Justice in Washington State Survey

2012

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The Washington State Supreme Court Minority and Justice Commission, in collaboration with Principal Investigators Professor Jon Hurwitz (University of Pittsburgh), Professor Jeffery Mondak (University of Illinois), and Professor Mark Peffley (University of Kentucky), contracted with YouGov, a Palo Alto, CA-based internet polling facility, to assess the attitudes of Washington State residents pertaining to the criminal justice system. The purpose of the study is to examine not only how Washingtonians perceive the system, but how such perceptions differ across racial and ethnic groups. For this purpose, we surveyed 611 Whites, 288 African Americans, 305 Latino/Hispanic Americans, and 320 Asian Americans/Pacific Islanders.

As we noted in the "General Descriptive Report" (hereafter, the First Report), "African Americans and Whites are on two different ends of the spectrum, with the former exhibiting strong signs of cynicism about the ability of the justice system to provide fair, impartial, and respectful justice, and the latter displaying substantially more confidence and trust in the system. Typically, we find Latinos to be somewhat less critical than African Americans, but still substantially more critical than Whites. And Asians/Pacific Islanders, while fluctuating somewhat from question to question, adopt roughly the same (though slightly tempered) levels of trust typical of Whites."

- *Part I*: When we asked about their personal encounters with police officers and the courts, we found substantial differences between Whites and African Americans in terms of the frequency of negative encounters. Specifically, Black respondents reported being treated both "unfairly" and "disrespectfully" far more often. In the most extreme case, while only 11% of Whites report disrespectful treatment from the police at least once, fully 62% of African Americans make note of such treatment.
    - Racial differences are particularly notable regarding perceptions of *disrespectful* treatment, with Blacks frequently reporting that they are not treated (by either the courts or, especially, the police) with appropriate respect.
    - Latinos report more contentious contacts than Whites, though somewhat fewer such contacts relative to African Americans.
    - The personal experiences of Asian Americans are roughly comparable to those of Whites, although approximately one-third of Asians Americans reported disrespectful treatment by the police.
    - All four groups report substantially more contentious (both disrespectful and unfair) contact with police officers than with the courts, at least in part because contacts with the police of any kind are more common relative to contacts with the courts.
- *Part II*: When we asked about discrimination in the neighborhood (e.g., the police stopping and questioning Blacks and Latinos more often than Whites, the courts giving harsher sentences to Blacks and Latinos, or the police caring more about crimes against whites than against minorities), White respondents were only about half as likely as Black respondents to identify these concerns as important in their neighborhoods. For instance, while only about one-third of Whites see it as problematic that the police stop and question Blacks far more often than Whites in their neighborhoods, fully 70% of Blacks identify this problem. Both Latinos and Asian Americans were much more likely to agree with Blacks than with Whites in the identification of these neighborhood problems.
- *Part III*: We find that, when individuals are asked about their evaluations of the broader criminal justice system (as opposed to their personal experiences or assessments of neighborhood problems), substantial pluralities of all groups express serious doubts about the ability of the system to mete out justice fairly and impartially.

- More than 40% of respondents from all groups disagree with the statements "The justice system in this country treats people fairly and equally." And more than 65% of respondents (regardless of group) believe that, if two people, "one white, one black, appear in court, charged with an identical crime they did not commit," the black person would be more likely to be found guilty."
- At the same time, we continue to find substantial inter-group differences, with Latinos, and even more so African Americans, substantially more cynical about the fairness of the justice system relative to Asian Americans and Whites.
- When we asked all respondents to rate how fairly the justice system treats Whites, Blacks, Latinos, and Asian-Americans, all four groups provided comparable answers: Whites are treated most fairly, Asian Americans somewhat less fairly, and Latinos and, especially, African Americans are treated least fairly. Yet, once again we find the familiar pattern that Whites see less discrimination than do other groups, particularly African Americans, who see the justice system as treating Whites far more fairly than it treats Blacks.

- *Part IV*: While survey questions were not always focused on the justice system in Washington State, we did ask respondents whether "Compared with other states, the judicial system in Washington State treats people [more/less] fairly and equally as other states." As indicated in the First Report, Washington is not exempt from the perceptions of widespread bias and discrimination that so many have expressed. While roughly one-third of each group sees Washington as being somewhat more fair than other states, two-thirds believe it is either equally, or even less, fair relative to other states.

In "Analysis of Results" (hereafter, the "Second Report"), we reported on some of the *consequences* of the aforementioned findings.

- *Section I*: Personal negative encounters with the police have a far ranging impact on how individuals of all four groups assess the broader justice system. Specifically:
  - The more frequently individuals report being treated unfairly or disrespectfully by the police, the less likely they are to agree that the "justice system in this country treats people fairly and equally" and/or "the courts in this country can usually be trusted to give everyone a fair trial."
  - Negative personal encounters with the courts also impact respondents' evaluations of the justice system and the courts, albeit less strongly, most likely because personal interactions with the courts are less frequent and less negative.
- These findings are critical, inasmuch as they emphasize the importance of, particularly, the police in shaping citizens' views of the broader criminal justice system. When treated disrespectfully and (to a somewhat lesser extent) unfairly, individuals are substantially more cynical about the performance of the overall system of justice, including the courts.
- *Section II*: In turn, when citizens (especially Whites) hold cynical views of the general justice system, they also tend to be distrustful of the behavior of police officers in hypothetical circumstances. For example, when we asked respondents whether the police department would conduct a fair and thorough investigation into an incident involving a police officer charged with brutalizing a motorist, African-American respondents were uniformly unlikely to believe the investigation will be fair and thorough. White respondents were just as pessimistic about the likelihood of the police launching a fair investigation of the incident, but only *if* they were cynical about the justice system, while Latino and Asian respondents were somewhere between Whites and Blacks in their response to the incident. Overall, prior beliefs about the fairness of the system colors individuals' interpretations of potentially incendiary incidents in important ways.

- *Section III*: The impact of negative personal encounters with the police and/or courts is greatly magnified through "discussion networks," or the acquaintances with whom citizens tend to discuss their experiences. African Americans are, other things equal, far more likely to discuss their police encounters with other African Americans, encouraging a tendency for them to base their evaluations of the justice system not just on personal experiences, but on vicarious experiences with acquaintances, as well. Even Blacks who have not had personal negative encounters with law enforcement, therefore, have often spoken with someone who has experienced such an interaction, potentially leading to more critical assessments of the justice system even among those not personally affected by it. When it comes to information from vicarious experiences, negative justice encounters influence individuals' evaluations of the justice system much more strongly than information about positive justice encounters.

Justice in Washington State Survey, 2012
General Descriptive Results
First Report

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Prepared for

The Washington State Supreme Court Minority and Justice Commission,
The State of Washington Administrative Office of the Courts-Washington State Center for Court Research

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The Washington State Supreme Court Minority and Justice Commission, in collaboration with Principal Investigators Professor Jon Hurwitz (University of Pittsburgh), Professor Jeffery Mondak (University of Illinois), and Professor Mark Peffley (University of Kentucky), contracted with YouGov, a Palo Alto, CA-based internet polling facility, to assess the attitudes of Washington State residents pertaining to the criminal justice system. The purpose of the study is to examine not only how Washingtonians perceive the system, but how such perceptions differ across racial and ethnic groups. For this purpose, we surveyed 611 Whites, 288 African Americans, 305 Latino/Hispanic Americans, and 320 Asian Americans/Pacific Islanders. (Further documentation of the survey methods and questions are provided in the Appendix, which follows Figures 1-9.)

In the pages that follow, the Principal Investigators will document the nature of these differential perceptions, with the analysis proceeding in the following three sections. Section I will focus on citizens' **Personal Experiences** with the criminal justice system, using survey items asking respondents to rate the police and criminal courts using criteria such as fairness and respectfulness based on their own experiences. In Section II (**Community Problems**), we turn to a series of questions asking individuals to assess the seriousness of alleged discriminatory treatment of Blacks and Latinos by the police and courts in their community. And Section III is designed to shed light on respondents' more **General Assessments** of the criminal justice system. While inter-group differences vary between both sections and across survey items within each section, the general conclusion is clear: African-Americans and Whites are on two different ends of the spectrum, with the former exhibiting strong signs of cynicism about the ability of the justice system to provide fair, impartial, and respectful justice, and the latter displaying substantially more confidence and trust in the system. Typically, we find Latinos to be somewhat less critical than African-Americans, but still substantially more critical than Whites. And Asians/Pacific Islanders, while fluctuating somewhat from question to question, adopt roughly the same (though slightly tempered) level of trust typical of Whites.

It is important to keep in mind that no single item is, in and of itself, terribly revealing about inter-group differences. Instead, we have adopted a "multiple indicator" approach that relies on assessing attitudes using numerous, rather than single, survey questions. It is the consistency of responses across similar items, rather than a particular item, that we emphasize in this report.

Part I. Personal Contact with the Criminal Justice System in Washington State

It is important to begin with an assessment of citizens' personal or vicarious contacts with agents of the Criminal Justice System. This is partly because such information is vital for the purpose of identifying problem areas in need of remediation, and partly because, as we have found elsewhere (see Peffley and Hurwitz 2010), such personal contacts have a spillover effect, influencing how citizens' encounters with the justice system influence their judgments of the system as a whole.

Negative Personal Encounters with Police and Courts

To examine the frequency and the nature of citizen encounters with justice system agents (i.e., police officers and the courts), we asked two sets of question, with responses to the first set in Figure 1. In this battery, we asked individuals 4 questions, all beginning with the preface "Some people have had encounters with the police; others have not. How many times have you ever":

1. Felt you were treated disrespectfully by a police officer?
2. Felt you were treated unfairly by the police [just because of your race or ethnic background][1]?

[1] The phrase, "just because of your race or ethnic background," was only asked of the here minority groups (Blacks, Latinos and Asians/Pacific islanders).

"Some people have had encounters with the criminal courts (that deal with crimes such as house burglary and physical assault); others have not. How many times have you ever":

3. Felt you were treated disrespectfully in a criminal court?
4. Felt you were treated unfairly by court officials [just because of your race or ethnic background]?

The color-coded bars in **Figure 1.a** correspond to the percentage of each group (Whites, African-Americans, Latinos, and Asians) who believe they were treated disrespectfully/unfairly by the officer/court on at least one occasion.[2] While the results are complex, a number of conclusions are clearly warranted.

1. White and Black respondents differ strongly, on all 4 questions, in the expressed frequency and nature of their contacts with agents of the justice system. Typically, only small minorities of the former group report that they have been treated either disrespectfully or rudely, while substantially larger percentages of the latter group report such treatment. Most starkly, while only 11% of Whites report disrespectful treatment from the police at least once, an astonishing 62% of African-Americans make note of such treatment. But even on the other items the differences are substantial. Blacks are almost twice as likely to report at least one instance of unfair treatment from the courts relative to Whites, and 4 times as likely to report disrespectful treatment from the criminal courts.
2. This inter-racial (Black-White) difference holds for both the criminal courts and for police officers, and irrespective of whether the reported treatment was described as "disrespectful" or "unfair."
3. Nevertheless, the inter-racial differences are most problematic and most dramatic on the "disrespectful" questions than on the "unfair" questions, especially at the hands of police officers. Clearly, there is a very widespread sentiment among large numbers that they are not treated with appropriate respect.
4. The responses of Latinos indicate more contentious contacts with the police and the courts relative to Whites, but fewer (usually substantially fewer) relative to African-Americans. As with African-Americans, the White-Latino disparity is more substantial on the "disrespectful" items than the "unfair" items.
5. Asian respondents report fair treatment at the hands of both police officers and the courts at essentially the same rate as White respondents. However, this is not the case on the two "disrespectful" questions, where Asians are 3 times more likely to have experienced disrespectful treatment at the hands of the police and more than twice as likely to have experienced disrespectful treatment at the hands of the courts, relative to Whites.
6. All 4 groups reported substantially more contentious (both disrespectful and unfair) contact with police officers than with the courts. In all likelihood, this finding is due to the fact that contacts with the police *of any kind* are more common relative to contacts with the courts.
7. Most specifically, the real problem of perceived mistreatment is clearly documented in the finding that all 3 minority groups, relative to Whites, report high levels of disrespectful treatment by the police. While only 11% of Whites indicated such treatment, fully 62% of Blacks, 44% of Latinos, and 33% of Asians offered such assessments. And not only did far more African-Americans report disrespectful treatment from the police, but they also reported this happening on multiple occasions: 13% of the Black respondents indicated 3-4 such contacts, 5% indicated 5-6 such contacts, and 10% reported 7 or more such contacts.
8. **Figures 1.b to 1.e** provide a further breakdown of the frequency with which the four groups report being treated unfairly and disrespectfully by the police and courts across all five response options ("Never (0 times)" to "7+ times"). The figures nicely underline two points made previously: 1) Whites and African Americans stand out in their disparate treatment by the police,

[2] Response options included: a) Never; b) 1-2 times; c) 3-4 times; d) 5-6 times; and e) 7 or more times.

and 2) reports of negative encounters with the courts are much less frequent than encounters with the police.

Evaluations of Police and Court Treatment

Because responses to these first four questions are heavily dependent on the total number of *personal* contacts with the courts and police which are likely to vary with opportunities for such contact, we devised a second set of measures that are less dependent on personal contacts with justice system agents. Specifically, all respondents were asked:

1. Based on what you have heard or your own experience how often would you say the police generally treat all people with respect?
2. About how often would you say that the police make fair, impartial (unbiased) decisions in the cases they deal with?
3. Based on what you have heard or your own experience, how often would you say the courts generally treat all people with respect?
4. How often do you think the courts make fair and impartial decisions based on the evidence made available to them?

The bars in **Figure 2** correspond to the percentages of respondents from each group who feel that the police/courts do *not* generally treat all people with respect/do *not* make fair, impartial decisions.[3]

Figure 2 tells much of the same story as Figure 1. Most obviously:

1. There is, once again, a substantial interracial (i.e., Black-White) difference on all 4 items. Blacks are 55% more likely to describe the police as disrespectful (68% of Blacks vs. 44% of Whites), 42% more likely to describe the police as unfair (68% of Blacks vs. 48% of Whites), 60% more likely to describe the courts as disrespectful (64% of Blacks vs. 40% of Whites), and 50% more likely to describe the courts as unfair (60% of Blacks vs. 40% of Whites).
2. The largest race gap, as before, is on the "disrespectful" dimension (and is somewhat attenuated on the "unfair" dimension).
3. Asians and Latinos provide roughly comparable (to each other) responses across the four questions. They are located between White and Black respondents (being more critical than Whites but less critical than Blacks), although they are closer to the former than to the latter.
4. It is also noteworthy that, even among Whites (those most favorable to the agents of the justice system), significant minorities are critical. Across the four questions, between 40 and 48% of White respondents expressed the view that the police/courts fail to treat all citizens respectfully and fairly. Clearly, the police and courts are evaluated quite critically by many individuals in the population, both White and (even more so) minority.

General Conclusions (Part I): Across these 8 questions, we have documented substantial inter-racial (i.e., Black-White) differences in citizen perceptions of the agents of the Criminal Justice System based on their own experiences. Whites are far more likely to perceive the police/courts to be respectful and impartial to all citizens, while African-Americans see the police/courts much more critically. To a lesser extent, Latinos and Asians are more critical relative to Whites, though quite a bit less critical relative to African-Americans.

We have, additionally, identified more negative evaluations of the police than of the courts, but this is likely due to the infrequency with which citizens have personal contact with the courts relative to the

[3] Individuals were asked to respond on scales ranging from 1 ("Never"—i.e., the most negative assessments) to 6 ("Always"—i.e., the most favorable assessments). Figure 2 reflects the percentage of respondents selecting options 1-3, or believing the police/courts to be disrespectful/unfair at any level.

police. In Figure 1.a – 1.e, reports of unfair/disrespectful contacts with the courts are rare in comparison to such contacts with the police, doubtless (at least in large part) because citizens are so much more likely to have *any* type of contact with a police officer.

At the same time, when we ask respondents to evaluate the courts for treating all citizens respectfully and fairly (Figure 2), it is also clear that even the most charitable group (i.e., Whites) are fairly critical.

Finally, members of all 3 minority groups are especially likely to feel that the police are treating them disrespectfully (Figure 1). 62%, 44%, and 33% of Blacks, Latinos, and Asians (respectively) report interactions with police officers that they would consider to be disrespectful.

Part II: Assessments of the Justice System in the Community

Our focus in Part I was the personal (or vicarious) experience, and how groups describe and evaluated it. We now turn to assessments of the community and, more specifically, whether respondents see discriminatory treatment of minorities by the Criminal Justice System to be problematic in their own neighborhood.

We asked all respondents 5 questions: "Rate how serious you feel each of the following problems with the justice system is in your community, where 1 = 'Not a problem at all' and 6 = 'Extremely serious problem'."

1. Police who stop and question Blacks far more often than they stop Whites?
2. Courts that give harsher sentences to Blacks than to Whites?
3. Police who care more about crimes against White people than crimes against minorities"
4. Police who stop and question Hispanics/Latinos far more often than they stop Whites?
5. Courts that give harsher sentences to Hispanics/Latinos than to Whites.

As noted, respondents were instructed to employ 6 point scales. The color-coded bars in **Figure 3** represent the percentages of the four groups believing a scale item to be a "problem" to one extent or another, defined in this case as using response options 4-6.

The findings in this Figure can be summarized relatively easily:

1. Across all 5 questions, White respondents are *considerably* more positive (or least likely to see community problems) than individuals of any other group. To be sure, only about one-third of the Whites in our sample identified problem areas—a number that pales in comparison with the percentages in other groups.
2. At the same time, even while Whites are substantially more charitable in their assessments, it is notable that approximately one-third of them perceive discriminatory treatment of minorities as problems in their communities.
3. Across all 5 questions, African-Americans provided the most negative assessments (or were most likely to see community problems). This is particularly evident when asked about the discriminatory treatment of Blacks in their communities (questions 1 and 2, above); but even when asked about Latinos (questions 4 and 5, above), Blacks are the harshest critics of criminal justice in their neighborhoods.
4. Latino respondents are somewhat less critical of community justice than are Blacks. Nonetheless, substantial majorities of Latinos perceive problems on all 5 questions.
5. Asian respondents are quite critical, especially on the first 3 items (2 of which pertain to African-Americans). This is somewhat surprising inasmuch as Asians are not specifically referenced in any of the questions, with the partial exception of the third question, which inquires, generically,

about "minorities." Despite their lack of personal negative encounters with police and courts, Asians are aware of the problematic treatment of minorities in their neighborhoods.

6. Clearly, there are major and meaningful problems as perceived by members of all 3 minority groups, majorities of whom believe that the police are more likely to stop and question Blacks and Latinos disproportionately, that the courts give harsher sentences to Blacks and Latinos, and that the police care more about crimes against Whites than about crimes against minorities.
7. It is noteworthy that we asked respondents specifically about *their communities*, meaning that individuals are assessing their own neighborhoods in Washington State, not some generic, abstract community somewhere in the country. Unlike most Whites, the large majority of whom see the justice system in their communities as very fair, minority respondents are quite critical of their own backyards.

Part III. General Assessments of the Criminal Justice System

In Parts I and II of this report, we provided evidence regarding assessments of the justice system based on personal or vicarious contacts and assessments of the seriousness of discriminatory treatment of minorities in the respondents' communities. In Part III we turn to more general assessments of the justice system.

General Evaluations of the Justice System

We begin with two very generic items (represented by the top two sets of bars in **Figure 4**):

- The justice system in this country treats people fairly and equally.
- The courts in this country can usually be trusted to give everyone a fair trial.

The bars correspond to the percentage of respondents from each group disagreeing with each statement.[4]

Levels of cynicism about the ability of the justice system to treat citizens fairly and equally are, universally, quite high. Specifically:

1. Substantial pluralities—in many cases substantial majorities—of all four groups disagree with both of these statements. Depending on the question, 42 and 44% of Asians, who are the most charitable in their responses, do not believe that the system or the courts dispenses justice in an even-handed and fair way.
2. Whites and, perhaps somewhat surprisingly, Latinos are quite a bit more critical than Asians on the first question (pertaining to the judicial system treating people fairly and equally).
3. As always, African-Americans are noticeably more negative in their evaluations, with approximately 6 out of 10 expressing the belief that the justice system and the courts do not dispense equal justice.
4. The overall conclusion, despite these inter-group differences, is that Washingtonians of all groups perceive a great deal of injustice.

Perceived Bias in the Courts

We turn now to a two-question battery designed to assess respondents' perceptions of whether the courts provide fair justice to, specifically, the poor and to African-Americans. The bottom two sets of bars in **Figure 4** reflect responses to the questions:

- Suppose two people—one rich, one poor—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?

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[4] Respondents were asked to express their agreement on a scale ranging from 1 (Strongly Agree) to 6 (Strongly Disagree). Figure 4 indicates the percentage of individuals indicating disagreement (i.e., options 4-6).

- Suppose two people—one White, one Black—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?

The Figures reflect the percentage responding that the poor/Black person is more likely to be found guilty of such a crime.[5] Quite clearly, majorities—typically large majorities—of respondents from all four groups sees the courts as heavily stacked against the poor and against African-Americans.

1. Even among Whites, the group most frequently described as supportive of the criminal justice system, 54 (rich-poor) and 65% (White-Black) lack faith in the ability of the system to adjudicate cases evenly.
2. While all respondent groups have somewhat more confidence in the courts when asked about potential class-based biases, between 45 (Asian) and 74% (African-American) believe that the wealthy to be advantaged relative to the poor.
3. When individuals are asked about the potential of racial bias in the courts, the level of skepticism found in all four groups is alarming: 65, 71, 74, and 81% of Whites, Asians, Latinos, and Blacks, respectively, believe a Black defendant is more likely to be found guilty of a crime he did not commit.
4. There is not *any* evidence, therefore, that *any* group of respondents believes the courts to be trusted to dispense justice fairly and evenly.

Explanations of Racial and Ethnic Disparities in Punishment

We employed another, quite different, procedure to assess citizens' evaluations of the criminal justice system, asking them to explain whether the disproportionate arrest and imprisonment rates for minorities is due more to the faults of the justice system or to the faults of the minority group. Specifically, respondents are informed that "Statistics show that Blacks are more often arrested and sent to prison than are Whites," and then asked "How much of this difference occurs because":

- Blacks are more aggressive by nature?
- Blacks are just more likely to commit crimes?
- Many younger Blacks do not respect authority?
- The courts and justice system are stacked against Blacks and other minorities?
- The police are biased against Blacks?

A parallel set of questions was asked about Latinos.[6]

When individuals are asked to make assessments of this sort, they typically offer explanations that are either *Dispositional* or *Systemic*. In this context, *Dispositional* explanations focus on characteristics (i.e., faults) of the groups—either Blacks or Latinos. In the top three items in **Figures 5 and 6**, the bars represent the percentage of respondents who believe that the higher arrest and incarceration rates of Blacks/Latinos are at least somewhat attributable (i.e., "A Great Deal," or "Some") to the personal failings of these two groups—i.e., they are aggressive by nature, just more likely to commit crimes, and do not respect authority.

Across both Figures, we find essentially the same patterns.

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[5] Individuals were asked to place their responses on scales ranging from 1 ("The rich person" and "The poor person") to 7 ("The White person" and "The Black person"), with 4 corresponding to "No difference" on each scale. The bottom 2 sets of bars on Figure 4 reflect responses in categories 5-7 (i.e., signifying that poor and Black defendants are more likely to be found guilty of a crime they did not commit).

[6] For both sets of items (i.e., Blacks and Latinos), respondents were asked to select one of 4 responses: A Great Deal, Some, A Little, and None. The bars in Figures 5 and 6 reflect the percentage of each group selecting either "A Great Deal" or "Some."

1. In general, inter-group differences on the dispositional items are not especially large, with the possible exception of the question regarding whether "Blacks are just more likely to commit crimes," where Whites and (especially) Asians are significantly more likely than African-Americans to believe this to be an explanation of why Blacks are more likely to be arrested and put in prison than Whites.
2. For the other two dispositional items, we find little in the way of inter-group differences.
3. We find evidence that large majorities (approximately 70%) of all groups (even African-Americans) attribute disproportionate rates of arrest/incarceration of Blacks to a lack of respect for authority among this group (**Figure 5**). We also find that approximately half of each group believes Latino arrest/incarceration rates are attributable to a high level of disrespect among Latinos.
4. By comparison, citizens are less inclined to attribute racial/ethnic disproportionate arrest/incarceration rates to the other two dispositional explanations that Blacks/Latinos are "more aggressive by nature" and that Blacks/Latinos are "just more likely to commit crimes."
5. Most generally, while large numbers of all groups may believe that Blacks/Latinos are more often arrested and incarcerated because they disrespect authority, almost 2/3 of each group reject the explanation that Blacks/Latinos are more aggressive or that they are just more likely to commit crimes.

Group differences are much more apparent in the degree to which individuals attribute the disproportionately punitive treatment of Blacks and Latinos to *Systemic* explanations, namely discrimination and bias by the police, courts and justice system. Several findings are quite striking, as represented by the lower two sets of bars in Figures 5 and 6.

1. Excluding the "respect authority" item, respondents are substantially more likely to adopt Systemic than Dispositional explanations. At least 40% of each group endorses the systemic explanations, believing that Black and Latino arrest/incarceration rates are attributable to the courts being "stacked against" these two groups.
2. This is particularly the case with Latino and (especially) Black respondents; between 54 and 78% of these two groups explain racially/ethnically disproportionate outcomes to bias on the part of the courts and/or the police.
3. White respondents are appreciably more sanguine about the degree to which discrimination accounts for the more punitive treatment of Blacks and Latinos. While nontrivial numbers of Whites attribute disproportionate outcomes to court/police bias (between 33 and 48%), relative to other groups, Whites are much less likely to attribute disparities in punishment to discrimination in the justice system.
4. **Figure 7** compares explanations of racial disparities in punishment for White and African American respondents in Washington State (2012) and the U.S. (2011) for four of the five items. Generally speaking, the attributions of the two groups are fairly similar in Washington and the U.S., although the races are somewhat more polarized in their attributions at the national level.

<u>Police Treatment of Latinos</u>

As a final way of exploring perceptions of systemic bias, we asked respondents "Which is a better explanation of why Latinos have run-ins with the police?"

- Many Latinos are in the U.S. illegally.
- The police harass all Latinos, whether they are citizens or not.

The bars in **Figure 8** reflect the percentages of each group believing that Latino run-ins are best explained by police harassment.[7]

1. More than half of Black and Latino respondents explain run-ins to police harassment of Latinos, regardless of citizenship status.
2. Asian and, particularly, White respondents are significantly less likely to perceive police harassment of Latinos. Nonetheless, approximately one-third of all Whites do fault the police for run-ins.

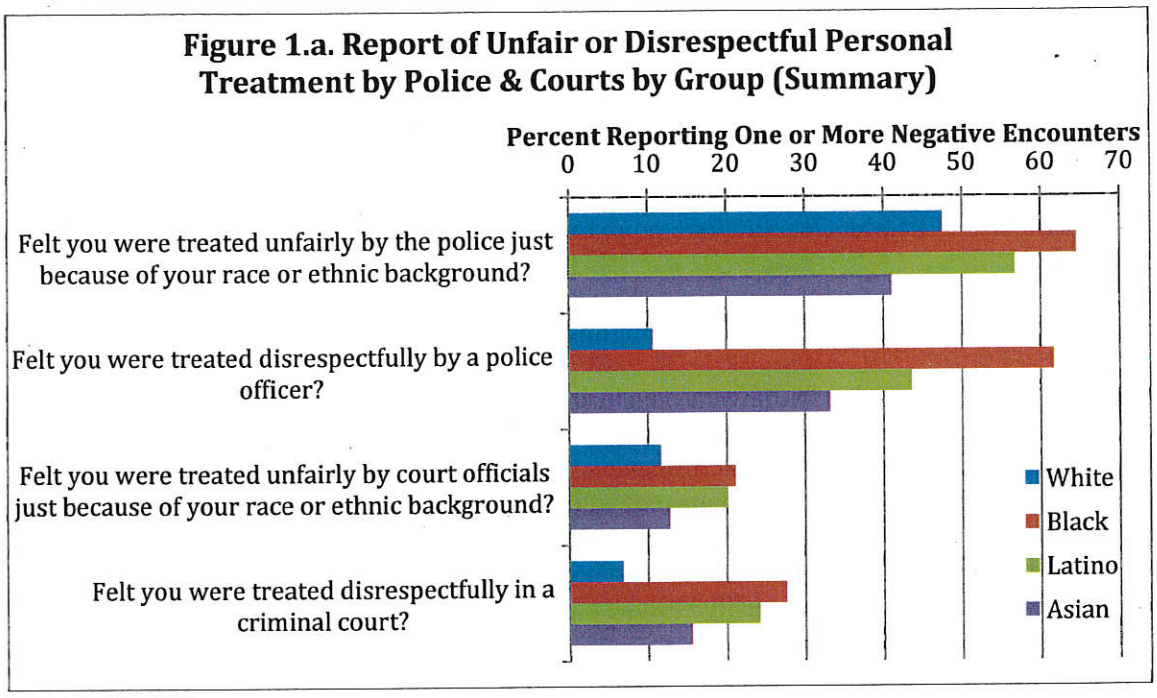
Part IV. Epilogue: Comparisons with Washington State

While it is theoretically possible to draw the conclusion that widespread perceptions of injustice—found particularly among African-Americans but among others, as well—are only focused on the broader judicial system, our data demonstrate that respondents believe that Washington State shares the same problem. We asked our respondents "Compared with other states, the judicial system in Washington State treats people:"

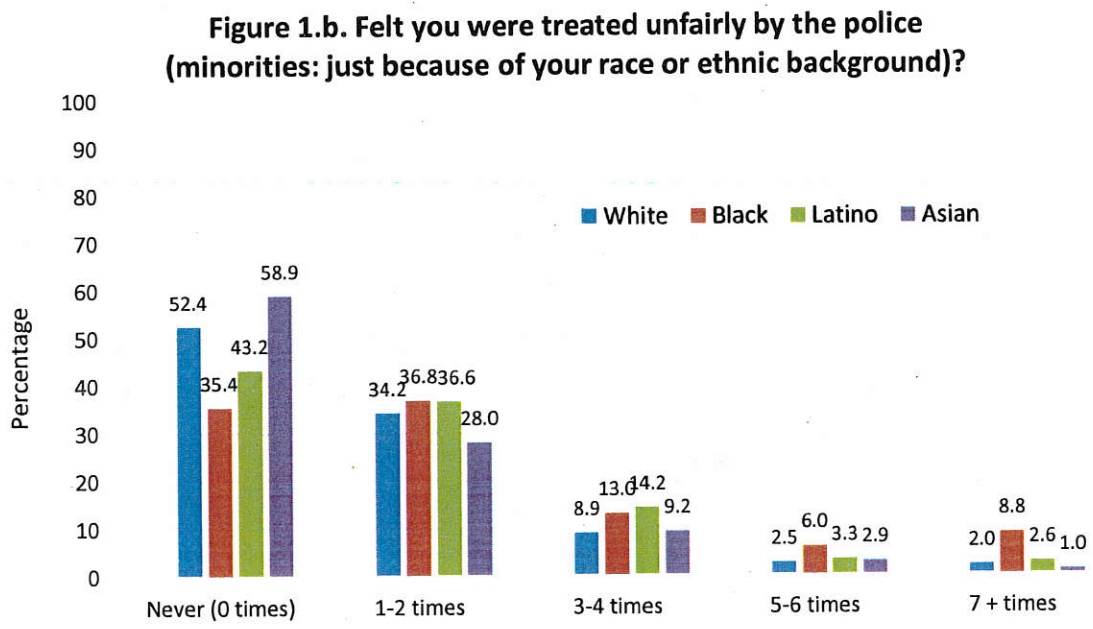
- Much more fairly and equally than other states.
- Somewhat more fairly and equally as other states.
- About the same as other states.
- Somewhat less fairly and equally as other states.
- Much less fairly and equally as other states.

Responses to these 5 options are displayed in **Figure 9**. Roughly one-third of each group sees Washington as being somewhat more fair than other states, though the vast majority of these individuals believe it is only "somewhat" more fair and equal. Most importantly, more than 50% of each group see justice in Washington as essentially comparable to justice elsewhere—neither better nor worse. We conclude with this question because of our belief that Washington is not exempt from the perceptions of widespread bias and discrimination that so many have expressed. While these perceptions are substantially stronger among African-Americans, they are also quite apparent among Latinos, Asians, and many Whites, as well.

[7] Responses were placed on a 1 (Many Latinos are in the U.S. illegally.) to 6 (The police harass all Latinos, whether they are citizens or not.) scale. Figure 7 represents the percentage of respondents selecting options 4-6 (i.e., police harassment).



Note: Respondents were asked whether they had experienced treatment "Never," or 1 to 2, 3 to 4, 5 to 6, or 7 or more times. Percentages based on all categories except "Never."



Note: Figures 1a to 1d provide a more detailed breakdown across all 5 response categories.

Figure 1.c. Felt you were treated disrespectfully by a police officer?

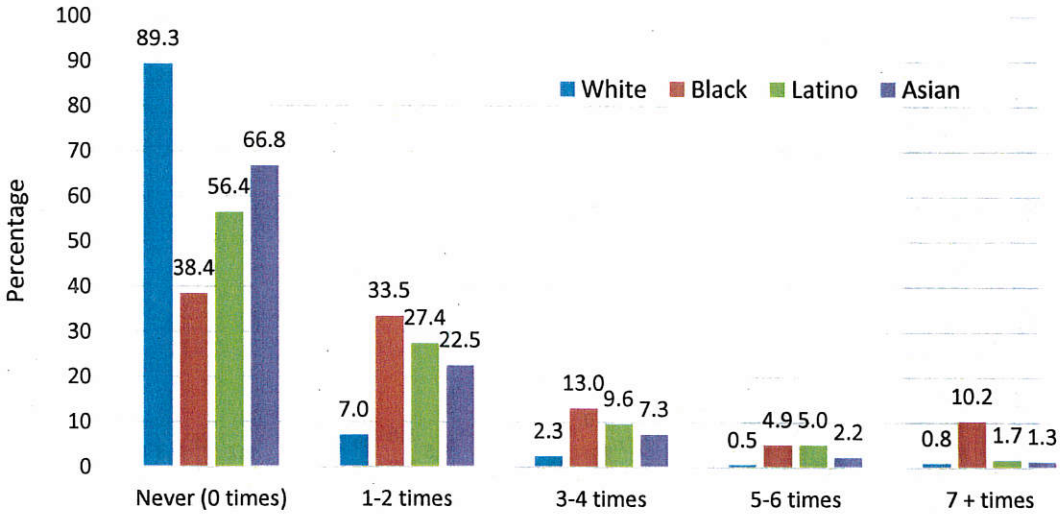


Figure 1.d. Felt you were treated unfairly by court officials (minorities: just because of your race or ethnic background)?

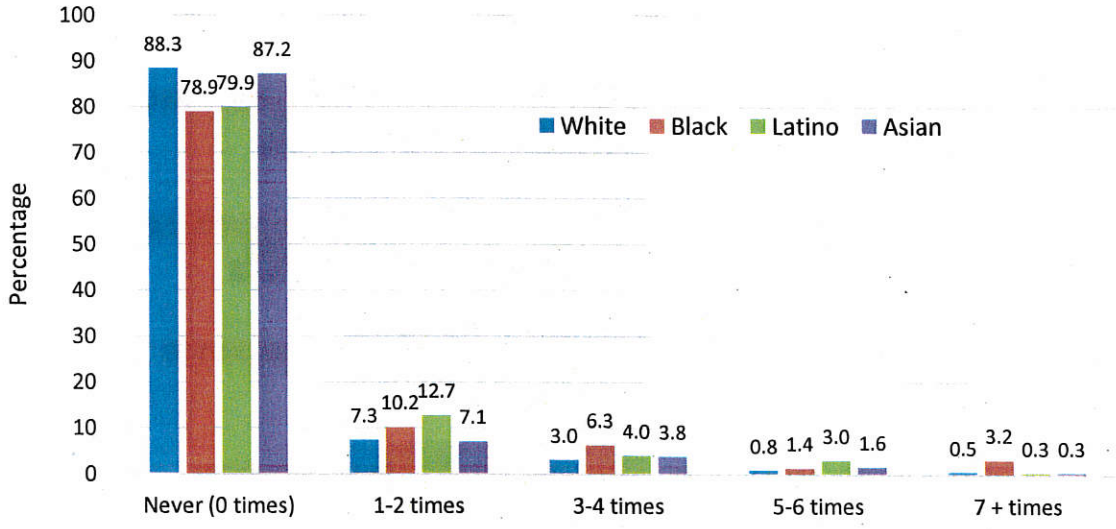


Figure 1.e. Felt you were treated disrespectfully in a criminal court?

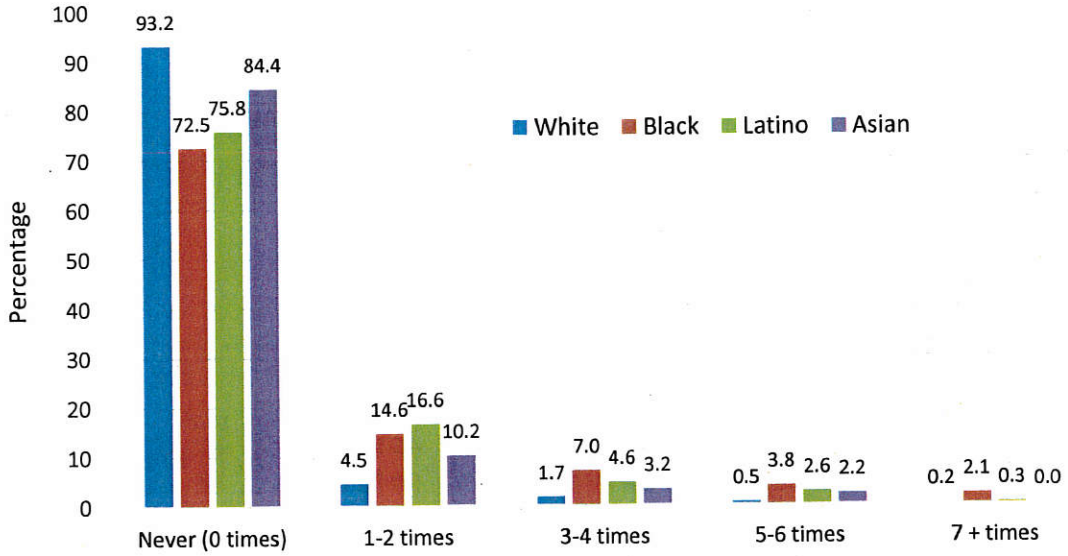
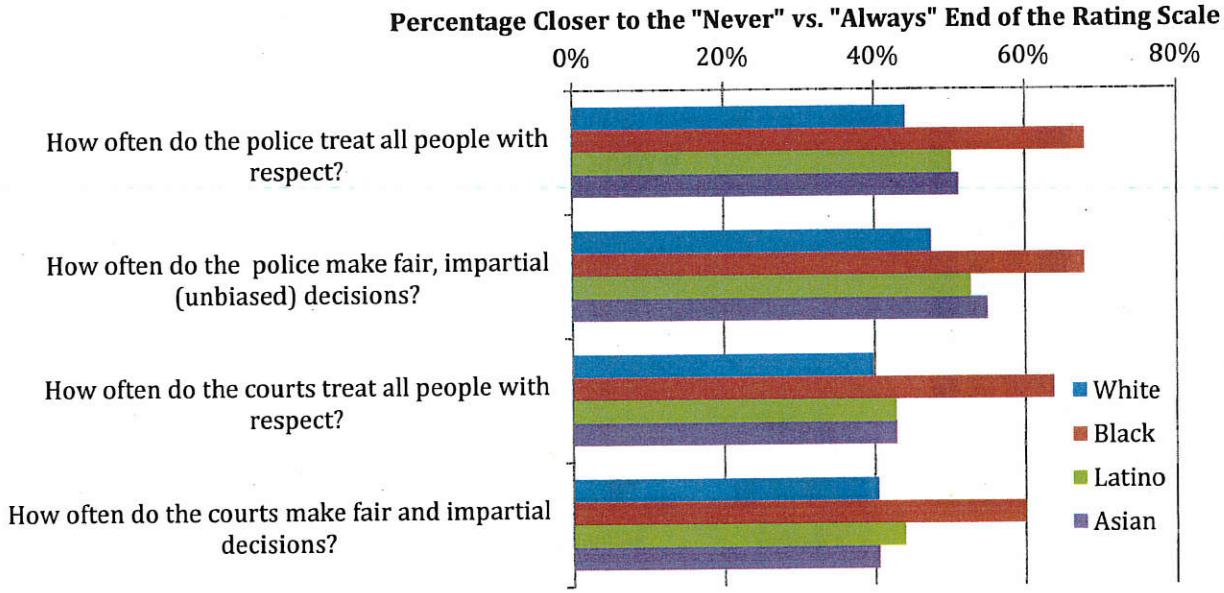
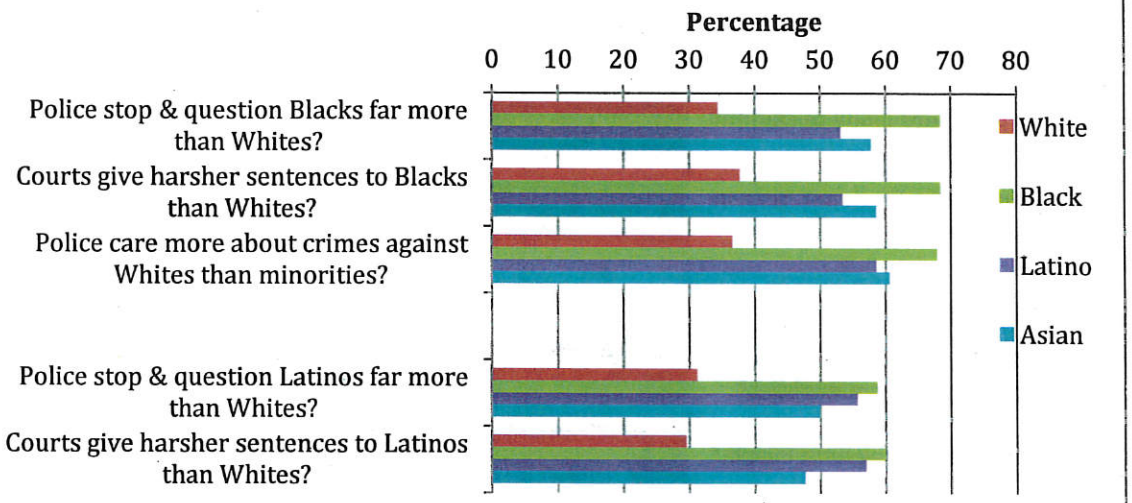


Figure 2. How Often do Police & Courts Treat Others Fairly? "Never" or "Always," by Group



Note: The figure shows the percentage of respondents in each group that is closer to the "Never" end of the scale when asked "how often" do the police and courts treat all people with respect and make fair decisions. Specifically, they selected categories 1, 2, or 3 on a scale that ranged from "Never" (point 1) to "Always" (point 6).

Figure 3. Percent Rating Neighborhood Discrimination a Problem

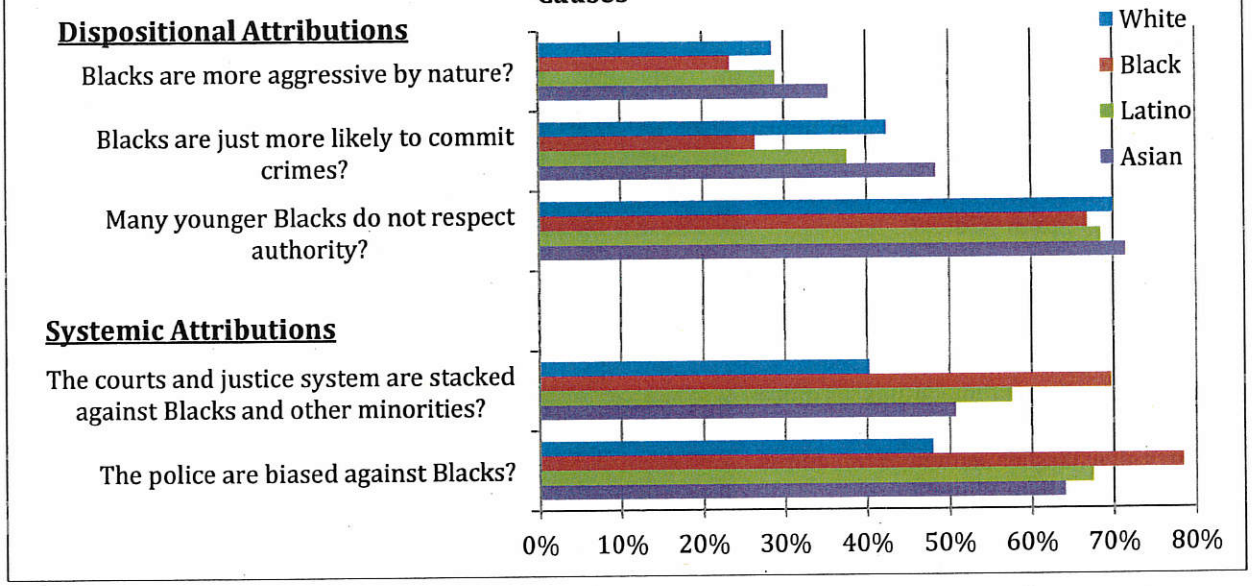


Note: The figure shows the percentage of respondents within each group that rates the seriousness of the problem in their community at 4 or higher on the following scale: "Rate how serious you feel each of the following problems with the justice system is in your community, where 1 = Not a problem at all, and 6 = Extremely serious problem?"

Figure 4. Perceptions of Unfairness in the Legal System

Note: In the lower half of the figure, respondents were asked one of two questions: Suppose two people - **[one rich, one poor/one white, one black]** - each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?

Figure 5. Group Differences in Attributing the Higher Arrest and Incarceration of Blacks than Whites to Dispositional and Systemic Causes



Note: Respondents were asked, "Statistics show that Blacks are more often arrested and sent to prison than are Whites. How much of this difference occurs because..." The graph shows the percentage of each group that selected either "A Great Deal" or "Some."

Figure 6. Group Differences in Attributing the Higher Arrest and Incarceration of Latinos than Whites to Dispositional and Systemic Causes

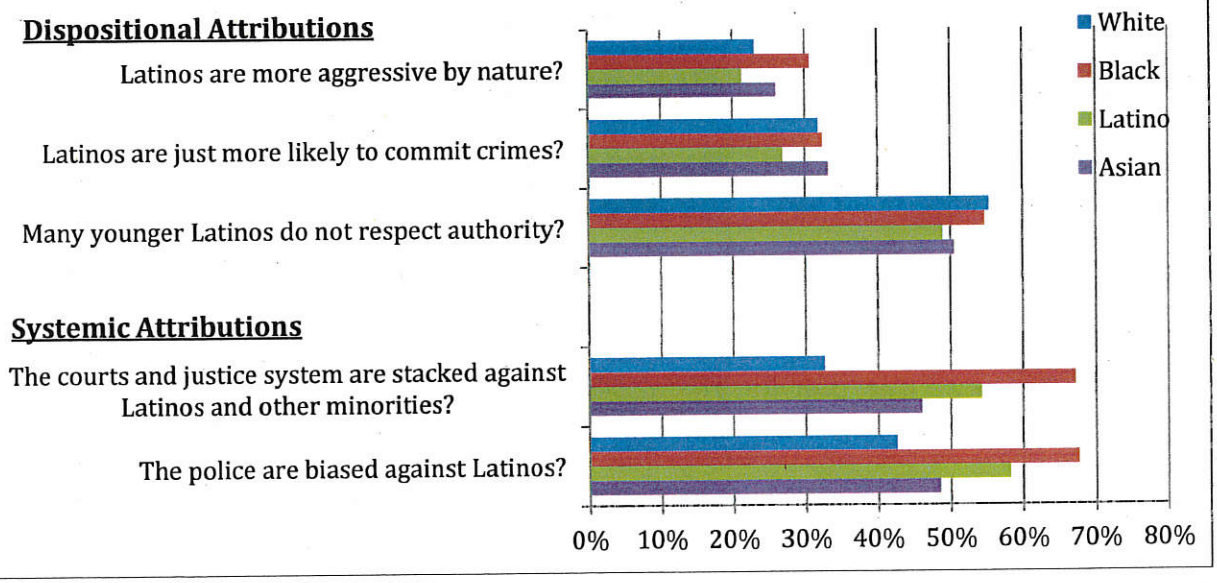
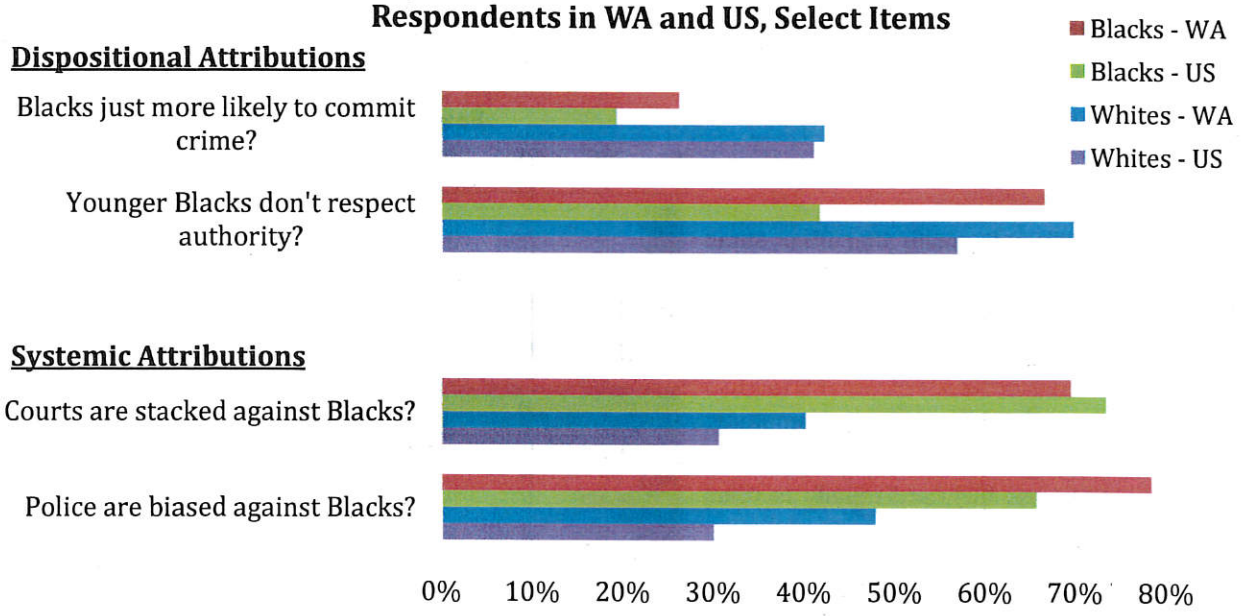
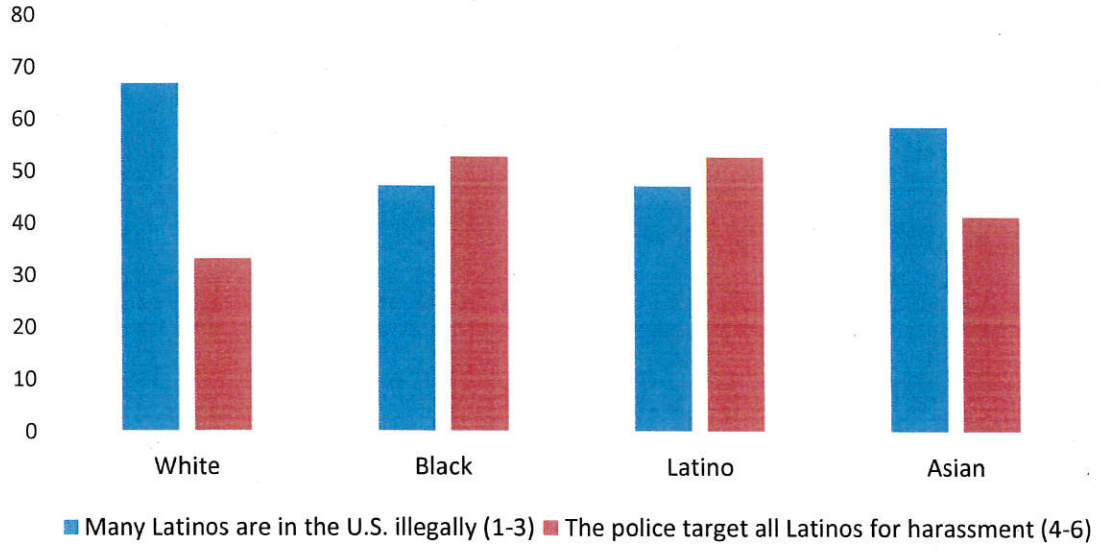


Figure 7. Comparison of Attributions for Black and White Respondents in WA and US, Select Items



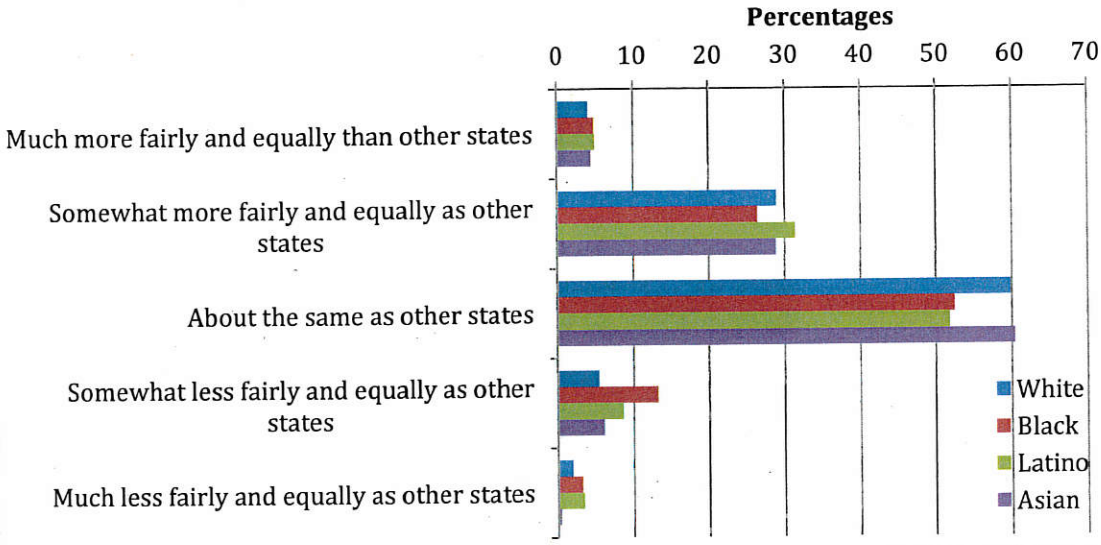
Note: U.S. survey data are from the 2011 CCES (Cooperative Congressional Election Study) administered in October, 2011, by YouGov/Polimetrix. The University of Kentucky module consists of 760 Whites and 110 African Americans. Data are weighted.

Figure 8. Reason for Latino Run-Ins with Police: Percentage Selecting Latinos Here Illegally vs. Police Harass Latinos



Note: Respondents were asked: "Which is a better explanation of why Latinos have run-ins with the police--Many Latinos are in the U.S. illegally (points 1-3) or The police harass all Latinos, whether they are citizens or not (points 4-6)."

Figure 9. "Compared with other states, the justice system in Washington state treats people:"



Appendix: Survey Methods

The data for this report are drawn from the "Justice in Washington State Survey" designed by the authors and fielded online by YouGov/Polimetrix (http://research.yougov.com/). YouGov's Internet-based surveys use a combination of sampling and matching techniques to ensure that their opt-in Internet sample approximates a random digit dialing sample and the demographic and attitudinal characteristics of the population. The Washington survey was completed between June 14, 2012 and July 2, 2012 by 611 Whites, 320 Asian/Pacific Islanders, 288 African Americans and 305 Hispanic/Latino Americans. Given the sampling method of YouGov surveys and the small size of the minority samples, caution must be exercised in generalizing from the group samples to the group populations in Washington State.

To adjust the final group samples to better reflect the groups in the Washington population, weights were calculated based on Census marginals for education, age, and gender for each group in the general population of Washington State. A comparison of the YouGov sample and state population characteristics for each of the four groups on selected demographics (education, age, and gender) appears below in Table A1. As can be seen, for each of the groups, less educated males are underrepresented in the YouGov survey. Nevertheless, even after weighting, we found that the major differences in attitudes toward the justice system highlighted in the report remain essentially unchanged after weighting.

Table A1. Comparison of Sample & Population Characteristics across Racial & Ethnic Groups

Education

	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanic Sample	Hispanic Pop	Asians Sample	Asians Pop
HS, less	24.96	35.37	20.91	43.68	28.20	69.97	9.38	33.65
Some coll	40.89	35.44	42.86	39.25	40.66	20.93	27.81	27.88
Coll grad	22.50	19.10	24.04	12.64	20.00	6.55	41.88	25.80
Post-grad	11.66	10.09	12.20	4.43	11.15	2.55	20.94	12.67
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Age

	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanic Sample	Hispanic Pop	Asians Sample	Asians Pop
18-29	18.49	20.00	28.47	25.50	38.69	35.85	30.31	21.93
30-44	12.44	26.64	32.64	31.93	35.41	37.67	29.38	35.26
45-64	48.77	36.00	30.56	33.70	21.97	21.29	32.50	31.19
65+	20.29	17.36	8.33	8.87	3.93	5.19	7.81	11.63
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Gender

	Whites Sample	Whites Pop	Blacks Sample	Blacks Pop	Hispanic Sample	Hispanic Pop	Asians Sample	Asians Pop
Male	45.50	49.80	43.06	52.77	35.41	55.51	39.06	42.72
Female	54.50	50.20	56.94	47.23	35.41	44.49	60.94	57.28
Total	100.00%	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Questions from the Justice in Washington State Survey, 2012

1. Evaluations of Police Officers and Courts

- Based on what you have heard or your own experience, how often would you say the police generally treat all people with respect?
- About how often would you say the police make fair, impartial (unbiased) decisions in the cases they deal with?
- Based on what you have heard or your own experience, how often would you say the courts generally treat all people with respect?
- How often do you think the courts make fair and impartial decisions based on the evidence made available to them?
    - 1 = Never
    - 6 = Always

2. Evaluations of General Justice System

- The justice system in this country treats people fairly and equally.
- The courts in this country can usually be trusted to give everyone a fair trial.
    - 1 = Strongly agree
    - 6 = Strongly disagree

3. Evaluations of the Fairness of Outcomes

- Suppose two people—one rich, one poor—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?
    - 1 = The rich person
    - 4 = No difference
    - 7 = The poor person
- Suppose two people—one White, one Black—each appear in court, charged with an identical crime they did not commit. Who do you think would be more likely to be found guilty?
    - 1 = The White person
    - 4 = No difference
    - 7 = The Black person
- Rate how serious you feel each of the following problems with the justice system is in your community:
    - Police who stop and question [Blacks/Latinos] far more than they stop Whites.
    - Courts that give harsher sentences to [Blacks/Latinos] than to Whites.
    - Police who care more about crimes against White people than crimes against minorities.
        - 1 = Not a problem at all
        - 6 = Extremely serious problem
- Which is a better explanation of why Latinos have run-ins with the police?
    - 1 = Many Latinos are in the U.S. illegally.
    - 6 = The police harass all Latinos, whether they are citizens are not.

4. Evaluations of Fairness of Outcomes for Other Groups

- How fairly or unfairly do you feel that each of the following groups [Asians, Blacks, Latinos, Whites] is treated by the justice system in the U.S.?
    - 0 = Very Unfairly
    - 100 – Very Fairly

5. Personal Encounters with the Justice System

- Some people have had encounters with the police; others have not. How many times have you ever:
  - Felt you were treated disrespectfully by a police officer?
  - Felt you were treated unfairly by the police [just because of your race or ethnic background]? [Asked only of minority respondents.]
- Some people have had encounters with the criminal courts (that deal with crimes such as house burglary and physical assault); others have not. How many times have you ever:
  - Felt you were treated disrespectfully in a criminal court?
  - Felt you were treated unfairly by court officials just because of your race or ethnic background?
    - 1 = Never
    - 2 = 1 – 2 times
    - 3 = 3 – 4 times
    - 4 = 5 – 6 times
    - 5 = 7 + times

6. Explanations of Higher Arrest/Incarceration Rates for Blacks/Latinos

- Statistics show that [Blacks/Latinos] are more often arrested and sent to prison than are Whites. How much of this difference occurs because:
  - The police are biased against [Blacks/Latinos]?
  - Many younger [Blacks/Latinos] do not respect authority?
  - The courts and justice system are stacked against Blacks and other minorities?
  - [Blacks/Latinos] are just more likely to commit crimes?
  - [Blacks/Latinos] are more aggressive by nature?
    - 1 = A great deal
    - 2 = Some
    - 3 = A little
    - 4 = None at all

7. Washington State Compared to "Other States"

- Compared to other states, the justice system in Washington State treats people:
  - 1 = Much more fairly and equally than other states.
  - 2 = Somewhat more fairly and equally as other states.
  - 3 = About the same as other states.
  - 4 = Somewhat less fairly and equally as other states.
  - 5 = Much less fairly and equally than other states.

8. Evaluations of Police Officers and Courts by "Friends, relatives, and other acquaintances"

- Many people have friends, relatives, and other acquaintances who have had encounters with the justice system. These can be anything involving the police or courts, such as calling the police for help, talking with the police after a traffic accident, being stopped by a police officer for questioning or a traffic violation, being placed under arrest, going to court as a witness in a case, going to court to serve as a juror, or being a party in a criminal or civil court proceeding. How many people do you know who have had these kinds of encounters?
  - What is [his/her] race or ethnicity?
    - White
    - Black
    - Asian
    - Latino

- Who was [his/her] experience with—the police, the courts, or both?
  - Police
  - Courts
  - Both police and courts
- According to _____, overall, during this experience, the police were:
  - 1 = Very unfair and disrespectful
  - 7 = Very fair and respectful
- According to _____, overall, during this experience, the court officials were:
  - 1 = Very unfair and disrespectful
  - 7 = Very fair and respectful

9. Vignettes

- There was a recent incident in a nearby city in which a police officer was accused of brutally beating a [white/black] motorist who had been stopped for questioning. The police department promised to investigate the incident.
  - How likely do you think it is that the police department will conduct a fair and thorough investigation of the policeman's behavior?
    - 1 = Very likely
    - 6 = Very unlikely
  - If he is found guilty of beating the motorist, how should the policeman be punished?
    - 1 = Suspended without pay
    - 2 = Fired
    - 3 = Sentenced to one year in prison
    - 4 = Sentenced to two or more years in prison
- In another incident the police saw two young [white/black] men about 20 years old. They are walking very near a house where the police knew drugs are being sold. The police searched the to men and arrested them for carrying drugs.
  - How would you evaluate the police search?
    - 1 = Definitely a reasonable search
    - 6 = Definitely NOT a reasonable search
  - Who are you more likely to believe in this case, the police, who claim the two men were carrying drugs, or the two men, who claim the police planted drugs on them?
    - 1 = The police
    - 6 = The two men

10. Anti-Crime Policies

- Juvenile Justice: Which statement comes closest to your view? If youths (age 17 or younger) commit serious or violent crimes, they should be:
  - 1 = Tried as adults
  - 6 = Tried as juveniles

  - 1 = Housed in adult prisons and jails
  - 6 = Housed in juvenile facilities

Note: the following questions are survey experiments in which respondents are randomly assigned into two or more conditions [identified in brackets].

- Death Penalty Experiment: [No Text/Some people say that the death penalty is unfair because African Americans convicted of the same crimes as whites are much more likely to be executed./Some people say that the death penalty is unfair because too many innocent people are being executed.] Do you favor or oppose the death penalty for persons convicted of murder?
  - 1 = Favor

- 2 = Oppose

- Three Strikes Experiment: Under current "three strikes and you're out" laws in Washington state, anyone convicted of a third serious crime is sent to prison for the rest of their life. Read the two views and place your own opinion anywhere along the scale below
  - 1 = Some people oppose these laws because [prosecutors are more likely to use them against minorities than against whites/they result in serious problems of prison overcrowding].
  - 6 = Other people favor these laws because they keep repeat offenders in prison for life where they can't commit more crimes.
- Drug Treatment Experiment: Many of the people in prison are [Blacks and Hispanics/No Text] convicted of non-violent crimes. Do you agree or disagree that, because of the expense and prison overcrowding, we should send fewer of these non-violent offenders to prison and more to drug treatment and job training programs?
  - 1 = Strongly Agree
  - 6 = Strongly Disagree

Justice in Washington State Survey, 2012
Analysis of Results
Second Report

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Prepared for

The Washington State Supreme Court Minority and Justice Commission, The State of Washington Administrative Office of the Courts—Washington State Center for Court Research

March 15, 2013
Revised March 24, 2014
2nd Revision June 2, 2014

In our first report to The Washington State Supreme Court Minority and Justice Commission (hereafter, The Commission), the Principal Investigators focused primarily on differences between four groups of Washingtonians—Whites, African Americans, Latinos, and Asians and, in particular, differences in their perceptions and judgments of the criminal justice system. Specifically, we examined: a) citizens' personal experiences with the justice system; b) the degree to which individuals consider various injustices as problematic within their neighbors; and c) general assessments of the criminal justice system. As we indicated in that report,

> African-Americans and Whites are on two different ends of the spectrum, with the former exhibiting strong signs of cynicism about the ability of the justice system to provide fair, impartial, and respectful justice, and the latter displaying substantially more confidence and trust in the system. Typically, we find Latinos to be somewhat less critical than African-Americans, but still substantially more critical than Whites. And Asians/Pacific Islanders, while fluctuating somewhat from question to question, adopt roughly the same (though slightly tempered) levels of trust typical of Whites.

Put simply, relative to Whites and Asians, Latinos and (even more so) African Americans reported encountering far more frequent adversarial contacts with agents of the justice system (police and court officers), believed injustice to be more of a problem in their communities, and exhibited more cynicism toward the general fairness of the criminal justice system.

In this second report, we focus on the *consequences* of these findings. In **Section I**, we examine the degree to which contentious and adversarial contacts with agents of the justice system (primarily police officers) translate into more cynical views of the broader justice system. And to the extent that African-Americans and Latinos report more such interactions with the police, do they also report more critical views of the criminal justice system?

But does it matter whether citizens view the criminal justice system quite skeptically? In **Section II**, we present evidence indicating that it does matter. Specifically, those who see the justice system as unfair also tend to be more cynical about those who work in the justice system, questioning the very behaviors of, say, the police department, and the extent to which the police are even capable of being fair.

Finally, in **Section III**, we extend beyond survey respondents' personal experiences to consider whether information they have obtained about their friends' and relatives' encounters with police and court officials also influence views of the justice system.

Section I: The Impact of Contentious and Adversarial Contact with the Criminal Justice System

Quite clearly, Washingtonians believe that the criminal justice system treats different racial/ethnic groups differently. In interviews with more than 1,500 citizens of the state,[1] we found clear evidence that individuals of all four groups—Whites, African Americans, Latinos, and Asians/Pacific Islanders—are of the opinion that the justice system treats Whites most favorably, followed by Asians, Latinos, and African Americans, in that order. Respondents were asked "How fairly or unfairly do you feel that each of the following groups [Whites, Blacks, Latinos, and Asians] is treated by the justice system in the U.S?" and were asked to place their responses on a continuum ranging from zero ("Very Unfairly") to 100 ("Very Fairly"). **Figure 1** documents, on the horizontal axis, the average placement of each group by Whites, Blacks, Latinos, and Asians, with blue lines representing the average perceived treatment of Whites by each group, red lines representing the average perceived treatment of Blacks by each group, green lines

[1] See the Appendix of the First Report for a description of the survey methods and questions.

representing the average perceived treatment of Latinos by each group, and orange lines representing the average perceived treatment of Asians by each group.

While respondents from each group differ from respondents from other groups, the consistent pattern is that all four groups believe that the system is most fair to Whites and, by a large margin, least fair to African Americans. All groups also believe that the justice system is only marginally more fair to Latinos than it is to African Americans, and that the treatment afforded to Asians lies roughly between that provided to Latinos and Whites.

There is, then, substantial agreement between citizens of each group about the treatment each group receives at the hands of the justice system. But on what do such judgments rest? It turns out that, to a large extent, individuals base their general views of the fairness of the justice system on the ways the justice system treats them, as individuals. We found, and stated in the first report, that substantial numbers of citizens from all groups have had at least one negative encounter with law enforcement, though African Americans and, to a lesser extent, Latinos were far more likely to have had such experiences than Whites and Asians.[2]

Figures 2-5 show the clear consequences of contentious interactions with law enforcement. In both **Figures 2 and 3**, for example, the horizontal axis displays the percentage of individuals of each group who agreed with the statement that "The justice system in this country treats people fairly and equally[3]," broken down by the frequency of negative contacts with police officers. In Figure 2, for example, the vertical axis displays the number of times (Never, 1-2 times, 3-4 times, or 5 or more times) respondents of each group reported being treated "*unfairly* by the police just because of [your] race or ethnic background," while, in Figure 3, the vertical axis displays the number of times respondents of each group reported being treated "*disrespectfully* by a police officer." (Throughout this report, we display proportions along the horizontal axes; proportions are easily converted to percentages by multiplying the value by 100.)

In **Figure 2**, for example, it is quite evident that the more frequently individuals of all four groups report being "treated unfairly by the police," the less likely they agree that the "justice system treats people fairly and equally." And these differences are substantial. Among Whites, for instance, among those who never were treated unfairly by the police in their personal lives, approximately 50 percent agreed that the justice system is fair/equal. Among Whites who reported 5 or more such instances, only about 10 percent agreed with this statement. Precisely the same pattern exists with Black, Latino, and Asian respondents, as well.[4] Simply put, when individuals have negative *personal* experience with law enforcement, they are quite likely to generalize such encounters such that they see the entire justice system through a cynical lens.

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[2] Respondents were asked the following questions. "Some people have had encounters with the police; others have not. How many times have you ever: 1) Felt you were treated **unfairly** by the police just because of your race or ethnic background?; b) Felt you were treated **disrespectfully** by a police officer?" They were allowed to respond: "Never," "1-2 times," "3-4 times," "5-6 times," or "7 + times." In the following graphs, for ease of presentation, we have consolidated the last two response options into "5 + times."

[3] Individuals were asked to place their (dis)agreement with this statement on a 6 point scale, with 1 = Strongly Agree and 6 = Strongly Disagree. For purposes of this analysis, "Agreement" includes all respondents selecting response options 1-3.

[4] The impact of unfair treatment by police officers on beliefs about the fairness of justice system is significant at the .05 level or less for all groups but Latinos.

Being treated "disrespectfully" by the police (as assessed by the number of such encounters) is equally pernicious in terms of its impact on more general assessments of the justice system (see **Figure 3**). Among respondents of all four groups, those who report instances of disrespectful encounters are *far* less likely to agree that the justice system treats people fairly and equally. This is particularly true among those who report multiple disrespectful run-ins: compared to those who have never experienced such treatment, those reporting 5 or more such instances are approximately twice as likely to disagree that the justice system treats people fairly among Blacks and Latinos, approximately 3 times as likely to disagree among Asians, and almost 5 times as likely to disagree among Whites.[5]

But the impact of contentious encounters with the police is not limited to these types of general assessments of the justice system; as we document in Figures 4 and 5, such encounters even spill over to individuals' evaluations of the courts. Quite simply, the more often individuals report being treated "unfairly" (Figure 4) or "disrespectfully" (Figure 5a), the less likely they are to agree with the statement "The courts in this country can usually be trusted to give everyone a fair trial." Conversely, those who have experienced, or more frequently experienced, negative encounters with the police are substantially more likely to disagree with the fairness of the courts.

The differences between groups are, once again, dramatic. Among Whites who do not report any instances of unfair police treatment (see **Figure 4**), more than half agree that the courts are fair; among Whites reporting five or more such encounters, however, fewer than 15 percent agree that the courts are fair. Differences between Asian respondents are quite similar. And while assessments of the courts for Blacks and Latinos are not quite as strongly related to unfair police contacts, it is clear that both groups of individuals base their assessments of the courts, in large part, on their experiences with law enforcement.[6] We find precisely the types on assessments of the courts in **Figure 5.a**, where we look at "disrespectful" encounters with the police.[7]

It is important to emphasize the practical and theoretical importance of these findings. Individuals generalize their personal experiences, and base their assessments of the justice system, to a great extent, on how they feel they have been personally treated. We have strong evidence that those whose own experiences with the police are regarded as unfair (Figure 2) or disrespectful (Figure 3) also tend to be more cynical about the overall fairness of the justice system. While there are a number of possible explanations, the most straightforward is simply that we often base our assessments of the world on things that have happened to us in our daily lives. The justice system (as represented by the police) has been unfair to an individual and, consequently, s/he assumes that the justice system is unfair to others.

It is both revealing and important that citizens even extend these personal experiences with the police to assessments of the courts. Those who have experienced encounters with the police that they regard as unfair (Figure 4) or disrespectful (Figure 5.a) tend to generalize such incidents to an institution (the court) that, in one sense, is not even directly related to the police.

The role played by the police, therefore, is critical. Officers, in the way they conduct themselves and in the way they interact with citizens, have the capacity to shape citizens' perceptions of the legitimacy of the broader criminal justice system. When individuals feel they have been treated unfairly and/or

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[5] The impact of disrespectful treatment by police officers on beliefs about the fairness of justice system is significant at the .05 level or less for all groups but Latinos.

[6] The impact of unfair treatment by police officers on beliefs about the fairness of the courts is significant at the .05 level or less for all groups but Latinos.

[7] The impact of disrespectful treatment by police officers on beliefs about the fairness of the courts is significant at the .05 level or less for all groups but Latinos.

disrespectfully, these feelings are likely to permeate much broader assessments of the properties of the justice system, even extending to assessments of the courts.

As an addendum to these findings, we note that reports of treatment by the police have a stronger and more consistent impact on more general beliefs about the justice system than treatment by the courts. In **Figure 5.b**, we present two graphs side by side that are analogous to Figures 4 and 5.a, only in this case we substitute reports of treatment by the police with treatment by the courts. Whether the focus is on being treated unfairly (the graph on the left) or disrespectfully by the courts (on the right), a quick comparison with Figures 4 and 5a shows that encounters with the police have a stronger and more consistent impact on whether Washingtonians believe that the "courts give everyone a fair trial."[8] And much the same is true for the relative impact of police versus court treatment on beliefs about whether the justice system is fair or not: encounters with law enforcement are more important in shaping these views as well (not shown). There are two reasons for the greater power of police encounters. First, as noted previously, people have more personal encounters with the police than the courts in their everyday lives. Second, encounters with the police are, on balance, more negative than those with the courts. It stands to reason, then, that people will generalize their more frequent and negative encounters with the police when assessing the fairness of the wider justice system.

Section II: The Consequences of Cynicism toward the Justice System

Why does it matter if citizens regard the justice system (including the courts) suspiciously? After all, if individuals' assessments of whether the "justice system treats people fairly" and of whether the "courts give everyone a fair trial" are inconsequential, then such assessments of the system would be of little concern.

However, as we argue below, they are not inconsequential. To the contrary, we present evidence that those who give the justice system low marks for its fairness are also substantially more likely to perceive the behavior of agents of the justice system through a more cynical lens. Put differently, when citizens try to make sense of the conduct of, say, the police in specific circumstances, they tend to rely on their more general assessments of the justice system. An example will clarify this point.

We embedded several scenarios, or vignettes, on the survey as a way of assessing how respondents respond to, and interpret, the behavior of, the police. All such scenarios were presented as real and factual occurrences. In one such vignette, we asked individuals whether they believed the police department would conduct a "fair and thorough" investigation of a policeman's behavior after charges that he (the officer) had brutalized a motorist whom the officer had stopped for questioning.[9]

In **Figure 6** we examine the relationship between perceptions that the justice system is (un)fair (vertical axis), on the one hand, and believing it unlikely that the police department will conduct a fair and

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[8] The impact of disrespectful and unfair treatment by the courts on beliefs about the fairness of the courts is significant at the .05 level or less only for Whites and Blacks.

[9] The scenario presented to respondents is: "There was a recent incident in a nearby city in which a police officer was accused of brutally beating a motorist who had been stopped for questioning. The police department promised to investigate the incident. How likely do you think it is that the police department will conduct a fair and thorough investigation of the policeman's behavior, where 1 = Very Likely and 6 = Very Unlikely?" For purposes of this report, respondents who responded between 1 and 3 were categorized as seeing it likely that the department will conduct a fair and thorough investigation, while those responding between 4 and 6 were categorized as seeing it unlikely that the department will conduct a fair and thorough investigation.

thorough investigation into the incident of the officer allegedly brutalizing the motorist (horizontal axis), on the other hand. Among Black, Latino, and Asian respondents, the relationship is in the expected direction, although not particularly strong. Among Latinos who see the justice system as "unfair," for example, approximately 68 percent believe that a fair investigation into allegations of brutality is unlikely, while among Latinos who see the justice system as "fair," about 55 percent see it as unlikely.

Among White respondents, however, the relationship is very strong. In this group, more than 6 in 10 individuals who regard the justice system as generally unfair believe the police department will not conduct an honest investigation; on the other hand, only about 3 in 10 who see the justice system as generally fair believe an honest investigation to be likely. For all groups of respondents, but most especially for Whites, general fairness judgments matter—i.e., they affect the ways individuals view, predict, and interpret the behavior of the police.

We presented respondents with another scenario, also designed to assess skepticism of the police. In this case, individuals were asked whether they believe men who were arrested for drug possession or, instead, the men, who claimed that the police had planted drugs on them.[10]

In **Figure 7** we explore the impact of general fairness judgments (on the vertical axis, using the same measure as used in Figures 2, 3, and 6) and the percentage of respondents of each group who believe the men rather than the police. With the exception of Asians, other groups of respondents exhibit the anticipated pattern (though it is muted among African Americans): those who regard the justice system as generally unfair are less likely to believe the police than are those who see the system as generally fair. This tendency is dramatic among both White and Latino respondents: in both of these groups, those describing the justice system as unfair are more than twice as likely to believe the men (rather than the police officers) relative to those who see the system as fair.

We also have evidence that minorities—at least African Americans and Latinos—base their skepticism, at least in part, on whether the men in the vignette are White or Black (see **Figure 8**). We randomly assigned respondents into one of two versions of the question. One-half were informed that "the police saw two young White men," (the blue bars in Figure 8) while the others were informed that "the police saw two young Black men" (the red bars in Figure 8). Our intention was to assess whether individuals view the police differently depending on the race of the men being arrested. Clearly, at least for African Americans and Latinos, they do.

Figure 8, more specifically, supports the following conclusions:

- *Asians*: As documented in Figure 7, the decision of believing the men or the police officers is not affected by more general fairness judgments. Those who see the justice system as unfair are no more likely to believe the men than to believe the police. Moreover, the race of the men does not affect their judgments, at least in a consistent way.
- *Whites*: We saw in Figure 7 that, when Whites evaluate the justice system as being unfair, they are far more likely to believe the men than to believe the police. Whites are not, however, influenced by whether the men are described as Black or White. To the contrary, they are no

[10] The wording of this vignette is: "In another incident, the police saw two young men about 20 years old. They are walking very near a house where the police knew drugs are being sold. The police searched the two men and arrested them for carrying drugs. Who are you more likely to believe in this case: the police, who claim the two men were carrying drugs, or the two men, who claim the police planted the drugs on them?" Respondents answered using a six-point scale, where 1 = "The police" and 6 = "The two men." For purposes of this report, those selecting categories 1-3 were categorized as believing the police, while those selecting categories 4-6 were categorized as believing the men.

more (or less) skeptical about the police when the men are white (the red and blue bars are of roughly comparable length), an indication of a finding that we have repeatedly encountered (see, for example, Peffley and Hurwitz, 2010[11])—i.e., Whites see a justice system that is essentially color blind and likely to treat individuals of all races essentially comparably.

- *Latinos*: Consistent with findings in Figure 7, Figure 8 demonstrates that Latinos who regard the justice system as unfair are substantially more likely to believe the men (rather than the police) relative to those who regard the system as fair. Importantly, we find that Latinos also base their judgments of whom to believe on the race of the men. That is, especially among those who regard the justice system as generally unfair, they are much more likely to believe the men—not the police—when the men are Black than when they are white. Expressed somewhat differently, describing the men as Black triggers the belief among many Latinos that the police are not to be trusted.
- *African Americans*: We saw in Figure 7 that, for Black respondents, the decision about whom to believe is only modestly tied to their more general fairness assessments of the justice system. In Figure 8, however, we find that belief decisions are strongly tied to whether the men in the vignettes are identified as White or Black. Similar to Latinos, African Americans are substantially more likely to believe the men instead of the police when the men are Black than when the men are White. Similar to Latinos, Blacks become significantly more skeptical of police authorities when such authorities are engaged with alleged perpetrators who are Black, suggesting a high level of cynicism regarding the ability of police officers to be honest in such situations.

Most generally, we have argued in Section II that general fairness judgments matter, for they influence how individuals interpret police conduct. For those who regard the justice system as essentially unfair, there is substantially less likelihood that they will trust the police to conduct fair investigations, or to honestly interact with civilians, relative to those who see the system as fair. Evaluating the justice system negatively has pernicious consequences, for it erodes the trust that citizens have in representatives of the justice system.

Section III: Vicarious Bases of Perceptions of the Justice System

Thus far, we have focused on the nature and significance of people's personal encounters with the justice system. We end with consideration of the important possibility that assessments of police and courts also are influenced by vicarious encounters. That is, perhaps individuals receive information about their friends', relatives' and other acquaintances' interactions with police and court officials, and, if so, perhaps this information influences views of the justice system.

Respondents were asked to identify up to three individuals they knew who had had encounters with the police, courts or both. Overall, 26.1 percent of respondents provided zero names, 18.2 offered one, 15.2 percent named two, and 40.5 percent listed three acquaintances. Follow-up questions asked about the race and ethnicity of these acquaintances, whether the encounters were with the police, courts or both, and how the acquaintances had been treated. The scales for these final items range from -3 (very unfairly and disrespectfully) to 3 (very fairly and respectfully).

Our first observation regarding these vicarious experiences is that they differ markedly on the basis of the race and ethnicity of the acquaintances. The data are summarized in **Figure 9**. There, the racial and ethnic classifications apply not to the survey respondents, but rather to the individuals they identified to us. The first bar in each pair indicates the percentage of encounters with the police that were negative (scale

[11] Peffley, Mark, and Jon Hurwitz. 2010. *Justice in America: The Separate Realities of Blacks and Whites*. Cambridge: Cambridge University Press.

values of -3, -2 and -1), whereas the second bar indicates the corresponding percentage of court experiences that were negative. For all groups, negative encounters with the police were more prevalent than negative encounters with courts. Both types of encounters differ starkly across the racial and ethnic groups. For acquaintances who are White or Asian American, an average of only 27 percent of experiences were negative, whereas an average of nearly 54 percent of experiences were negative among acquaintances who are Latino American and African American.

A second key observation regarding these vicarious experiences is that they hold the potential to contribute to racial differences in perceptions of police and courts. The reason for this is that respondents' self-identified networks—that is, the group of individuals they listed when we asked about people they knew who had had encounters with the police or courts—exhibit high levels of racial and ethnic homogeneity. Among White respondents, 84.5 percent of their network members are also White. For Latino American and Asian American respondents, 50 percent of network members share their ethnicity. Among African American respondents, 76.1 of their network members are also African American. Due to this homogeneity, information about police and courts received vicariously by White survey respondents will tend to be relatively positive, information received by Latino American and Asian American respondents will be more mixed, and information received by African American respondents—information received overwhelmingly from other African Americans—will tend to be negative.

These first two observations combine to describe the types of information about police and courts individuals are likely to receive from their friends, relatives and other acquaintances. However, it is not necessarily the case that individuals consider such information when they evaluate police and courts. It could be, instead, that such evaluations are based entirely on personal experiences and information encountered elsewhere, such as from news media.

To explore whether evaluations of police and courts differ depending on the nature of information people receive vicariously, we created eleven-point measures of the extent to which respondents view police and courts, respectively, as being fair and respectful. For both scales, the lowest possible value is 0 and the highest possible value is 10. We then calculated the average scores on these measures for respondents who had been exposed to negative, neutral or positive information about police and courts through their interactions with friends, relatives and other acquaintances. The results data are summarized in **Figure 10**.

The first pair of bars in Figure 10 report average assessments of police and courts among respondents who were vicariously exposed to positive information about those actors. The second and third pairs of bars report the comparable data for respondents whose acquaintances had, respectively, neutral and negative experiences in their encounters with police and courts. These data reveal that what people learn from their acquaintances exerts clear influence on their own evaluations. Evaluations of the police differ, on average, by 1.66 points depending upon whether respondents' acquaintances had positive or negative experiences with the police. The corresponding difference for courts is 1.47 points.

These results suggest that news of people's experiences with police and courts very likely ripple throughout the community. Individuals who have had positive or negative encounters share their stories with their acquaintances who, in turn, draw on that information when forming their own evaluations of police and courts. Importantly, the broader social dynamics described here likely contribute to racial and ethnic differences in how police and courts are perceived. Whites and Asian Americans have mostly positive experiences, and then share news of these experiences with acquaintances who are predominantly from the same racial and ethnic groups. Conversely, Latino Americans and especially African Americans have disproportionately negative experiences in their encounters with police and courts, and news of these experiences is transmitted within social circles that are marked by considerable racial and ethnic homogeneity. In the end, racial and ethnic differences in how police and courts are perceived reflect racial and ethnic differences in individuals' personal and vicarious experiences.

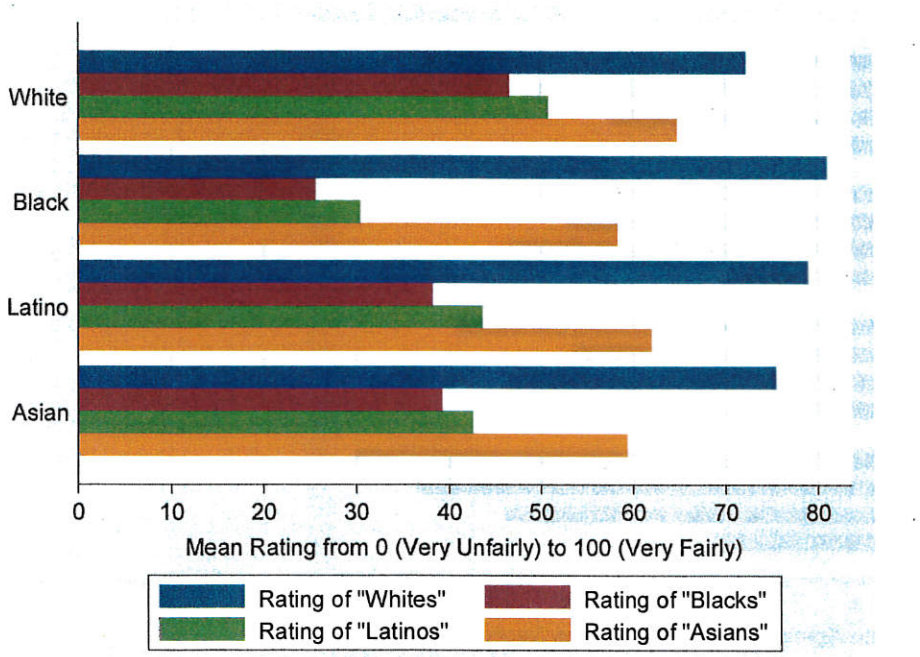

Figure 1. Mean Ratings of How Fairly the Justice System is Perceived to Treat Different Groups in the U.S., by Race of Respondent. Race of respondent is on the vertical axis; race of group being rated is on the horizontal axis. The rating scale ranges from 0 (Very Unfairly) to 100 (Very Fairly).

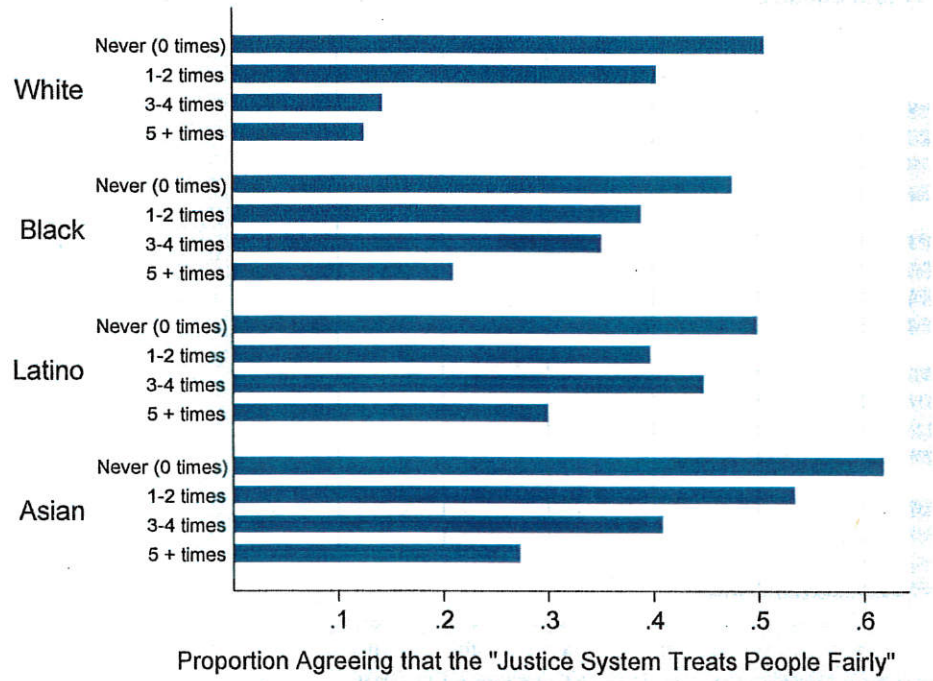

Figure 2. The Impact of Personal Experiences of *Unfair Treatment by the Police* on General Beliefs about Whether the *Justice System Treats People Fairly and Equally*, by Race of Respondent. The vertical axis shows the frequency of unfair personal treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "justice system in this country treats people fairly and equally."

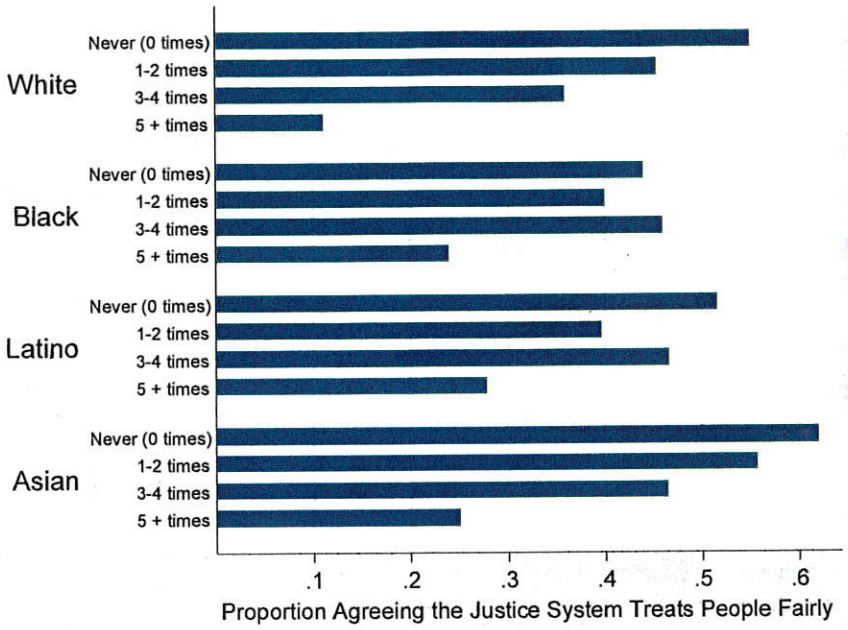

Figure 3. The Impact of Personal Experiences of *Disrespectful Treatment by the Police* on General Beliefs about Whether the "*Justice System Treats People Fairly and Equally*," by Race of Respondent. The vertical axis shows the frequency of disrespectful personal treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "justice system in this country treats people fairly and equally."

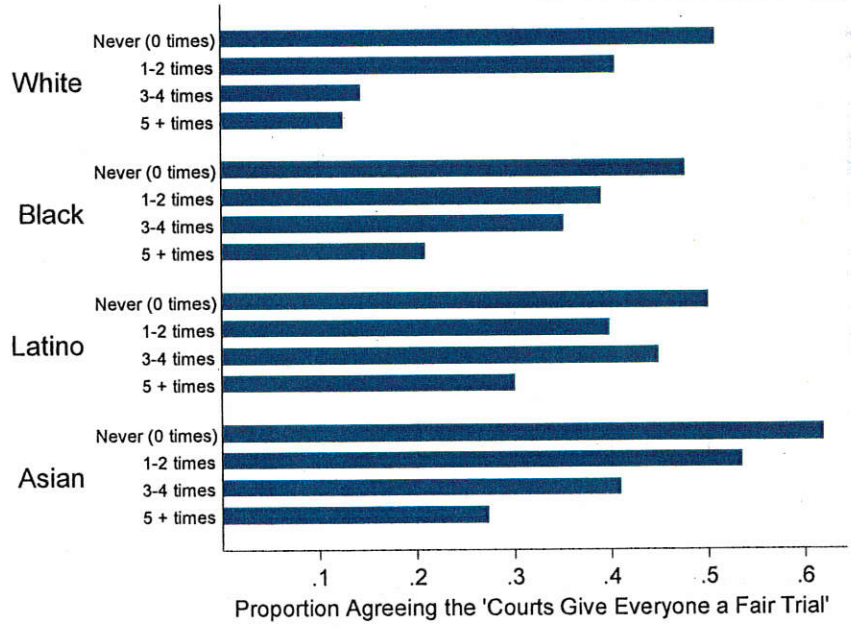

Figure 4. The Impact of Personal Experiences of *Unfair Treatment by the Police* on General Beliefs about Whether the "*Courts Give Everyone a Fair Trial*," by Race of Respondent. The vertical axis shows the frequency of unfair personal treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "the courts give everyone a fair trial."

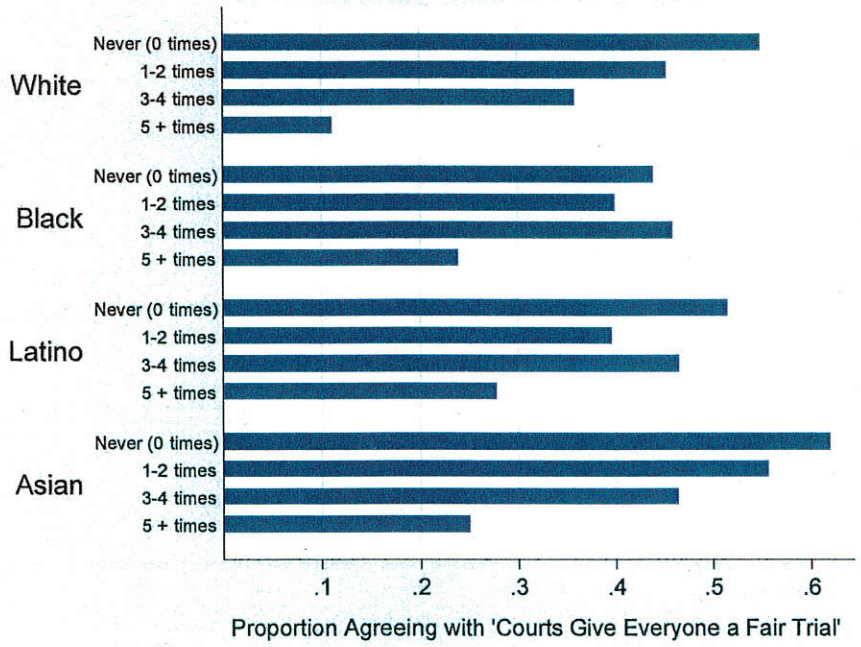

Figure 5a. The Impact of Personal Experiences of *Disrespectful Treatment by the Police* on General Beliefs about Whether the "*Courts Give Everyone a Fair Trial*," by Race of Respondent. The vertical axis shows the frequency of unfair disrespectful treatment by the police by racial group, and the horizontal axis shows the proportion of respondents who agree that the "the courts give everyone a fair trial."

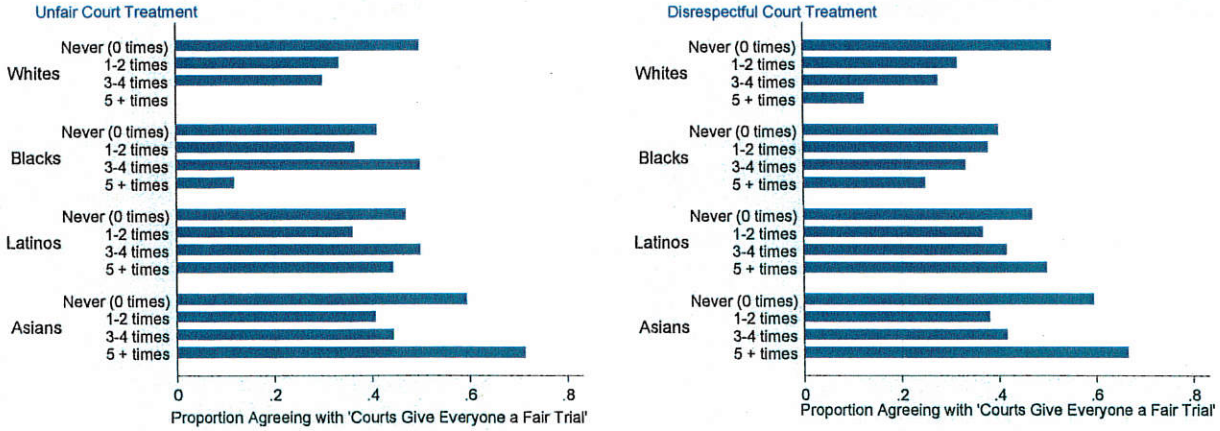

Figure 5b. The Impact of Personal Experiences of *Unfair and Disrespectful Treatment by the Courts* on General Beliefs about Whether the "*Courts Give Everyone a Fair Trial*," by Race of Respondent. The vertical axis shows the frequency of unfair or disrespectful treatment by the courts by racial group, and the horizontal axis shows the proportion of respondents who agree that the "the courts give everyone a fair trial."