

What Does the Public Think? Why Should I Care?

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1

Do You Know What People Think?

- How do you know?
 - Anecdotes from other court officials or friends
 - Where do they get their data?
 - Do they speak 'Truth to power'?
 - Formalized data sources
 - Political campaigns
 - Unhappy citizens

2

Why Do You Care?

- Public trust and confidence underlies everything courts do.
 - ‘Least dangerous branch’
 - Voluntary compliance heightened when people trust the courts to be fair
 - Forced compliance is inefficient and expensive
 - Lack of voluntary compliance in areas like public health is in fact dangerous
 - Civil unrest much less likely to happen when people trust their institutions
- “Consent of the Governed”—the right thing to aim for

3

Sources

- NCCALJ—Elon College poll, 2015
- NCSC annual public opinion surveys
- Gallup opinion polls
- Pew Center for Research “Race in America”, 2019

4

Some Key Findings, NCSC 2019

- Confidence in Local Police—77% (down by 12% from 2018)
- Confidence in State Courts—65% (down by 11%)
- Confidence in Federal Courts—65% (down by 9%)

5

American Attitudes and Race

Frank Newport, Gallup, June 17, 2020

- ‘Blacks in America today continue to report living a life in which they confront bias and discrimination on almost all fronts.’
- ‘Americans are no more positive about race relations today than they were in decades past, and in some instances are less positive today.’
- ‘There is a substantial gap between whites’ and blacks’ perceptions of the position of blacks in U.S. society.’
- ‘Gallup has frequently asked whites to answer the same questions about racial discrimination that are asked of blacks, and the results uniformly show that whites are much less likely to perceive bias and discrimination against blacks than is the case among blacks themselves.’

• <https://news.gallup.com/opinion/polling-matters/312590/american-attitudes-race.aspx>

6

Does Being White Help in One's Ability To Get Ahead in America? (Pew, 2019)

- All adults--59%
- Whites---56%
- Blacks—69%
- Hispanic—61%
- Asian—73%

7

Does Your Race Hurt or Help In Getting Ahead?

Pew, 2019

- Whites—5% it hurts, 45% it helps
- Blacks—52% it hurts, 17% it helps
- Among those who say being black hurts a person's ability to get ahead, blacks are far more likely than whites to point to racial discrimination, less access to high-paying jobs and less access to good schools as major reasons why this is the case. In turn, whites are more likely than blacks to point to family instability and lack of good role models as major obstacles for black people. The same shares in both groups (22%) say a lack of motivation to work hard is to blame.

8

Are Blacks Treated Less Fairly By the Criminal Justice System (Pew, 2019)

- Whites—61% say yes
- Blacks—87% say yes

- Similar answers for treatment by police

9

- Reports of Experiences in Interactions With Police, by Racial Group
- Thinking about any interactions you may have had with the police over the past 12 months, overall, would you say ...?

	It was an overall positive experience	You were treated with respect	You were treated fairly
	% Yes	% Yes	% Yes
National adults	75	86	89
White adults	79	90	93
Hispanic adults	68	81	84
Black adults	59	73	74

GALLUP PANEL, JUNE 23-JULY 6, 2020

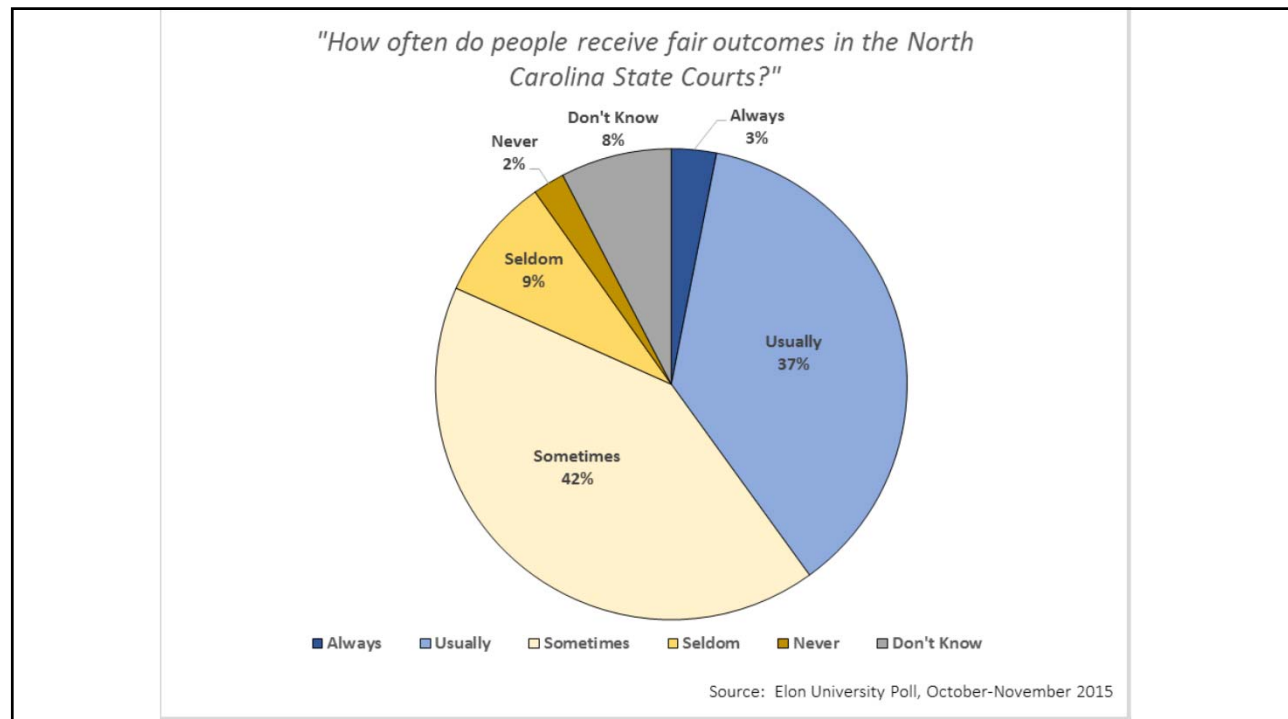
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Confidence in Police

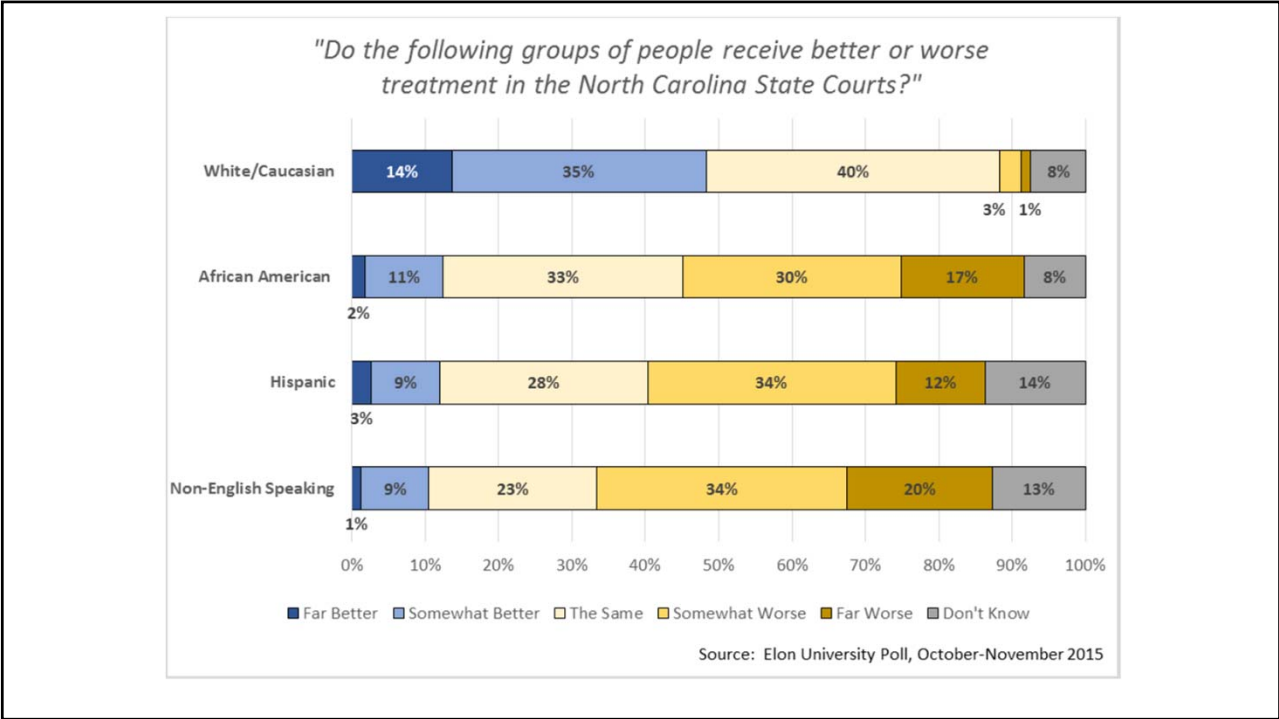
Gallup—June-July 2020

- 48%--"Quite a Lot" or "A Great Deal"
- Five point drop from 2019
- First time in 27-year span in which Gallup asked the same question that it has been below 50%
- Typically one of the institutions with higher positive numbers
- Medical institutions and public schools saw double digit increases, to 51% for medicine and 41% for schools

11



12



13

Does Judge's Race Matter?

- NCSC poll, 2016
- Split question—likely to get fair hearing, if:
 - Young white male defendant, AA judge
 - Less likely to get fair hearing, 11% (71%, no difference)
 - Young AA male, white judge
 - Less likely to get fair hearing, 36% (56%, no difference)
 - By race, 56% AA, 44% Hispanic, 30% whites

14

Lessons?

- Fairness is still the gold standard; procedural justice matters
- It happens one interaction at a time
- Public confidence starts with doing a good job
- Differences in life experiences and perceptions may mean that is not enough
- Justice is still the goal, both in substance and in process

15

Sources

- Gallup— <https://news.gallup.com/opinion/polling-matters/312590/american-attitudes-race.aspx>
- Pew— <https://www.pewsocialtrends.org/2019/04/09/race-in-america-2019/>
- National Center for State Courts— <https://www.ncsc.org/topics/court-community/public-trust-and-confidence/resource-guide/2019-state-of-state-courts-survey>
- North Carolina Commission on the Administration of Law and Justice — https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15-PTC-Survey-Results.pdf?OiaH7_fABhdPjV9gwKz7gJ_5QuX.6Ghw

16