

2015 Procedural Justice Site Solicitation REQUEST FOR PROPOSALS

The Center for Court Innovation and the U.S. Department of Justice's Bureau of Justice Assistance seek proposals from criminal courts interested in being assessed for their use of procedural justice practices. Four courts will be selected to receive an on-site assessment and recommendations. The ultimate goal is to advance procedural justice by (1) highlighting promising practices for the field at large, (2) helping jurisdictions identify problem areas, and (3) outlining short- and longer-term plans to implement appropriate interventions.

Project Overview

For many litigants, victims, and members of the public, words like “understanding” and “respect” are not routinely associated with a trip to court. Navigating the courthouse, its rules, and procedures can be daunting and stressful. And once in the courtroom, technical jargon and acronyms often restrict the conversation to only the most seasoned criminal justice players. For a typical non-legal professional observer, it is not uncommon to watch a case unfold and have only the vaguest idea of what actually happened. As Malcolm Feeley, author of the seminal *The Process is the Punishment* (1982), has observed: “I’ve sat in courtrooms in Sweden and Germany and had a better sense of what was going on, even with only a smattering of the language, than I do in many American arraignment courtrooms.”

Recognizing this, the Bureau of Justice of Assistance and the Center for Court Innovation have led a national effort to improve courtroom communication. This has included creating a training curriculum (piloted in-person in four jurisdictions and now available via an online learning system), a menu of promising practices, and an evaluation toolkit. All of these resources are available at www.courtinnovation.org/proceduraljustice.

Research shows that when litigants believe the court process is fair, they are more likely to comply with court orders and the law generally. Procedural justice refers to the perceived fairness of the procedures and interpersonal communications that defendants and others experience in the courthouse. It is distinguishable from distributive justice, which refers to impressions derived from case outcomes (*i.e.* whether the litigant ultimately “won” or “lost” the case).

Leading researchers on this topic, including Tom Tyler of Yale Law School, have identified several critical dimensions that contribute to procedural fairness: (1) *voice* (litigants’ perception that their side of the story has been heard); (2) *respect* (litigants’ perception that the judge, attorneys, and court staff treat them with dignity and respect), (3) *understanding* (litigants’ comprehension of the language used in court and the decisions that are made); and (4) *neutrality* (litigants’ perception that the decision-making process is unbiased and trustworthy).

When the dimensions of procedural fairness are present, litigants consistently report higher perceptions of fairness and public trust in government institutions and are subsequently more likely to be compliant. For example, litigants in problem-solving courts typically rate the fairness of the process far higher than litigants in traditional courts and, significantly, recidivate at lower rates – results that have been attributed to procedural justice.¹

¹ “A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center.” Available online at:

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To continue to build knowledge in the field on this topic, the Center for Court Innovation and the Bureau of Justice Assistance are seeking four criminal courts interested in participating in a no-cost site assessment of procedural justice practices. This solicitation is targeted to criminal courts interested in deepening their understanding of procedural justice and examining whether and how their current practice promotes the core elements of procedural justice: voice, respect, understanding, and neutrality. The ultimate goals of the site assessments will be to encourage criminal courts around the country to adopt procedural justice practices while helping participating jurisdictions become leaders in the field.

Eligibility Criteria

To be eligible to apply, applicants must be a local or state court with jurisdiction to hear criminal cases (including multi-jurisdictional courts).

Each applicant must identify a point of contact. He/she must also have the authority to commit to the following activities:

- Participate in one or more planning calls in the weeks leading up to the site assessment visit.
- Provide access to any planning documents, training resources, research studies, or other materials that document efforts to improve the perceptions of fairness.
- Host a site visit that includes:
 - Arranging access for project staff to observe multiple courtrooms
 - Facilitating the scheduling of interviews with leadership and line staff (approximately 10 individuals total) who work within related agencies, *e.g.* prosecutor's office, public defender's office, clerk's office, probation)
 - Providing access for photographs to be taken in the courthouse, when permissible and with individual consent provided by participating staff members and/or court users
- Provide feedback on the post-assessment recommendations and draft action plan.
- Participate in at least two post-assessment follow-up calls.

Strong applicants will be able to demonstrate (by citing concrete examples) a commitment to enhancing perceptions of fairness through attention to one or more of the four key practice areas outlined below. It is not expected that any one site will have tackled all of these areas.

About the Site Assessment Process

The selected sites will work with Center for Court Innovation staff to document how they are advancing four key practice areas:

1. Providing information about court procedures to court users (*e.g.* litigants, victims, and witnesses) and the community at large
2. Fostering a user-friendly courthouse environment
3. Developing mechanisms to solicit and respond to feedback from staff and court users
4. Improving the communication strategies used by judges and other court staff

<http://www.courtinnovation.org/sites/default/files/documents/RH%20Evaluation%20Final%20Report.pdf>; Rempel, M. 2012. "Review of NIJ's Multi-Site Adult Drug Court Evaluation." Center for Court Innovation. Available at <http://www.courtinnovation.org/sites/default/files/documents/MADCE.pdf>.

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Center for Court Innovation staff will assess these areas through a combination of practitioner interviews and self-assessments, a courthouse walk-through, courtroom observations, and court user feedback.

In the weeks following the site visit, project staff will develop a written report that includes suggestions for improving practice. Each site's point of contact (and his/her designees) will have an opportunity to offer feedback before a final report is issued.

In addition to the local action plans, project staff will aggregate the observations from all four sites to create a summary report that highlights promising practices and common challenges. The point of contact at each site will be able to review any direct quotations or identifying characterizations before they are published.

Benefits of Participating

There is no financial compensation for participating in this project. The benefits are non-financial.

The assessed sites will each receive a detailed analysis of current procedural justice practices that can be used as baseline information for future research and to jumpstart reform efforts. All specific observations about each site and the subsequent recommendations can be used or shared by the site at their discretion.

Each site will receive national attention for their participation in the project, and any model practices that were observed will be featured in the project's final report. Other site assessment observations will be shared in the aggregate only, without attributing specific practices to any one site. It is not the intention of this project to create any negative publicity for individual sites or publish unflattering results that single out any agency or jurisdiction.

Assessed sites will *not* be responsible for covering travel expenses associated with the site visit.

Site Selection Process

Applications will be peer reviewed by the Bureau of Justice Assistance, Center for Court Innovation, and a multi-disciplinary group of project advisors. In the selection of the four sites, prior experience with procedural justice, geographic diversity, and jurisdiction size will be taken into account.

A complete application must include:

- Application Cover Sheet (Attachment A)
- Application Narrative
- Letter of Support from the applicant court's administrative or presiding judge

Tentative Project Timeline:

- Solicitation release date: May 11, 2015.
- Applications are due June 12, 2015.
- Successful applicants will be announced by July 15, 2015.
- Planning calls with each site's point of contact and relevant stakeholders will take place in September and October 2015.
- On-site assessments are expected to take place between October 1, 2015 and March 31, 2016 at a mutually-convenient time for the site and the Center.

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Application Narrative

The application narrative should be double spaced, using 12-point Times Roman font with 1-inch margins. It should not exceed five (5) pages.

Please provide in detail the following information:

- 1) Describe the jurisdiction of the applicant court (e.g. annual number of cases and percentage that are criminal cases, summary of top criminal charges, and number of judges).
- 2) Please describe any efforts in your jurisdiction within the past 5 years to enhance litigant perceptions of fairness and/or the court user experience. Please highlight whether this experience overlaps with any of the specified areas of practice on page 2 of this solicitation.
- 3) Describe how you anticipate you will use the site assessment recommendations and action plan. How do you expect its content will be shared or utilized for planning purposes?
- 4) What obstacles do you expect to face when planning and implementing this project?

Letters of Support

With your application, please provide a letter of support from the administrative or chief judge of the applicant court. The letter must demonstrate the court's support of the project and commitment to completing the activities enumerated on page 3 of this solicitation.

INSTRUCTIONS FOR SUBMITTING PROPOSALS

Please send completed proposals:

In hard copy to:

Emily Gold LaGratta
c/o Center for Court Innovation
520 8th Avenue, 18th floor
New York, NY 10018

– OR –

In PDF format by email to:

lagrattae@courttinnovation.org

Subject line: "Procedural Justice Site
Assessment Application"

For questions about this solicitation, please contact Emily Gold LaGratta at the above email address or at 646-386-4468.

Proposals must be received no later than Friday, June 12, 2015 at 5pmEST.

Thank you and good luck!