



An Examination of How District Attorneys Perceive Justice

Jackie Chavez, PhD¹

Scott Mathers, PhD²

Abstract

Scholars have identified four primary types of justice: distributive, procedural, interpersonal, and informational. These four types of justice correspond, respectively, to the perceived fairness of one's outcomes, to the perceived fairness of the procedures used to determine one's outcomes, to the degree to which people are treated with dignity and respect, and to whether individuals receive complete, truthful, and timely explanations of procedures and decisions. A significant amount of criminal justice research has examined how perceptions of justice affect attitudes and behavior (Denver 2011). Understanding how district attorneys view justice gives insight into the decisions they make including how to dispose of cases, what charges to bring against defendants, what sentences to recommend, and even how victims should be treated throughout the court process. As noted by Colquitt (2001), a large number of studies have sought to link justice perceptions to a variety of organizational outcomes, including job satisfaction, organizational commitment, withdrawal, and organizational citizenship behavior (p. 425). Nonetheless, the extant literature is lacking on conceptualizations of justice related to jury trials. Since ensuring that justice prevails is the primary responsibility of the district attorney (Felkenes 1975), this study seeks to examine district attorneys' perceptions of justice resulting from the use of jury trials.

Keywords: Justice, Juries, Trials, Courts, Criminal Justice, District Attorney

INTRODUCTION

Scholars have identified four primary types of justice: distributive, procedural, interpersonal, and informational. District attorneys' perceptions of justice are particularly important given the amount of power they hold. District attorneys are responsible for bringing charges against a suspect in a court of law. They have a tremendous amount of discretion over charging decisions, disposition, punishment decisions, and the inclusion of victims within the court process. Although studies have examined how courtroom actors affect perceptions of justice for defendants, victims, and the public, few have examined the factors that affect perceptions of justice for district attorneys. Specifically, how notions of justice are related to jury trials.

Jury trials are an essential part of the criminal justice system and play a pivotal role in dispensing justice. Jury trials not only educate the public about the law, legal processes, and their duties as citizens, but also simultaneously reinforces their faith in the American justice system (Kassin 1988). Proponents of trials argue that juries play a critical role in the American justice system by protecting the rights of criminal defendants while also promoting public trust and confidence in the courts (Mize, Hannaford-Agor & Waters 2007). Although many individuals complain about the inconvenience of jury service, post-trial surveys indicate the jury service results in more public support for the courts, legal system, and judges (Appleman 2010; Gastil, Lingle, & Deess 2010). Seemingly then, juries should connote justice within the criminal justice system. Proponents of jury trials argue that limiting or abolishing jury trials would undermine the public's faith in the criminal justice system (Roberts & Hough 2011). This study pays particular attention to how notions of justice are related to the various courtroom characteristics associated with jury trials such as whether note-taking is allowed, written jury instructions are provided, the number of venire sources used to secure a jury, and if both judges and attorneys are allowed to participate in the voir dire. Although these aspects of jury trials have been examined, they have not been conceptualized as different types of justice in the extant literature.

PERCEPTIONS OF JUSTICE

Distributive Justice

Research on organizational justice initially focused on distributive justice (Colquitt 2001). Distributive justice refers to the perceived fairness of one's outcomes, both individual rewards and punishments and the distribution of outcomes between groups (Van den

¹ Dr Jackie Chavez is Assistant Professor of Criminal Justice at Troy University, Department of Criminal Justice, 600 University Ave, 320F McCall Hall (MSCX) Troy, Alabama 36082. E-mail: jchavez@troy.edu

² Dr. Scott Mathers is Assistant Professor of Sociology at Eastern Washington University, Department of Sociology and Justice Studies, 329 Patterson Hall Cheney, WA 99004. E-Mail: smathers@ewu.edu

Bos, Vermunt, & Wilke 1997). This judgment of fairness is referred to as distributive justice because of the assessment of how resources are distributed or allocated to individuals. Scholars were interested not only in how resources were distributed, but also in the consequences of the distributions.

Homans introduced the concept of distributive justice and subsequent work by Adams (1965) was instrumental to its development. Homans's (1958) work on fairness and social exchange maintained that people develop exchange histories that create normative expectations for future exchanges. Normative expectations are based on comparisons of a reference group or individual. In other words, people evaluate their organizational outputs based upon their own inputs and then compare them to what others in similar situations have received (Lambert, Hogan, & Barton-Bellessa 2011).

Procedural Justice

Although research on distributive justice predominated until the 1970s, studies have found that outcomes are not always the primary concern of individuals (Tyler 2000). Procedural justice theories focus on whether procedures are perceived as fair. There are three main theories in the literature about why procedural justice is pertinent to individuals. One theory posited by Thibaut and Walker (1975) maintain that procedural justice is important to individuals because only a fair process ensures a fair outcome. A second theory, based on Tyler and Lind's group value model, contends that people care about processes because treating an individual in a fair manner conveys positive information about the participant's status in society. Lastly, van den Bos, Vermunt, & Wilke (1997) asserted that individuals have difficulty in assessing outcomes and therefore evaluate the process to form judgments about the outcome.

Thibaut and Walkers (1975) research on procedural justice stemmed from their observations of courtroom settings. Thibaut and Walker (1975) posited that perceptions of procedural justice affect satisfaction regardless of the level of the outcomes obtained. Specifically, they found that individuals who felt that court procedures were fair were more willing to accept and defer to court decisions.

Thibaut and Walker's (1975) criteria for procedural justice included process control (i.e., the ability to voice one's views and arguments during a procedure) and decision control (i.e., the ability to influence the outcome itself). Process control was later referred to as "voice" by Folger (1977). Folger's (1977) voice effect and Thibaut and Walker's (1978) process control reflect the enhancement of procedural fairness in cases where individuals who are concerned with the outcome are afforded the opportunity to express themselves (Lind & Earley 1992). Lind and Tyler (1988) contend that the voice effect reflects the symbolic indication that the individual in question has something of value to contribute to the process.

As pointed out by Tyler and colleagues (Tyler 1987; Tyler, Rasinski, & Spodick 1985), having a voice in the process has been shown to increase perceptions of procedural justice regardless of whether people actually believe their input will affect the outcomes. Research has consistently demonstrated that people express more support for outcomes, for authorities, and for institutions when they feel as though they were heard (Rose 2005). Denver's (2011) study on juries, for example, found that having a voice in the process, feeling included in the jury, having a friendly and welcoming environment, and having clear procedures during deliberations all reflect examples of the criteria for fairness.

While Thibaut and Walker (1975) focused on process and decision control, Leventhal (1980) asserted there were additional factors that affected procedural justice. Leventhal's criterion for procedural justice were consistency, bias suppression, accuracy of information, correctability, representation, and ethicality were upheld. In cases where consistency (i.e., ensuring everyone is subjected to the same procedures), bias suppression (i.e., neutrality of the decision maker), accuracy of information (i.e., procedures are based on accurate information), correctability (i.e., appeal procedures are available for correcting bad outcomes), representation (i.e., all subgroups in the population affected by the decision are heard from), and ethicality (i.e., standards of ethics and morality are upheld in the process) were upheld, procedures were deemed just.

Later, Tyler and Lind (1992) developed the relational model of procedural justice whereby they departed from Thibaut and Walker's (1975) model by not including process control or decision control. In contrast to Leventhal's (1980) instrumental concerns, Tyler and Lind (1992) suggested that people care about processes because treating people fairly conveys positive information about one's status in society. Their model identified three determinants of procedural justice: trust, standing, and neutrality. Trustworthiness involves people's concerns about the underlying motivation behind the decision making and whether the decision makers are honest and benevolent (Tyler 2000). Standing refers to being treated with dignity and respect along with authorities showing regard for the rights of the individual. Neutrality refers to people's desire for an unbiased dispute resolution forum and to the impartiality and objectivity of those involved in the process. Neutrality reflects the honesty and impartiality of the decision makers and the belief that their personal values and biases should not enter the decision making process. Instead, the process should be based solely on prescribed facts and rules (Hollander-Blumoff 2011).

Tyler (2009) contends that perceptions of procedural justice affect recidivism. Individuals that view the law as legitimate are more likely to obey it and follow the directions of those in authority. Individuals are more likely to view those who used fair procedures as legitimate. Tyler and Huo (2002) contend that legitimacy rests on the fact that individuals should defer to the judgments of legal authorities because they are entitled to be obeyed.

Berman and Gold (2012) noted that even minor modifications within the courtroom experience could significantly alter levels of procedural justice for defendants. The Center for Court Innovation, The National Judicial College, and the Bureau of Justice Assistance has provided recommendations for improving procedural justice within the court system. Their recommendations include humanizing the experience for defendants, using “plain English” instead of legal jargon for better understanding, engaging defendants in dialogue, and focusing strictly on the case at hand (Berman & Gold 2012 p. 21).

Interpersonal and Informational Justice

Although research originally focused on the perceived fairness of procedures and outcomes, Bies and Moag (1986) advanced the justice literature by focusing on the relationship between interpersonal treatment and fairness, or what they called interactional justice. This resulted from the awareness that perceptions of procedural justice are influenced by factors other than just the formal procedures enacted during the decision making process. Bies and Moag (1986) distinguished this idea from procedural justice by claiming that individuals may feel as though they were unfairly treated even when they believe the decision making processes were fair. Interactional justice can be defined as the interpersonal treatment people receive during the enactment of procedures. Interactional justice, as first expanded on with procedural justice, is ensured when decision makers treat people with respect and sensitivity and explain the rationale behind decisions.

Greenberg (1993) argued that interactional justice should be broken down into two constructs – interpersonal and informational. Interpersonal justice reflects the degree to which people are treated with politeness, dignity, and respect by those who execute procedures or determine outcomes. In examining interpersonal justice, Tyler (2001) found that people who were treated politely with respect and without harassment or stigmatization were more supportive of the law and legal authorities. Consistent with this idea, Berman and Gold (2012) found that the strongest predictor of recidivism was defendants’ attitude toward the judge and whether they perceived the judge to have treated them fairly and respectfully. These findings were consistent regardless of one’s race, gender, and prior record. These findings even remained consistent for defendants who had extensive prior records and for those who received unfavorable sentences.

The second construct, informational justice, refers to whether an individual receives complete, truthful, and timely explanations for procedures and decisions. Research has found that individuals who received negative outcomes were more likely to accept the procedures preceding the outcome as fair when explanations for the decision were offered (Bies & Shapiro 1987; Greenberg 1990). Similarly, Greenberg (1988) found that workers perceived their performance reviews as more fair when written explanations accompanied the reviews.

Later research by Wemmers (2003) found that even passive participation (i.e., being consulted and informed of the developments of their case) with the criminal justice system is related to justice. Wemmers (2006) noted that victims want to be included in the criminal justice system in an active or passive role. Moreover, Colquitt and Rodell (2001) found that informational justice was a predictor of trust and predicted employees willingness to be vulnerable. In this study, employees were more trusting of supervisors who explained and justified decision making in an honest and truthful manner. Bies, Shapiro, and Cummings (1988), however, emphasized that only explanations perceived to be reasonable and sincerely communicated enhanced notions of procedural justice. In sum, “the history of research devoted to understanding what promotes perceptions of fairness has been marked by increasing complexity in operationalization as new and different conceptualizations have been introduced over the years” (Colquitt, Conlon, Wesson, Porter, & Ng, 2001, p. 428). This paper seeks to add new justice conceptualizations as related to the processes of jury trials.

ROLE OF THE DISTRICT ATTORNEY

Ensuring that justice prevails is the primary responsibility of the district attorney (Felkenes 1975). Stemen and Frederick (2013) found that attorneys had different opinions of the definition of justice. Some argued that justice meant ensuring consistency in outcomes, while others argued that justice meant ensuring consistency in decision making. The district attorney has two distinct roles: state’s advocate and judicial officer (Felkenes 1975). As a state’s advocate, the district attorney’s goal is to get a plea or guilty verdict. As a judicial officer, however, the district attorney’s concern is with justice, which includes the legal procedures put in place to ensure that justice prevails (Felkenes 1975).

Specifically, the district attorney is responsible for the legal representation of the state in bringing criminal charges against a defendant. The district attorney has the discretionary power to make decisions about whether to pursue criminal charges, which charges to make, and what sentences to recommend. They also have the power to recommend the bail amount, drop or reduce charges, and negotiate and approve guilty pleas (Kingsworth, MacIntosh, and Sutherland 2002). District attorneys also play a significant role with respect to grand juries. Grand juries conduct proceedings to investigate criminal conduct in order to decide if criminal charges should be brought against the suspect. District attorneys therefore present grand juries with evidence in order to seek indictments. In addition to felony criminal matters, district attorneys may also have authority over misdemeanor, juvenile, and traffic offenses.

Donald Black (1989) pointed out that doctrines of law alone do not adequately predict and explain how cases are decided, as evidenced by the fact that identical cases are often handled differently. Stemen and Frederick (2013) argued that district attorneys’

discretion is the least constrained of all the criminal justice actors. As such, the district attorney's decision making process has been described as a "black box," given that inner workings of the district attorney often remain hidden and receive little scrutinization from the legal realm (Stemen & Frederick 2013).

Since district attorneys are elected officials, their decisions may also stem from trying to please voters, garner the public's attention, please judges, or save time and resources (Maschke 1995). Certain background characteristics and experiences are conducive to particular attitudes and values (Jones, 1978). Experience in and exposure to the criminal justice system may affect perceptions and belief (Jones 1978; Felkenes 1975) which then can influence decision-making and behavior (Jones 1978). Conviction psychology exists when emphasis is placed on convictions (Felkenes 1975). Since convictions are often measured as success, conviction psychology places emphasis on the high achievement of conviction rates instead of high justice rates, which Felkenes (1975) argued could diminish respect for the ideal purpose of the prosecutor's position.

THE JURY

It has been argued that jurors are incapable of comprehending the factual and legal complexity that encompasses trials (MaCoun and Tyler 1988). The tasks assigned to juries are becoming increasingly complex (Lilly, 2011) as technological advances have been made with regards to evidence (Sudman 1999). As such, jurors may have trouble understanding the complex language and terminology associated with specific types of evidence such as DNA, ballistics, or medical evidence.

The ability of juries to distinguish between experts with contradictory opinions has also been called into question (Myers et al 1999). The jury may become confused or skeptical of complex evidence or conflicting evidence by different experts (Cutler, Dexter, & Penrod 1989; Myers et al 1999). Many juries believe that science is quick and always accurate, which is not always the case (Roane 2005).

In addition, there are concerns about whether juries can understand and remember the court's instructions with regard to forensic evidence and/or the law (Vidmar 1995). Jury instructions were first articulated by the U. S. Supreme Court in 1895 as a way to inform the jury of laws relevant to their duty (Kassin 1988). Jury instructions may be given prior to trial, during trial, or at the close of the presentation of evidence. The timing, as well as the wording of instructions, is often left to the discretion of the individual judge (Mottley, Abrami, & Brown 2002). In theory, "instructions should be simple, impartial, clear, and concise representations of the governing law of the jurisdiction concerning the legal issues raised by sufficient evidence in the cases of both the prosecution and defense" (Mottley et al 2002, p. 4).

Instructing the jury before closing arguments along with providing written copies of the instructions have been found to improve juror comprehension of the law (Mize, Hannaford-Agor, & Waters 2007). Since jury instructions can be quite lengthy, providing written copies allows jurors to not have to rely on their memory alone. Mize, Hannaford-Agor, & Waters (2007) reported that at least one copy of written instructions was provided for the jury in more than two thirds of state jury trials. For federal jury trials, they were provided in almost three fourths of trials. They also found that state judges were more likely to provide instructions prior to closing arguments compared to federal judges. Federal judges, however, were more likely to provide written instructions to jurors (Mize, Hannaford-Agor, & Waters 2007). Juries that were instructed prior to closing arguments deliberated for shorter periods, giving credence to the notion that the act of providing instructions may enhance juror understanding.

Yet another jury related issue deals with the ability of jurors to take notes during trial. Although note taking may improve comprehension, not all jurisdictions permit it. This opposition is based on the idea that notes taking may be a distraction for jurors (Longhofer 1999). Mize, Hannaford-Agor, and Waters (2007) found that more than two-thirds of trials in state and federal courts permit juror note taking. Important factors affecting the decision to allow note taking may include whether or not there was a statute, court rule, or case law that had previously addressed the issue. Research has found that jurors who were permitted to take notes, given notebooks by the court, and those that were given a copy of written jury instructions all tended to deliberate for longer periods.

Some courts have promoted an active learning environment within the courtroom. This new classroom-like approach began in 1995 in Arizona. A classroom environment allows jurors to discuss evidence and take effective and useful notes during the trial. The goal of the new approach enabled jurors to improve their recall and comprehend complex data and concepts.

Given the above-mentioned issues, it is important to understand how district attorneys view the institution of the jury. Do district attorneys still trust juries to understand the complexity of trials and make the correct verdict? Are bench trials more likely to result in a fair trial? With respect to the court system, do district attorneys believe offenders are treated with dignity and respect? Given the importance of these questions, the following section will incorporate variables that best represent these central questions by including characteristics of the district attorney, courtroom, and county.

This study will investigate district attorneys' perceptions of four types of justice: distributive justice, procedural justice, informational justice, and interpersonal justice. The focus on district attorneys is advantageous because, compared to other courtroom actors or the public, they likely have a unique perspective on perceptions of justice. This unique perspective may be due, in part, to their educational experiences and to their experiences in the court system. Although judges have similar educational experiences (Haynes, Ruback, & Cusick, 2010), the district attorney's role is unique because they are charged with representing the State in bringing charges against a suspect in a court of law. The district attorney's ability to decide whether and how to prosecute an

offender highlights the importance of their role in the criminal justice system. These decisions affect a variety of actors, including defendants, victims, and other criminal justice officials such as judges and defense attorneys.

METHOD

This research was based on data from a telephone and email survey of district attorneys and from contextual data from the United States Census Bureau and the Uniform Crime Reports (UCR). The survey instrument included four sections. The first section included general questions about the district attorney and his/her office. For example, respondents were asked about their tenure as a district attorney, the number of assistant district attorneys in their office, their annual caseload, the percentage of their cases that go to trial or are plea bargained, and their conviction rate. The second section focused on respondents' opinions about how cases were handled within their jurisdiction. Specifically, these questions were designed to measure the perceived fairness of courtroom processes and decisions. The third section asked a series of questions about jury trials in the respondent's jurisdiction. Questions focused on the jury selection process, peremptory challenges, venire, jury instructions, juror compensation, jury representativeness, and juror understanding. The last section included demographic questions such as the respondents' age, race, ethnicity, marital status, political ideology, and length of residence in the county. The total number of telephone and email surveys obtained was 174.

Four dependent variables were examined: distributive, procedural, interpersonal, and informational justice. District attorneys were asked to rank their agreement by using a Likert scale (e.g., strongly disagree, disagree, agree, strongly agree). In this study, distributive justice was measured by asking respondents about their level of agreement that they: *trust juries to make the correct verdict*. Procedural justice was measured by asking respondents about their level of agreement that: *A defendant is more likely to get a fair trial if tried by a jury rather than by a judge*. Interpersonal justice was measured as the extent to which respondents agree that the courts in their county: *Treat victims with dignity and respect*. Informational justice was measured as the extent to which respondents agree that: *jurors in their county understand the facts of the case*.

Independent Variables

District Attorney Characteristic. District attorney characteristics included gender, race, age, years as a district attorney, and conviction rate.

Court characteristics. Court characteristics included information specific to the district attorney and his/her jurisdiction. These variables included the district attorney's annual caseload (i.e., the total number of cases per year), annual conviction rate (i.e., the proportion of cases that resulted in a conviction), jury incarceration rate (i.e., the proportion of jury trials that resulted in incarceration), bench trial rate (i.e., the proportion of bench trials that resulted in incarceration), and the plea bargain rate (i.e., proportion of plea bargains that resulted in incarceration). Courtroom specific information included the venire compilation (i.e., the sources used to compile the venire), voir dire participation (i.e., whether attorneys are allowed to participate in the voir dire process), jury instructions (i.e., whether jurors are provided with written jury instructions), and note taking (i.e., whether jurors are allowed to take notes during trial).

County characteristics. The county variables focused on characteristics of the economic and social contexts. The economic factor included was the percentage of people living below the poverty level. Characteristics of the social context included the percentage of people living in urban areas, the percentage of the population that is Black, and the crime rate (crimes reported per 100,000 people). The first four variables were taken from the 2010 U.S. Census while the crime rate variable was taken from the 2010 Uniform Crime Report (UCR).

Description of the Sample

Table 1 describes the sample of 174 district attorneys and the courts and communities in which they practiced. The results showed that most respondents were White males with an average age of 52 ($M = 51.7$). The district attorneys included in the sample served their counties an average of approximately 13 years ($M = 12.8$ years). They employed an average of 12.5 assistant district attorneys and had an average yearly conviction rate of 91.7%. Most (83.1%) of their cases were settled through plea bargains. Regarding court characteristics, the majority (93.1%) provided written instructions to the jurors and allowed jurors to take notes (90.4%).

Distributive justice.

Table 2 describes the results of the regression analyses predicting distributive justice. Race was significant ($b=2.703$, $p=.019$), indicating that Whites reported higher levels of distributive justice. None of the court variables (i.e., conviction rate, jury incarceration rate) or county variables (i.e., percentage of the population living below the poverty level, percentage of people living in urban areas, crime rates, and percentage of the population that is Black) significantly predicted distributive justice.

Procedural justice.

Table 3 describes the results of regression analyses predicting procedural justice.

Gender was a significant predictor with a coefficient of 0.058, $p=.001$ indicating that males reported higher levels of procedural justice. None of the court variables (i.e., the number of venire sources used to compile the venire, voir dire participation) or the

county variables (i.e., percentage of the population living below the poverty level, percentage of people living in urban areas, crime rates, and percentage of the population that is Black) significantly predicted procedural justice.

Interpersonal justice.

The results in Table 4 showed that gender, age, and years in office were significant. Males and younger DAs reported significantly higher levels of interpersonal justice than did their counterparts. Specifically, the odds ratio of 6.92 indicates that the odds of reporting interpersonal justice are over six times greater for males compared to females, holding all other variables constant. The odds ratio of 0.952 indicates that the odds for reporting interpersonal justice are lower for older DAs compared to their younger counterparts. District attorneys also reported greater interpersonal justice in counties where they had been in office longer. For every one-year increase in employment, the odds of reporting interpersonal justice are 1.06 times higher. The county-level variables of poverty level, percentage of people living in urban areas, crime rates, and percentage of the population that is Black did not significantly predict interpersonal justice.

Informational justice.

Table 5. Model 1 indicates that age, race, and gender are not significant predictors of informational justice. In Model 2, the demographic variables of age, race, gender, and the court variables of note-taking, and providing written instructions were not significant predictors of informational justice. In Model 3, the demographic variables of age, race, gender, and the court variables of note-taking and providing written instructions did not significantly predict informational justice. The contextual variables of poverty level, percentage of people living in urban areas, crime rates, and percentage of the population that is Black also did not significantly predict informational justice.

ANALYSES

A descriptive analysis of the sample and a series of ordinary least squares (OLS) and ordered logit regression models were conducted. OLS was used to estimate the effects of the independent variables on two dependent variables: distributive and procedural justice. OLS was appropriate for these models because of the assumption that the dependent variables are a linear function of the independent variables. Ordered logit analyses were used to estimate the effects of the independent variables on two dependent variables: interpersonal and informational justice. This is common where opinions such as agreement are ranked on a Likert scale.

LIMITATIONS

The primary weakness of this study was the sample size. District attorneys were hard to reach as the majority of district attorneys did not directly answer the telephone or respond to email requests. Instead, secretaries and office assistants usually answered the calls and emails made to the district attorney's office. Furthermore, it was common for secretaries and office assistants to report that the district attorneys were unavailable to take phone calls due to meetings, being out of the office, or attending court. However, this limitation is not unique to this particular study. A 2017 Pew Research Center found that U.S. telephone survey response rates have significantly decreased in recent years (Keeter, Hatley, Kennedy, & Lau, 2017).

Another weakness of the study included the fact that district attorneys seemed hesitant to criticize their courts. Elected officials, such as district attorneys, may be hesitant to talk to researchers or the public about their job, court system, or personal beliefs. Furthermore, district attorneys who participated in the survey, particularly in the telephone version, may have been more likely to give socially desirable answers. Although participants were informed of the confidential nature of the study, interview bias may still have inhibited the study. After all, public opinion and the media can shape whether the prosecutor is supported or criticized, which in turn may affect their likelihood of reelection.

We know that it is crucial for key players in the criminal justice system to establish working relationships in order to work effectively. As such, district attorneys may have been hesitant to criticize the criminal justice system or the criminal justice actors they work with. Within the court group, the district attorney seems to have a particularly hard job in that he often is responsible for serving competing interests.

DISCUSSION AND CONCLUSION

Research has consistently demonstrated that identical cases are often handled differently (Black, 1989). A main contribution of this study was that it focused on justice from the perspective of the district attorney, a vital yet understudied actor in the criminal justice system. Understanding how district attorneys view justice gives us insight into their decisions they make. These decisions may include how they choose to dispose of cases, what charges to bring against defendants, sentencing recommendations, and even how victims are treated and included within the court process.

Although the majority of respondents indicated that they trusted juries to make the correct verdict, conviction rate and the incarceration rate for jury trials did not significantly affect district attorney's trust in juries to make the correct verdict. Furthermore, although the majority of district attorneys trusted juries to make the correct verdict, most of the cases were nonetheless disposed of through plea

bargaining. This seems to suggest that even though district attorneys perceive that juries can be trusted to make the correct verdict, other factors may ultimately have stronger influence on the decision of whether to go to trial.

The majority of district attorneys disagreed that a defendant is more likely to get a fair trial if tried by a jury rather than by a judge. This finding may have resulted from the fact that they were also supportive of judges in their counties. The majority of district attorneys in our sample reported their counties had fair judges. Surprisingly, this study shows that district attorney characteristics (rather than courtroom or county characteristics) are most likely to affect individual justice perceptions.

DIRECTIONS FOR FUTURE RESEARCH

Wright and Levine (2014) argue that even though we understand what district attorneys do, less is known about why they do it. According to Stemen and Frederick (2013), there are two main understudied areas with respect to district attorneys: 1) the effects of district attorney characteristics (e.g., experience and demographics) and 2) organizational constraints (e.g., caseload). Future research should look at perceptions of justice from the perspective of the defense attorney in order to have a greater understanding of how justice varies, if at all, between various courtroom actors. How justice varies may have important policy and reform implications. Accordingly, policies and reform initiations may be complicated in situations where justice varies among courtroom actors or between the public and criminal justice practitioners. In sum, there are many unanswered questions about the future of the jury. Despite their perceptions of fairness or support for jury trials, the question remains whether district attorneys ever see an advantage to using jury trials.

REFERENCES

- Adams, J. S. 1965. Inequity in social exchange. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 2, pp 267-299), New York: Academic Press.
- American Bar Association. 2002. Dialogue on the American jury. Retrieved from <http://www.americanbar.org/content/dam/aba/migrated/jury/moreinfo/dialoguepat1.authcheckdam.pdf>
- Appleman, Laura. 2010. The plea jury. *Indiana Law Journal*, 85(3): 731-776.
- Barkow, Rachel. 2003. Recharging the jury: The criminal jury's constitutional role in an era of mandatory sentencing. *University of Pennsylvania Law Review* 152(1): 33-127.
- Berman, Greg., & Gold, Emily. 2012. Procedural justice from the bench. *Judges Journal*, 51(2): 20-22.
- Bies, R. J., & Moag, J. 1986. Interactional justice: Communication criteria of fairness. In R. J. Lewicki, B. H. Sheppard, & M. Bazerman (Eds.), *Research on negotiation in organizations* (Vol. 1, pp. 43-55). Greenwich, CT: JAI Press.
- Bies, Robert J., & Shapiro, Debra. L. 1987. Interactional fairness judgments: The influence of causal accounts. *Social Justice Research*, 1: 199-218.
- Bies, Robert. J., Shapiro, Debra. L., & Cummings, Larry L. 1988. Causal accounts and managing organizational conflict: Is it enough to say it's not my fault? *Communication Research*, 15: 381-399.
- Black, Donald. 1989. *Sociological Justice*. New York, NY: Oxford University
- Breen, Patricia. 2011. The trial penalty and jury sentencing. *Journal of Empirical Legal Studies*, 8(1): 206-235.
- Bradley-Engen, Mindy., Engen, Rodney., Shields, Chris., Damphouse, Kelly., & Smith, Brent. 2012. The time penalty: Examining the relationship between time to conviction and trial vs. plea disparities in sentencing. *Justice Quarterly*, 29(6): 829-857.
- Cole, Richard., & Kincaid, John. 2000. Public opinion and American federalism: Perspectives on taxes, spending, and trust. An ACIR Update. *Publius*, 30(1): 189-201.
- Colquitt, Jason. 2001. On the dimensionality of organizational justice: A construct validation of a measure. *Journal of Applied Psychology*, 86(3): 386-400.
- Colquitt, Jason., & Rodell, Jessica. 2011. Justice, trust, and trustworthiness: A longitudinal analysis integrating three theoretical perspectives. *Academy of Management Journal*, 54(6): 1183-1206.
- Colquitt, Jason. A., Conlon, Donald. E., Wesson, Michael. J., Porter, Christopher. O. L. H., & Ng, K. Yee. 2001. Justice at the millennium: A meta-analytic review of 25 years of organizational justice research. *Journal of Applied Psychology*, 86(3): 425-445.
- Denver, Megan. 2011. The future of capital trials: An exploration of procedural justice, race, and willingness to serve again. *Criminal Justice Review*, 36(2): 183-200.
- Deutsch, Morton. 1975. Equity, equality, and need: What determines which value will be used as the basis of distributive justice? *Journal of Social Issues*, 31: 137-150.
- Felkenes, George. 1975. The prosecutor: A look at reality. *Southern Law University Law Review*, 7(119).
- Frampton, T. Ward. 2012. The uneven bulwark: How (and why) jury trial rates vary by state. *California Law Review*, 100(1).

-
- Greenberg, J. 1988. Using social accounts to manage impressions of performance appraisal fairness. In J. Greenberg and R.J. Bies *Communicating fairness in organizations*. Symposium presented at the meeting of the Academy of Management. Anaheim, CA.
- Greenberg, J. 1990. Organizational justice: Yesterday, Today, and Tomorrow. *Journal of Management*, 16(2): 399-432.
- Greenberg, J. 1993. Stealing in the name of justice: Informational and interpersonal moderators of theft reactions to underpayment inequity. *Organizational Behavior and Human Decision Processes*, 54: 81-103.
- Greenberg, J., & Colquitt, J. 2005. *Handbook of organizational justice*. New York, NY: Psychology Press.
- Haynes, S., Ruback, R., & Cusick, G. Courtroom groups and sentencing: The effects of similarity, proximity, and stability. *Crime & Delinquency*, 56(1): 126-161.
- Hollander-Blumoff, R. 2011. The psychology of procedural justice in the federal courts. *Hastings Law Journal*, 63(1): 127-178.
- Homans, G. 1958. Social behavior as exchange. *American Journal of Sociology*, 63(6): 597-606.
- Jones, J.B. 1978. Prosecutors and the disposition of criminal cases: An analysis of plea bargaining rates. *Journal of Criminal Law and Criminology*, 69(3): 402-412.
- Kassin, S., & Wrightsman, L. 1988. *The American jury on trial: Psychological perspectives*. New York, NY: Routledge: Taylor & Francis Group.
- Keeter, S., Hatley, N., Kennedy, C., & Lau, A. 2017 What low response rates mean for telephone surveys. Pew Research Center.
- Kingsworth, R., MacIntosh, R., & Sutherland, S. 2002. Criminal charge or probation violation? Prosecutorial discretion and implications for research in criminal court processing. *Criminology* 40(3): 553-578.
- Lambert, E., Hogan, N., & Barton-Bellessa, S. 2011. The association between perceptions of distributive justice and procedural justice with support of treatment and support of punishment among correctional staff. *Journal of Offender Rehabilitation*, 50(4): 202-220.
- Leventhal, G. S. 1976. The distribution of rewards and resources in groups and organizations. In L. Berkowitz & W. Walster (Eds.), *Advances in experimental social psychology* (Vol. 9, pp. 91-131). New York: Academic Press.
- Lind, E., & Van den Bos, K. 2002. When fairness works: Toward a general theory of uncertainty management. *Research in Organizational Behavior*, 24: 181-223.
- Lind, E., & Earley, P. 1992. Procedural justice and culture. *International Journal of Psychology*, 27(2): 227-242.
- Maschke, K. 1995. Prosecutors as crime creators: The case of prenatal drug use. *Criminal Justice Review* 20(1): 23-42.
- Mize, G., Hannaford-Agor, J., & Waters, N. 2007. The state-of-the-states survey of juryimprovement efforts: A compendium report. *National Center for State Courts*.
- Patterson-Badali, M., Care, S., & Broeking, J. 2007. Young people's perceptions and experiences of the lawyer client relationship. *Canadian Journal of Criminology and Criminal Justice*, 49(3): 375-401
- Roberts, J., & Hough, M. 2011. Public attitudes to the criminal jury: A review of recent findings. *The Howard Journal of Criminal Justice*, 50(3): 247-261.
- Stemen, D., & Frederick, B. 2013. Rules, resources, and relationships: Contextual constraints on prosecutorial decision making. *Quinnipiac Law Review*, 31(1): 1-83.
- Tyler, T. 2000. Social justice: Outcome and procedure. *International Journal of Psychology*, 35(2): 117-125.
- Tyler, T. 2001. Public trust and confidence in legal authorities. *Behavioral Sciences & the Law*, 19(2): 215-235.
- Tyler, T. 2006. Restorative justice and procedural justice: Dealing with rule breaking. *Journal of Social Issues*, 62(2): 307-326.
- Van den Bos, K., Vermunt, R., & Wilke, H. 1997. Procedural and distributive justice: What is fair depends more on what comes first than what comes next. *Journal of Personality and Social Psychology*, 72(1): 95-104.
- Waters, N. 2004. Does jury size matter? A review of the literature. *Judicial Council of California/Administrative Office of the Courts*, 1-7.
- Wemmers, J., & Cyr, K. 2006. What fairness means to crime victims: A social psychological perspective on victim-offender mediation. *Applied Psychology in Criminal Justice*, 2(2), 102-128.
- Wright, R., Levine, K., & Miller, M. (). The many faces of prosecution. *Stanford Journal of Criminal Law & Policy*, 1(27): 27-47.

Table I. Description of the Sample (N=174)

	Mean	SD	Range
Dependent Variables			
Distributive Justice (i.e., <i>I trust juries to make the correct verdict</i>)	3.85	1.03	1.00-5.00
Procedural Justice (i.e., <i>A defendant is more likely to get a fair trial if tried by a jury rather than by a judge</i>)	2.54	1.14	1.00-5.00
Informational Justice (i.e., <i>The jurors in my county understand the facts of the case</i>)	1.32	0.05	0.00-2.00
Interpersonal Justice (i.e., <i>The courts in my county treat offenders with dignity and respect</i>)	1.42	0.58	0.00-2.00
District Attorney Characteristics			
Male	0.83	1,038.00	0.00-1.00
White	0.95	0.21	0.00-1.00
Age (In Years)	51.72	10.38	29.00-44.00
Years as DA	12.83	10.18	0.05-47.50
Conviction Rate	91.79	8.85	40.00-10.00
Courtroom Characteristics			
Note-Taking Allowed	0.90	0.29	0.00-1.00
Written Instructions Provided	0.93	0.25	0.00-1.00
Judge and Prosecutor Participate in Voir Dire	0.68	0.46	0.00-1.00
Number of Venire Sources	1.77	0.87	0.00-5.00
County Characteristics			
Poverty	9.84	4.43	25.20
% Urban	38.64	31.17	96.80
% Black	5.04	11.31	67.10
Crime Rates	1,747.83	1,139.95	6,113.26
Regression Analyses.			

Table II. OLS Regression Models Predicting Distributive Justice (i.e., I trust juries to make the correct verdict)

	Model 1			Model 2			Model 3		
	beta	SE	p	beta	SE	p	beta	SE	p
Demographic Variables									
Age	0.001	0.008	0.888	0.008	0.010	0.405	0.007	0.010	0.445
White	-0.027	0.406	0.947	2.877	1.095	0.010**	2.703	1.129	0.019*
Male	-0.027	0.728	0.480	-0.089	0.353	0.800	-0.238	0.359	0.508
Court Variables									
Conviction Rate				0.008	0.014	0.557	0.007	0.015	0.599
Jury Incarceration Rate				0.000	0.003	0.983	-0.001	0.003	0.597
County Variables									
% Poverty							0.027	0.031	0.389
% Urban							0.009	0.005	0.081
Crime Rate							-0.000	0.000	0.233
% Black							0.012	0.013	0.359
R ²		0.003			0.076			0.123	
N		162			99			99	

*p < .05.

**p < .01.

***p < .001

Table III. OLS Regression Models Predicting Procedural Justice (i.e., A defendant is more likely to get a fair trial if tried by a jury rather than by a judge)

	Model 1			Model 2			Model 3		
	b	SE	p	b	SE	p	b	SE	p
Demographic Variables									
Age	0.000	0.009	0.914	0.003	0.009	0.682	0.004	0.009	0.669
White	-0.049	0.523	0.925	-0.110	0.528	0.835	-0.065	0.561	0.907
Male	0.058	0.255	0.001***	0.089	0.266	0.739	0.024	0.269	0.927
Court Variables									
Venire Sources				0.017	0.062	0.602	0.081	0.121	0.508
Voir Dire Participation				-0.152	-0.155	0.465	-0.133	0.215	0.536
County Variables									
% Poverty							0.027	0.027	0.300
% Urban							0.001	0.004	0.787
Crime Rate							-0.000	0.000	0.308
% Black							0.009	0.013	0.438
R ²		0.000			0.03			0.034	
N		150			140			140	

*p < .05.

**p < .01.

***p < .001

Table IV. Ordinal Logit Models Predicting Interpersonal Justice (i.e., The courts in my county treat offenders with dignity and respect)

	Model 1			Model 2			Model 3		
	Odds Ratio	SE	p	Odds Ratio	SE	p	Odds Ratio	SE	p
Demographic Variables									
Age	0.978	0.015	0.163	0.959	0.021	0.067	0.952	0.023	0.043*
White	0.143	0.160	0.083	0.314	0.381	0.340	0.503	0.635	0.586
Male	3.655	1.680	0.005**	7.196	4.352	0.001***	6.927	4.278	0.002**
Court Variables									
Caseload				0.999	0.000	0.147	0.999	0.000	0.128
Years as DA				1.058	0.028	0.019*	1.068	0.028	0.012*
County Variables									
% Poverty							1.070	0.054	0.185
% Urban							1.013	0.009	0.160
Crime Rate							0.999	0.000	0.108
% Black							1.0325	0.024	0.276
cut 1	-5.040	1.420		-4.168	1.759		-3.499	1.913	
cut 2	-1.778	1.374		-0.949	1.723		-0.191	1.886	
Pseudo R ²		0.10			0.108			0.137	
N		116			116			116	
*p < .05	**p < .01	***p < .001							

Table V. Ordinal Logit Models Predicting Informational Justice (i.e., The jurors in my county understand the facts of the case)

	Model 1			Model 2			Model 3		
	Odds Ratio	SE	p	Odds Ratio	SE	p	Odds Ratio	SE	p
Demographic Variables									
Age	0.993	0.016	0.685	0.988	0.016	0.494	0.988	0.016	0.466
White	0.668	0.509	0.597	1.024	0.860	0.977	0.793	0.713	0.797
Male	1.189	0.563	0.715	1.247	0.595	0.643	1.330	0.652	0.560
Court Variables									
Note-Taking				1.259	0.724	0.688	1.174	0.682	0.781
Written Instructions				1.813	1.255	0.390	1.669	1.220	0.477
County Variables									
% Poverty							0.948	0.044	0.261
% Urban							0.994	0.007	0.452
Crime Rate							1.000	0.000	0.779
% Black							1.010	0.197	0.609
cut 1	-4.031	1.223		-3.030	1.526		-3.994	1.748	
cut 2	0.341	1.136		0.995	1.477		0.059	1.691	
Pseudo R ²		0.00			0.00			0.01	
N		162			155			155	

*p < .05.

**p < .01.

***p < .001

