approval.

There are two reasons why bridges to the community are particularly critical today. First, judges increasingly are being asked to take on a raft of problems that used to be the community's to solve. Communities should not expect the courts to deal with them alone if the community has resources that could be put to collaborative use in partnership with the courts.

Second, in these days of alienation and tight resources, a constituency of disinterested citizens outside the system is not only invaluable, but absolutely necessary to show support for needed resources. Most state agencies dealing with mental health and mental retardation, the environment or children have constituencies – groups of knowledgeable individuals who:

- understand and can explain to other outsiders the work of an

- agency, what it can and cannot do;
- provide links to community agencies and volunteers;
- help identify and resolve problems involving both the agency and the community; and, above all,
- serve as advocates for the resources needed to fulfill the agency's mission.

Beyond the lawyers, few courts today have such constituencies. But they can be easily developed from citizens involved in the sorts of ongoing relationships discussed earlier.

The initiative for involving citizens in these relationships must come from the court itself. The public is hesitant to intrude. In fact, it probably wouldn't occur to the public that the courts would want their involvement.

The public's trust and confidence in the courts can only grow the more outsiders become conversant with its workings. The Hearst survey reports that "respondents who reported a higher knowledge about the courts expressed lower confidence in courts in their community, other things being equal." This needn't be the case. In my work I find that individuals working with their courts in the types of activities cited above become committed to their court and to helping it achieve its goals.

The first steps toward public involvement can be made on a trial basis, until its value is proven and a sufficient comfort level is achieved. But the opportunities are there. The models are tested. And the public will gladly respond.



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