



Building Trust by Building Trustworthiness

A Toolkit for Public Engagements Addressing
Disparities in the Courts



VISIONING: Introduction

This Toolkit is designed to assist courts and communities in *focusing* on opportunities to address disparities and build trust with different communities, *imagining* public engagement options, and considering *partners* for effective engagements (hereinafter, **VISIONING** tasks):

1. **Focusing**: Choosing to focus on specific disparities (e.g., differences in outcomes between racial, ethnic, and socioeconomic groups) and identifying outcome measures and metrics.
2. **Imagining**: Brainstorming and designing potentially aspirational forms or methods of public engagement that result both in the growth of court-community trust and reduced disparities.
3. **Partnering**: Identifying the partners, publics, and stakeholders who should be involved (“engaged”) in addressing the focal issue.

The Toolkit provides a starting point for the “visioning” of projects that may have transformative effects on the elimination of disparities in the courts system and the increase of trust between courts and communities. Later additions to this Toolkit will be made to provide additional resources that can be used for PLANNING, IMPLEMENTING, and EVALUATING such engagements.

The three VISIONING tasks are ordered in a manner that may seem temporally logical but, in actual practice, may be completed out of order or in an iterative manner. For example, in some cases, it may be beneficial to identify partners first, and then have them assist in focusing and imagining culturally specific forms of engagement. In other cases, the choice of focal issue may suggest new partners, participants, and methods of participation. The three tasks above may be best seen as concurrent tasks, or as tasks that are iteratively revised, refined, and considered in concert during the visioning process.

1. Finding Focus: Reducing Disparities

As noted in the call for Letters of Interest, a [national listening tour](#) sponsored by the Community Engagement in the State Courts Initiative’s Advisory Board identified several problems relating to the reduction of disparities in the courts based on race, ethnicity, and socioeconomic status. These issues fell into three main categories:

Issues based on how judges make decisions

- Lack of awareness of the reality of minority and low socioeconomic communities
- Implicit bias on the part of the judges
- Lack of diversity on the bench

Issues based on unfairness in the court system

- Financial barriers to accessing the courts
- Court funding dependent on the amount of fines and fees
- Bias in the plea-bargaining process
- Lack of racial and socioeconomic diversity in juries/jury pools

See [Appendix A](#) for longer descriptions and examples of each issue, as well as examples of metrics and measures that might track progress on these issues. The technical assistance provided to projects will include advice on appropriate metrics.

Issues based on the outcomes of judicial decisions

- Bias in sentencing outcomes
- Failure to hold police accountable
- Impact of sanctions on employment opportunities
- Bias in imposing legal financial obligations

This list above is meant to provide a starting point for considering what issues could be relevant in specific areas or courts. The list does not include every issue related to disparities and bias in the courts, and not all issues listed will be relevant to all courts. It may often be the case that courts do not have full or any control over some of the issues. This last point, the lack of court control over certain problems, underscores the need for engagement and collaboration among the courts, the public, and other partners, in order to begin to make lasting changes and improvements.

TIP: As you think about the issues above, and attempt to decide what to focus upon in your community, it may be useful to consider the following questions:

- What is the evidence that it is a problem for your court and communities?
- Would your “partners” agree that it is an important problem? Why or why not? (If you do not know, this suggests engagement is needed to choose the focus.)
- How would you know if the problem were improved?

2. Imagining Engagement: Structures and Features

Defining public engagement is difficult because it has many different meanings. Prior reflections on public engagement have identified it as including widely varied methods for

- involving the community in solving problems and making sure community needs are met
- building relationships between people that can be drawn on in the future
- educating communities to raise awareness and support, or to build capacities
- combinations of the above goals and other goals

Rather than focusing on a single definition or goal, the brief description of the community engagement in Lincoln, Nebraska (see Box 1) is meant to illustrate how effective dialogue and engagement among institutions and communities can lead to real and measurable change. This example is purposely taken from outside the courts context, to encourage courts to go beyond what may have been attempted previously in court contexts. In the remainder of this section we provide some examples of types of engagement that courts may wish to consider, and describe some of the features that can be varied across engagements for different purposes.

BOX 1. A STORY OF A TRUST-BUILDING, PUBLIC ENGAGEMENT

“I wouldn’t trust you guys to run a laundromat.”

In 2007, Lincoln, Nebraska residents’ distrust of City government was palpable. The quote above is but one colorful illustration of concerned resident comments that were all too frequent during the 2007 election. At the same time, the newly elected Mayor was facing a substantial \$8 million deficit in an approximately \$130 million City budget. The 2007 deficit and other deficits that followed in subsequent years were caused in large part by a number of factors outside of the City leadership’s control. For example, state law prevented the City from cutting employee salaries. Also, in the early years of the administration, sales tax revenues were declining in what was a national recession, and property tax valuations underwent previously unheard of decreases due to the national housing collapse.

Clearly, the City of Lincoln was in a challenging situation. Balancing the budget was going to require some combination of serious cuts to programs contributing to Lincoln’s quality of life and revenue raising taxes. The Mayor and his team did not expect an already distrusting public to endorse whatever solutions City Hall might offer.

Rather than simply making the changes it felt was needed, the City instead decided to engage the public. The City sought to hear from business owners, not-for-profit operators, ordinary residents, and other stakeholders, about what budget solutions were preferred and why. Focus groups, deliberative discussions, constituent meetings, and random-sampling survey techniques were used to obtain input. The City partnered with a neutral stakeholder, the local University, to embark on an ongoing public consultation project concerning the City’s budget. This extensive public engagement proved highly successful. Each year since the first engagements in 2008, the City has continued to involve its residents in activities now branded as *Taking Charge*.

A part of *Taking Charge*, sometimes the City asks residents for broad input on its strategic goals. At other times the City checks in with the public regarding its satisfaction with City services. Importantly, the City not only asks questions of the public, but engages in two-way dialogue. In these dialogues, members of the public (including key stakeholders) provide answers to the City’s meaningful budget and associated policy questions, and City officials participate by asking and answering questions and offering their perspectives for public consideration. Further, a website provides access to all program costs and indicators, as well as results from the public engagements.

To date, the research that has been conducted on this effort suggests public trust increases as residents learn that City staff are operating in a trustworthy manner, especially during the *Taking Charge* face-to-face engagements.¹ Meanwhile, the City is empowered to be responsive to resident preferences.² As a result, the City has managed to balance its budget, cut City staff and programs, and raise taxes for important City needs, all while increasing ratings of public trust and confidence, as documented by random sample surveys conducted approximately every other year.³

Notes: The above case summarizes and builds upon the article by Rick Hoppe available at <https://www.questia.com/magazine/1G1-373577952/trust-building-public-confidence-in-lincoln-nebraska>.

See also: ¹PytlikZillig et al. (2012) “Public input methods and confidence in government,” ²Abdel-Monem et al, (2016), “Policymakers’ perceptions of the benefits of citizen-budgeting activities,” and ³the Taking Charge 2017 final report at <http://lincoln.ne.gov/city/mayor/takingcharge/index.htm>.

Examples of engagement methods involving bidirectional communication

The defining feature of engagements using bidirectional or multi-directional communication strategies is that representatives from more than one group are communicating in a back and forth manner that is responsive to the information shared by the representatives from the other group or groups. Usually these methods have the representatives present together at the same time and in the same place. However, as engagement technologies advance, people may find themselves dispersed across space and time, yet still able to productively exchange ideas. Examples of methods using bidirectional communication include:

See [Appendix B](#) to learn more about each of these method's features, strengths, weaknesses, and for example cases of each method

- **Citizen advisory committees** involve choosing representatives from the community as advisors to discuss issues and solutions with the courts.
- **Deliberative discussions** involve bringing experts, community members, the courts, and others together to learn more about an issue and consider information in depth to inform decisions. Variations on deliberative discussions include citizen juries and consensus conferences.
- **Social media facilitated discussions** on platforms like Twitter and Facebook leverage technology to bring together many stakeholders across geographic areas in discussion.
- **“Democratic Community” building efforts** aim for long-standing involvement and use hierarchically structured group discussions to ensure representation across different interests.

IMPORTANT: The instructions for [Letters of Interest](#) note that applicants must use bidirectional communication strategies that facilitate court-community dialogue. Nonetheless, some of the unidirectional methods may be used as part of a larger process that emphasizes bidirectional communication overall.

Examples of engagement methods using unidirectional communication

In unidirectional engagement methods, communication emphasizes one direction over the other. For example, open house methods emphasize communication from the courts to the public, while surveys, interviews, focus groups, and televoting emphasize public to court communication. These methods can often be adapted to include more bidirectional dialogue.

- **Open houses** often involve representatives and information presentation in a context where the public can ask questions.
- **Surveys, interviews, and focus groups** typically use standardized questions to elicit information from the public, to better understand their views.
- **Televoting** allows people to vote from their locales (homes, communities) and encourages people to learn about and discuss the issue with their neighbors and friends prior to offering their opinion.

Features that can vary between engagement methods

The above examples illustrated that engagements can vary by levels and direction of communication. However, there are many ways in which engagement methods can vary, including the following:

- **Goals** (e.g., education, values clarification, consensus-building, relationship-building, networking, problem-solving)
- **Activities** (e.g., discussion, voting, information communication, ranking tasks, deliberation)
- **Size** (e.g., small groups, one-on-one meetings, large audience engagement)
- **Modes and media** (e.g., face-to-face, online, mobile-friendly, telephone, mail, specific electronic platforms)
- **Participants** (e.g., minorities, special populations or interest groups, specific expertise)
- **Duration** (e.g., one-time short engagement, day-long engagement, many engagements over time)

TIP: As you think about what methods and features to include in your engagements, it may be useful to consider the following questions:

- **What are the goals of the engagement?** For example, is the primary aim to clarify the issues and problems (which might be facilitated through storytelling)? Generate potential solutions (through brainstorming)? Come to consensus on best courses of action (through structured deliberation)?
- **What features (e.g. activities, modes, and media) will be effective for the goals and the participants?** For example, what will especially appealing versus not acceptable to the communities you wish to engage? Engaging young people may be more effective if certain forms of social media popular among youth are used.

3. Identifying Partners and Participants

Applicants should consider what partners are necessary to plan for and execute a successful project with meaningful outcomes. Who and how partners are involved should be determined while defining the scope and objectives of your project. In addition to project design, applicants should consider how involving partners will build and foster community support and solve problems over time. As addressing racial, ethnic, socioeconomic, and other bias in the court system is a challenging and long-term endeavor, having active involvement and support from the community is crucial.

Potential partners that courts may consider include the following groups:

Justice System Partners

- Legal professionals (Judges, prosecutors, public defenders)
- Probation
- Law enforcement
- Correctional programs
- Community corrections / diversion programs

Community Partners

- Racial and ethnic minorities, advocates and community leaders
- Justice-system involved individuals and/or families

Community Services, Resources, Stakeholders

- Domestic violence victim support
- Immigration advocates
- Alcohol/Drug treatment providers
- Behavioral/Mental health treatment providers
- Workforce development/Employment support
- Schools/libraries/literacy groups
- Media
- Elected officials
- Community foundations
- Cultural centers
- Faith and community organizations

TIP: As you consider who needs to be involved in your engagement efforts, it may be useful to consider the following questions:

- **What groups, institutions, and individuals does the issue involve?** That is, who is affected? Who can moderate the effects? Who has control over causes or effects?
- **Who has connections to or influence among those listed in the first bullet?**
- **Who/what has special understanding or knowledge relating to the issues, causes and effects?** For example, a psychologist who studies implicit bias may not be a member of the court system nor a minority, but may have relevant expertise.
- **What are the barriers to involving persons/entities listed?** For example, what is the readiness of such persons for involvement and engagement? Readiness to be engaged may include willingness, openness, and background knowledge.