

Annotated Bibliography: Confidence in the Justice System

CANADA:

Fletcher, Joseph and Howe, Paul, Public Opinion and the Courts, Institute for Research on Public Policy, Volume 6, No. 3, pp. 1-58, 2000.

Article Summary:

This is a compilation of two articles by Fletcher and Howe, one focusing on Canadians' perceptions of the courts and the Charter, and the other focusing on public support for arguably controversial decisions of the Supreme Court – Feeney, Vriend, and Reference re: Secession of Quebec. The polling undertaken for this article indicates relatively strong support for the Charter, and for the actions of the Supreme Court in these specific cases. The article also usefully points to provincial differences in support for the Charter and attitudes towards the courts more generally. While the polling tends to confirm the finding that the Supreme Court enjoys significant popularity, what may be more surprising is the extent to which Canadians endorse the principles espoused in the Charter – and endorse the specifics of a number of critical Supreme Court decisions.

Bonta, J. (2004). Public confidence in the criminal justice system. Corrections Research – Research Summaries, 9 (6), 1-2. Retrieved on Jan 25th, 2009 from http://www.publicsafety.gc.ca/res/cor/sum/cprs2004011_1-eng.aspx

Article Summary:

This article summarizes Roberts' (2004) research (see below) and answers the question “What is the level of confidence that Canadians have in the criminal justice system?” Generally, it was found that more Canadians expressed confidence in the CJS than did not, but this difference was not great. Police have the highest confidence ratings compared to other CJS agencies and also had high confidence ratings when compared to other professionals. Nurses, doctors and teachers had higher ratings. Canada also has relatively high confidence ratings when compared to other western countries (6th of 15 western countries). The policy implications of this are a need for government and criminal justice officials to communicate their roles and mandate, the collection of public opinion data over a time to establish trends and assist in evaluating efforts to improve aspects of the CJS, and to consider initiatives from other countries undertaken to improve confidence in the CJS.

Gannon, M. (2005). General Social Survey on Victimization, Cycle 18: An overview of findings - 2004. Statistics Canada, Ministry of Industry.

Article Summary:

This article discusses the results of the fourth cycle of the General Social Survey on Victimization. This is a national telephone survey administered in 1988, 1993, 1999, and again in 2004 of Canadians aged 15 years or older. The first section of the article discusses perceptions and fear of crime and generally found that the majority of Canadians are satisfied with their personal safety from crime, that they believe crime in their neighbourhood is stable and lower than other areas of Canada. Key finds related to confidence in the CJS include positive ratings of local police and less positive ratings of courts and the prison and parole systems. Approximately 65% of Canadians thought the police do a good job at being approachable, 61% for ensuring the safety of citizens, 59% for enforcing laws, 59% for treating people fairly, 52% for responding to calls promptly and 50% for supplying information on reducing crime. Generally, there has been little change in the public's opinion of police performance over time. Ratings of specific court functions are significantly lower: 44% of Canadians believe the courts do a good job at ensuring a fair trial, 27% for determining whether or not an accused is guilty, 20% for helping victims, 15% for providing justice quickly. Overall public attitudes towards the courts have improved since 1993. Similarly, since 1999 Canadians have reported more positive views of the prison system (earlier versions of this survey did not include questions on the prison and parole systems). The majority of respondents thought the prison system was doing an average job, with 31% reporting that the prison system did a good job supervising and controlling prisoners and 18% at helping prisoners become law-abiding. The parole system received the lowest ratings of all the criminal justice agencies. Only, 17% of Canadians felt the parole system did a good job of releasing offenders who were not likely to reoffend and 15% at supervising parolees. These performance ratings have changed little since 1999.

In addition to exploring general confidence ratings, this study explores who has the highest (and lowest) levels of confidence. Consistent with results from 1999, residents of Western Provinces have less confidence in the CJS. There is some indication that this is beginning to change with residents of the Atlantic Provinces reporting less positive attitudes towards the police and courts than they have in the past. When demographic characteristics were considered, it was found that generally men and women give similar performance ratings but men are more likely to rate the courts performance as positive on ensuring a fair trial and determining if an accused was guilty. Men also have slightly more positive attitudes to the parole and prison systems. In terms of age differences, younger people are the least satisfied with the police (positive attitudes increase with age) but the most satisfied with the courts and prison and parole systems. Previous contact with the police is associated with lower performance ratings of the police. Similarly, contact with the court is associated with lower ratings of the courts providing justice quickly and helping victims but higher ratings of ensuring a fair trial for accused persons.

Article Critique:

This article goes beyond simply giving statistics on public opinions on the CJS and offers comparisons between different agencies and provides statistics on different functions of these agencies. It also examines a variety of factors that may influence performance ratings (e.g.

demographics, region, etc...) but offers little explanation for why these would influence ratings. It also offers no strategies for improving ratings and little interpretation of their findings.

Latimer, J. & Desjardins, M. (2007). The 2007 National Justice Survey. Tackling Crime and Public Confidence. Department of Justice, Canada.

Article Summary:

The article discusses the results of the 2007 National Justice Survey (NJS) and is premised on the suggestion that many Canadians have strong views on criminal justice issues but have limited knowledge of technical and legal aspects of criminal justice practice. Public opinions can have a strong influence on criminal justice policies yet past research often simplifies criminal justice issues. The NJS is a telephone survey of 4502 Canadians over 18 and was designed to solicit public opinions on major criminal justice policies and components of the CJS.

Results:

- Compared the Education, Health, and Welfare Systems, confidence in the CJS (25% low confidence) and the Youth CJS (33.3% low confidence) is low but there is support for considering that youth are less mature than adults (86.4%)
- Respondents were more likely to indicate lower confidence as they moved further along in the criminal justice process from police to parole. Confidence in the ability of the CJS to be responsive to the needs of victims was also rated quite low. Respondents were also asked about their confidence in specific functions of different criminal justice agencies.
- To contextualize confidence ratings, respondents were asked about their involvement in the CJS, sources of information on the CJS, perceptions of neighbourhood safety, and crime rates.
- Two-thirds (66.6%) of respondents felt the government was moving in the right direction on justice issues. The survey also asks more specific questions about how to prevent crime and about their support of various criminal justice policies including: 1) raising the age of consent to sexual activity, 2) dealing with illicit drugs, 3) DNA sampling, 4) the burden of proof for bail, 5) how time in remand should count towards prison terms, 6) conditional sentencing, and 7) mandatory minimum sentences.
- Respondents placed a higher degree of importance on sentencing objectives that are often labeled as non-punitive or as restorative justice principles (i.e. reparation, accountability and rehabilitation) than the traditionally labeled punitive principles (i.e. deterrence, denunciation and incapacitation).
- Respondents who reported low levels of confidence in the CJS though parole statistics were inaccurate, were older Canadians, were from western provinces, believed crime rates were increasing and that they had a high probability of being a victim of crime, supported retributive sentencing objectives, and were involved in the CJS in past ten years (e.g. as victims, witnesses, or offenders).
- Respondents who reported greater confidence in the CJS valued government and internet sources of data on criminal justice issues, supported less punitive sentencing practices, supported treatment oriented response to crime, were well educated, and supported the government's 'tackling crime agenda'.

Discussion and Conclusions:

Confidence in the criminal justice system is generally low. The central concern appears to be around sentencing practices and the need for reparation, accountability and ultimately rehabilitation to prevent future criminal behaviour. A large segment of Canadians also believe that criminal justice policies should be proportional to the seriousness of the crime.

Article Critique:

- Latimer focuses only on the results of the survey and although he offers a useful commentary on how these results can be interpreted (which is often missing from other research in this area) he does not take the next step of providing specific policy suggestions or strategies for improving confidence in the CJS.
- The article takes a broader approach to confidence in the CJS than other public opinion research in on this topic and explores support for different CJS practices and polices thereby offering a more nuanced view of public opinions on criminal justice issues.

Roberts, J. (2004). Public confidence in criminal justice: A review of recent trends, 2004-05. A report for Public Safety and Emergency Preparedness Canada. Retrieved on Jan 25th, 2009 from <http://www.psepc-sppcc.gc.ca>.

Article Summary:

Opinion surveys reveal that confidence in CJS agencies in western countries is low which may undermine the legitimacy of the system and social cohesion. Because of this, promoting confidence in the administration of justice is a goal of good government. Public participation in criminal justice through reporting crimes, acting as witnesses, and victim participation in investigations and in court is necessary for an effective justice system. To explore this issue, Roberts summarizes trends in public confidence in the CJS in Canada through a review of survey data on the topic between 1980 and 2004. In Canada, there has not been a longstanding survey of public confidence in the CJS but a collection of polls with different phrasing which makes comparisons across time difficult. Generally, Roberts' review found that Canadians are somewhat more positive than negative about their confidence in the CJS (46% vs. 32% in one nation-wide survey) but a significant portion of respondents report a lack of confidence. However, Canadians appear to have higher levels of confidence than persons from Britain, US, and some other European countries. Confidence ratings are not uniform across criminal justice agencies. Police consistently have higher ratings than courts, prisons and parole systems, and lawyers. This has held true across time and jurisdictions. When compared to other professionals, confidence in the police is fairly high (less than nurses, doctors, and teachers) as is confidence in judges and prosecutors. Confidence in lawyers in general was low compared to other professional groups. Ratings of different justice agencies are not uniform and vary with different functions. For instance, the public is more confident in the courts ensuring fair trials for the accused but less confident in the courts ability to help victims of crime. Confidence in the overall justice system may be declining overtime.

Roberts offers a variety of explanations for these findings. He suggests that the lower confidence in criminal justice officials than health care providers may be a difference in the nature of each professions mandate. Criminal justice involves negative events. This also may offer an explanation for more positive perceptions of police then other justice agencies. The mandate of the police is principally promoting public safety were as courts must also uphold procedural rights. Further, police are more visible in day-to-day life than courts or prison/parole system. Courts and the prison/parole system typically come to the attention of the public during controversial cases. Media portrayals of justice officials and perceived crime rates and sentencing practices (typically wrongly viewed as rising and more lenient then they are) also influence confidence in the CJS. Increased or more accurate knowledge and greater public participation in criminal justice are suggested as possible strategies for improving public confidence as is a nationally coordinated approach to improving confidence levels.

Article Critique:

The article provides a good summary of public opinion data on public confidence and begins to offer a potential explanation for low confidence levels and strategies for improving confidence. However, as Roberts himself points out, no initiatives designed to improve public confidence in the CJS have been evaluated so their effectiveness have not been established. Roberts doesn't even offer anecdotal evidence on the impact different initiatives implemented in the US might have had.

Roberts, J. (1992). Public opinion, crime, and criminal justice. *Crime and Justice*, 16, 99-180.

Article Summary:

Crime has long fascinated the public yet the public knows little about the CJS, laws, legal rights, or crime itself. The public also often hold inaccurate beliefs about criminal justice responses to crime such as sentencing practices. At the same time, public officials are increasingly concerned about public opinions on crime and criminal justice policy but hold inaccurate beliefs about public support for more punitive criminal justice responses to crime. To better understand this issue the present article reviews literature from North America, Britain, and Australia on public opinions on crime and the CJS. It does not consider research on fear of crime, juvenile justice issues, or cross-cultural comparisons.

I. Methods and Methodological Problems

Research on public opinions of crime and criminal justice typically includes representative surveys, focus groups and laboratory-based research with purposive samples. Roberts discusses recent developments and the strengths and benefits of each of these methodologies as well as general limitations of research on public opinion on crime and criminal justice.

The first major limitation of public opinions is limited knowledge of criminal justice. The public generally overestimate crime rates, the proportion of violent crimes, and recidivism rates. The public also has limited knowledge of the structure of criminal justice agencies, especially the

police. They are also generally ignorant about sentencing trends and minimum or maximum sentences available and as a result think sentences are more lenient than they actually are. This perception influences attitudes towards the courts and the judiciary. Similarly, the public has little knowledge of parole and correctional trends and overestimate parole revocation rates leading to a faulty belief that a large proportion of inmates are released early and fail on parole. The public also has limited awareness of legal rights, state powers, or criminal justice programs such as legal aid (particularly persons with low incomes) and services for victims. Legislative changes, even those that have been highly publicized, are not well known to the public. This can undermine their effectiveness as deterrent or a means of improving confidence in the CJS.

Secondly, news media influences limit public opinions of criminal justice. The principal source of information on criminal justice is the media which is a biased source of information. Few people have direct experience with the criminal justice system yet still give opinions of criminal justice issues. The media stresses violence, sensational crimes and leniency in criminal justice responses. The public fail to correct for this lack of representativeness. Further, the media simplifies complex criminal justice issues, rarely offers substantive information on sentencing, and fails to challenge mainstream views of criminal justice.

Thirdly, psychological aspects of knowledge acquisition and attitude formation influence public opinions of criminal justice. When attitudes toward criminal justice are formed cognitive errors such as over-generalizing from a single incident to a larger trend or phenomenon. The most available information will also disproportionately influence attitudes. Attitudes held with confidence are resistant to change and can hinder rational examination of relevant information. Because of these three influences of public opinion, increasing public knowledge of criminal justice should be a priority and would reduce dissatisfaction with the CJS.

In addition to these three influences on public opinions of crime and criminal justice, Roberts suggest that there are problems with survey data including simplicity of questions used to get at complex criminal justice issues and providing insufficient information to respondents. Surveys typically ask questions on global issues and assume the types of offender that come to the minds of respondents are the same as those that the courts deal with which is not the case. Past research has found that when provided with more information the public become less punitive and agree with sentences hand down by judges.

II. Public Attitudes towards Crimes, Criminals, and Victims of Crime

Robert's discussion of public attitudes towards crime and criminal justice goes far beyond the issue of public confidence in the CJS and discusses perceived causes of crime and how this has changed over time and how it impacts support for different interventions. He also explores support for crime prevention interventions and compares this with participation rates in such interventions, the perceived seriousness of different crimes and what influences these perceptions. Finally, he explores perceptions of offenders and victims of crime.

III. Public Attitudes towards the Criminal Justice System

Public attitudes are more positive towards the front end of the CJS. Support for the police is high yet there is a common believe that crime rates are rising and will continue to rise. The courts and corrections are viewed as more responsible for this rise. The public also appears to

realize that crime control is a social not just criminal justice problem. Negative attitudes towards the courts are twofold and centered on concerns of inequitable treatment (sentencing disparity) and that the system favours offenders rather than victims. Stopping crime is viewed as more important than the rights of suspects or inmates. One exception to the low level of confidence in the courts is public opinions to the Supreme Court of Canada, which enjoys significant support. Attitudes towards sentencing often showcase the methodological problems of public opinion polls (namely they are too simplest and do not accurately portray views of sentencing) but are important to understanding low confidence in the criminal justice system. Many of the public's concerns centre on sentencing practice. Opinion polls consistently show that the public feel the courts are too lenient but when this is researched in more depth and respondents are given more information the public tend to agree with judges sentences. Further, research on sentencing principles or purposes find that there is significant support for rehabilitation as well as specific deterrence. Support for different sentencing purposes varies with offence type. Research has consistently found little support for plea bargaining and that the public are at least as willing to accept alternative sentencing practices as judges and prosecutors.

There has been less research into public attitudes towards parole but there is significant public dissatisfaction with parole. When asked questions about parole they are generally thinking of violent offenders and are of the view that it has become too easy to be parole. The public also over-estimates both release and recidivism rates. However, there is support for the idea that offenders should serve a proportion of their sentence in the community under supervision. The public not only have misperceptions of the CJS but criminal justice professionals have faulty views of public attitudes. Namely, they underestimate support for alternative sanctions and the goal of rehabilitation as well as support for justice reform.

IV. Directions for Future Research

Roberts suggests further research in a variety of areas. Generally, he suggests that research on public attitudes towards criminal justice needs to be broader and examine support for sentencing alternatives and less common criminal justice practices. He suggests researching the impact of legislation and legal decisions on public opinion and conversely the impact of public opinion on the CJS. Finally he proposes creating a national survey database.

Article Critique:

- This article offers a comprehensive, yet dated, review of the literature on public opinions on crime and criminal justice (the most comprehensive of all the articles considered here).
- There is a significant focus on factors that may influence public opinions and what those opinions are but less focus on what can be done to improve attitudes.
- Rather than simply reporting public opinion statistics this article reviews a wider range of data (academic literature) and offers a more in-depth discuss of public confidence and provides insight into how this links to other attitudes on criminal justice as well as criminal justice practice.

Stratton, M. (2005). Public perceptions on the role of the Canadian Judiciary. The Canadian Forum on Civil Justice. Retrieved on Jan 25th, 2009 from <http://cfjc-fcjc.org/docs/2005/cjsp-perceptions-en.pdf>

Article Summary:

The article seeks to provide a better understanding of the public perceptions on the role of the judiciary in the administration of justice. The article reviews and evaluates Canadian and international research on the topic and makes suggestions for making improvements where gaps in our knowledge exist. Research from Canada, the US, France, the UK, and Australia was reviewed with emphasis on research from Canada. In addition to this review, 104 interviews conducted for a study, 'the Civil Justice System and the Public' were analyzed for specific references to the judiciary. Individuals interviewed for this study had been involved in at least one civil justice case as a plaintiff, defendant or witness. Media reports relevant to this issue were also considered but there was no systematic review of media coverage. The results of this research found very little information available on perceptions of the judiciary. Information that is available comes from individual commentaries based on opinion and/or experience, large-scale survey research, and small research studies involving few participants of a narrow scope. Individual commentaries range from well informed discussion of issues concerning public opinions of the CJS to sensationalist, negative commentaries that suggest a crisis in confidence in the CJS. Stratton concludes that overall individual commentaries are more concerned with what we think the public believes rather than evidence of actual public attitudes.

Evidence of public opinions on the CJS typically comes from large-scale surveys which target the general population and involve people who often have no experience with the criminal justice system. Questions are limited, with predefined answers. Stratton suggests that most opinion polls in Canada and elsewhere are not reliable and there is little consistency in results from such polls. She discusses various short-comings of these polls such as low response rates, no clear definitions of concepts (e.g. meaning of criminal justice system or the courts), and few questions on specific components of the CJS or on the judiciary. Despite these limitations, Stratton suggests some results that have been consistently found are generally reliable. These include inaccurate public perceptions that sentences are lenient, that crime rates are rising, that prisons are easy, and parole violations are very high and that opinions vary between demographic groups. Stratton mentions one Canadian Opinion poll by Fletcher and Howe (2000) on perceptions of the Supreme Court of Canada. This study found 77% of Canadians were satisfied with the Supreme Court of Canada.

Smaller studies support the conclusions of opinion polls and also suggest that the public may be misinformed about crime and how the criminal justice system works and different demographic groups have different perceptions of the CJS. Likewise, there are also few smaller studies that focus on perceptions of the judiciary and those studies that do have mixed results. There is a consistent perception that cultural biases influence criminal justice processes. In Canada this is linked to Aboriginal peoples. Interviews with participants in civil cases suggest a more complex view of the judiciary than public opinion research has found. Generally, perceptions of judges were positive and recognized the complexity and challenging nature of the judge's role.

Negative perceptions were often regarding a specific judge and not generalized to the larger judiciary.

Stratton suggests three solutions to the issues raised in her research, including: 1) Actively informing the justice community about public opinion research, 2) Actively informing the public about justice issues through direct dialogue and through the media, and 3) New research that improves on existing approaches, uses mixed and qualitative methodologies, and creates research partnerships.

Article Critique:

- Good overview of some problems with survey methodology in this area and attempts to consider information from more than just opinion polls or surveys. She also considers commentaries and research with smaller sample sizes (qualitative research in some instances)
- Minimal discussion of potential strategies for improving public confidence in the judiciary

Tufts, J. (2000). Public attitudes toward the criminal justice system. *Juristat*, 20 (12). Canadian Centre of Justice Statistics.

Article Summary:

Tufts presents the results of the 1999 General Social Survey (GSS) that apply to public perceptions of the criminal justice agencies (police, the courts, the prison, and parole systems) and sentencing. The GSS is representative telephone survey of 26,000 Canadians 15 years or older from the 10 provinces. Generally, the survey found that a greater percentage of Canadians believe police are doing a good job than Canadians who believe the courts, prison, and parole system are doing a good job. Ratings of Police and court performance rose in the 1999 GSS from the 1993 GSS, to the equivalent of ratings from the 1988 GSS (questions on prison and parole systems were not asked in the 1993 and 1988 GSS). Western provinces are less satisfied with criminal justice agencies. Respondents were asked about the performance of these agencies on the different functions. The functions of the courts asked about were: 1) ensuring a fair trial for the accused (41% said the courts were doing a good job), 2) determining whether the accused is guilty (21%), 3) helping victims (13%), and 4) providing justice quickly (13%).

Tufts also explores factors that influence attitudes towards the CJS. She found that men had slightly more positive attitudes towards courts, prisons, and parole systems whereas women were more positive towards the police as were rural residents, and older respondents. Younger respondents had more favourable attitudes to the criminal courts. Individuals with less than a high school education were more likely to feel the courts did a good job at helping victims and provide justice quickly but individuals with a university degree were more satisfied with the courts ability to decide guilt and to ensure a fair trial. Level of income, marital status, and occupation did not appear to impact attitudes towards the CJS. Individuals who had contact with the court were less likely to give positive ratings of their performance. Being a victim of a crime

in the past year had little impact on performance ratings of the courts, prison, or parole system but did negatively impact ratings of the police. Likewise, contact with the police was also associated with less positive ratings of their performance. Canadians who were dissatisfied with their personal safety from crime gave lower ratings of all four agencies.

Tufts examines attitudes towards sentencing through a series of scenario-based questions where respondents were asked to whether they preferred a prison or non-prison sentence. Findings from these questions suggest that Canadians support alternatives to prison sentences for first-time young and adult offenders, and for repeat young offenders for both property crimes and minor violent crimes. Prison sentences are preferred for adult repeat offenders for both property and minor violent crimes. These sentencing preferences roughly match judicial sentencing practices. Sentencing preferences for men and women vary by offence type. Men are more likely to prefer prison sentences for property offences than minor violent offences whereas women are more likely to prefer prison sentences for minor violent offences. Young Canadians and Canadians with less education prefer more punitive sentences. Victims are more likely to prefer prison sentences for repeat offenders and persons who are dissatisfied with their personal safety are more likely to prefer prison sentences.

Article Critique: See critique of Gannon (2005).

UNITED KINGDOM:

Allan, J., Edwards, S., Patterson, A., & Smith, D. (2006). Policing and the criminal justice system – Public confidence and perceptions: Findings from the British Crime Survey 2004/05. Home Office Research, Development and Statistical Directorate.

Article Summary:

This report presents the results of the 2004/2005 British Crime Survey (BCS). The BCS is a representative, victimization survey of persons 16 years or older living in England or Wales. In 2004/2005, 45,120 face-to-face interviews were conducted. The first section of the report explores public confidence in the criminal justice system and the second section of the report examines public perceptions of the police. The British CJS has a Public Service Agreement target to increase public confidence in the CJS generally and to increase public confidence in the CJS is effective in bringing offenders to justice as well as increasing victim's confidence. Respondents were asked to rate their confidence in the CJS in performing various functions, including the following: 1) respecting the rights of accused persons and treating them fairly (78% were very or fairly confident), 2) effective in bringing offenders to justice (43%), 3) deals with cases promptly and efficiently (39%), 4) effective in reducing crime (39%), 5) meets the needs of victims (34%), 6) effective in dealing with young people accused of crimes (27%), and 7) treating witnesses with respect (65%). Confidence in all these function had increased from the previous year (2003/2004) but fluctuate in the years between 2000 and 2005. The confidence rating (very or fairly) for the overall CJS is 43%.

The report also discusses regional variations in confidence ratings and who had the highest ratings. In general, women have higher confidence ratings than men and higher ratings are associated with younger age groups and ethnic minority populations, with the exception of respecting the rights of accused persons and treating them fairly. Approximately, 78% of victims who had contact with CJS agencies other than the police reported being satisfied. Persons who believed sentences were not too lenient, who believe crime rates had remained the same or decrease, who had not been a victim of crime in the past year and who are aged 16-24 years had the highest overall confidence ratings. When confidence in different criminal justice agencies is compared, police have the highest ratings but have declined significantly since 1996. Youth courts have the lowest confidence ratings but these ratings have increased slightly since 1996. When asked about priorities for the CJS, bring offenders to justice was the highest priority (51%) followed by reducing crime and dealing with crime promptly and efficiently. When asked questions on their knowledge of sentencing practices the respondents under-estimated the use of prison yet believed sentencing practices were too lenient (76%). Young people (16 to 24 years) and ethnic minorities were more confident that sentences were appropriate. There is a need to better inform the public about sentencing practices which might improve overall confidence in the appropriateness of sentences. This, in turn, may increase confidence in the CJS in general.

The remaining section of the paper provides an in-depth review of public perceptions of the police. Very generally, it was found that 48% of people felt the police were doing a good or excellent job, and that women viewed the police more positively than men. Ethnic minorities had less positive perceptions of the police than white respondents. Past year victims and respondents who had contact with the police for other reasons also held more negative attitudes towards them. In addition to discussing perceptions of the police the report also explores contact with the police and police interactions with victims and witnesses.

Article Critique:

- The article reports the results of the BCS but offers little, if any, interpretation of these results or potential policy implications.
- There is some effort to look into the interaction between different variables in this survey which may help explain confidence levels but again, there is no discussion of the potential significance of these interactions. For instance, they report victims have less confidence in the CJS yet do not offer any thoughts on why this might be the case or what could be done to improve this.

Mirrlees-Black, C. (2001). Confidence in the Criminal Justice System: Findings from the 2000 British Crime Survey. Home Office Research, Development and Statistical Directorate. Research Findings, no. 137. Retrieved on Jan 31st, 2009 from <http://www.crimereduction.homeoffice.gov.uk/crimereductionprogramme20.htm>

Article Summary:

The article discusses the results of the 2000 British Crime Survey related to confidence in the criminal justice system. The British Crime Survey is a national survey of adults 16 years or

older. Four principal questions were considered: 1) Meets the needs of victims of crime, 2) Deals with cases promptly and efficiently, 3) Is effective in bringing people who commit crimes to justice, and 4) Respects the rights of people accused of committing a crime and treats them fairly. Overall, only a quarter of respondents were confident the CJS meet the needs of victims. Under half felt confident the CJS deals with cases promptly and efficiently and that it is effective in bringing criminals to justice. A majority felt confident the rights of accused persons were respected and were treated fairly. Generally, the survey suggests the public has the most confidence in the police compared to other criminal justice agencies but this trust has declined in the past two years. Demographics differences suggest that men are less confident than women, as are middle aged respondents, and respondents with higher educations and in professional or managerial positions. The article also examines ethnic differences in confidence in the CJS. Unlike studies from other countries, Mirrlees-Black found that Black and Asian respondents reported greater confidence in the CJS. Black and Asian respondents were also less likely to believe sentences were too lenient. One exception was that Black and Asian respondents were less confident than White respondents in the rights of accused persons being respect. Mirrlees-Black suggests this is linked to lower trust in the police and negative personal experiences with the CJS.

Article Critique:

- The article focuses almost exclusively on the results of the BCS and offers little commentary on the meaning behind or potential explanations for their finds.
- There is no discussion of potential strategies for improving public confidence in the CJS.

Chapman, Becca, Mirillees-Black and Brown, Claire, Improving public attitudes to the Criminal Justice System: The impact of information, Home Office Research, Development and Statistics Directorate, July 2002.

Article Summary:

As one of the Home Office Research reports, this article sets out findings of specific work undertaken by or for the Home Office. The researchers' task was to determine whether the provision of relevant factual information regarding the criminal justice system – changing crime rates, sentencing and its effectiveness, fear of crime, and empirical data regarding the realities of leniency and severity – would affect an individual's perception of the extent of crime in British society, and perhaps more significantly, an individual's perception of his or her confidence in the criminal justice system. They surveyed a sample of about 200 adults, providing them with either a 24 page booklet, attractively designed and presenting information in a compelling manner, an intensive seminar with experts, including a question and answer session, or a video, documenting similar kinds of information. All three formats produced changes in responses; participants became less likely to view sentences imposed by the criminal justice system as overly lenient, and more likely to have a greater confidence in the criminal justice system. The researchers concluded that an attractively designed booklet was the most cost effective form for the provision of information.

Article Critique:

This is an interesting research report, as it documents an ability to provide information and, as a consequence, to improve public confidence in the justice system. Questions not raised by this research relate to its practical application, and the extent to which such findings might be sustained over time. Put differently, is it practical to contemplate the systematic education of an entire adult population through such means, and would the results obtained have lasting effects?

Page, B., Wake, R., & Ames, A. (2004). Public confidence in the criminal justice system. Home Office Research, Development and Statistical Directorate.

Article Summary:

This article reports the results of a survey conducted on behalf of the Home Office and interviewed 2001 people aged 16 and over from England and Wales as well as an additional 688 interviews with Black and Asian residents. Respondents were asked about how confident they were with how crime was dealt with. Overall, 63% were confident (very or fairly) with how crime was dealt with locally and 47% with how it was dealt with nationally. Ethnic minority respondents were less confident with local responses to crime, as were victims, witnesses, persons who had contact with the police and older respondents. A similar pattern was found for confidence in national responses to crime, with the exception of ethnic minority respondents being more confident in national responses than the overall sample. Respondents were given a list of 20 functions of the CJS, asked to rate the importance of each and then asked to give a confidence rating on how the CJS was performing on each function. Treating people fairly regardless of race was rated as absolutely important and confidence ratings for the CJS on this function was high. Dealing with violent and sex offenders was also rated as absolutely essential but confidence ratings were lower. Creating a society where people feel safe, reducing levels of crime, stopping offenders from committing more crime, dealing effectively with street robbery, and bringing people who commit crime were also rated as absolutely essential but the CJS was given low confidence ratings for performing these functions. Respecting the rights to accused persons was not viewed as an important function but there was a high level of confidence that the CJS achieved this. Page et al suggest these should be a priority for addressing public confidence in the CJS. Respondents were also asked what would convince them crime was being dealt with more effectively. The top responses included: increased police presence (27%), reduction in crime rates (20%), and more severe sentencing (14%). The public's perception of and confidence in the CJS is influenced by a variety of factors including familiarity with CJS agencies and their perceived effectiveness. This suggests that the profile of less known CJS agencies (e.g. probation services) should be raised.

Article Critique:

- The article simply reports the results of their interviews and offers no interpretation of their meaning, possible explanations for the findings, and minimal policy implications or strategies for improving public confidence in the CJS.

- The research is somewhat unique in its comparisons of confidence in local and national responses to crime and asking respondents to rate the importance of different functions of the CJS. This could be a key consideration when designing initiatives to improve public confidence in the CJS.

Smith, D. (2007). Confidence in the criminal justice system: What lies beneath? Ministry of Justice Research Series 7/07.

Article Summary:

In the UK, raising public confidence is a public service agreement the Government has committed to pursuing. The British Crime Survey (BCS) is an annual survey designed to measure public confidence in the CJS, among other things. Smith's research uses focus groups to assess how people understand confidence in the criminal justice system as a means of assessing whether the BCS measures what it intends to measure. When asked what factors they considered when thinking about their confidence in the CJS the focus group participant most often said they considered consistency in sentencing, treatment of victims and witnesses, whether an offender is caught and police visibility. Police visibility was particularly important for older participants. When asked about their confidence in the CJS participants reported that they considered the issue at both local and national level and were thinking about the police and the courts. Knowledge of these agencies typically comes from the media. When asked how to improve confidence in the CJS the most common suggestions were having more police on the streets, tougher sentences, having offenders serve their full sentence, and consistency in sentencing. However, Smith cautions that what people say would increase their confidence may not actually do that. This study also found that confidence ratings for the overall CJS improve if people are first asked a series of questions about confidence in different functions of criminal justice agencies. In other words, a more considered measure of confidence was achieved once people had a chance to think about what factors contributed to their feelings of confidence in the CJS. The results of the focus groups were compared to an omnibus survey that asked similar questions. Generally, similar results were found. This research has implications for designing public opinion polls (e.g. ordering of questions) and suggests that efforts to improve confidence should focus on the police and the courts, both locally and nationally. It would also be useful to raise the profile of other criminal justice agencies and actions taken to raise police visibility and to improve sentencing practices.

Singer, Lawrence, and Cooper, Suzanne, Inform, persuade and remind: An evaluation of a project to improve public confidence in the criminal justice system, Ministry of Justice Research Series, Office for Criminal Justice Reform, September 2008.

Article Summary:

This article builds on earlier research cited above, that of Chapman et al. In this instance the researchers focused on the provision of a booklet, attractively presented with easy to understand graphics, setting out information about crime and the criminal justice system. The booklet was

targeted to adults in Northamptonshire, an area in Britain with particularly low levels of confidence in the criminal justice system. This was a randomly controlled trial: some adults did not receive any information, some received the booklet in the mail, and others were handed the booklet in person. The researchers found that those who received the booklet, either in the mail or in person, increased their confidence in the criminal justice system, relative to those who did not receive any information. As with other studies of this kind, the magnitude of the change was significant, if not a full reversal of opinion. On average, individuals who received the booklet reported about 10 per cent more confidence in the justice system than those who did not. Individuals who received the booklet in person reported, on average, the greatest degree of confidence in the justice system. It is important to note that not all individuals reacted to the information in a uniform manner; some did not change their points of view, as a result of receiving the booklet. Nonetheless, the research replicates and extends past work, pointing to the provision of information as a useful mechanism for boosting public confidence in the criminal justice system.

UNITED STATES:

Sherman, L.W. (2002). Trust and Confidence in Criminal Justice. National Institute of Justice Journal, 248, 22-31. Retrieved on Jan 31st, 2009 from <http://www.ncjrs.gov/pdffiles1/jr000248e.pdf>

Article Summary:

Sherman observes that although the American criminal justice system is more effective and fair than it has been in the past, the public still have little trust and confidence in it. Confidence in local courts and the prison system is particularly low and there is more trust in police and the Supreme Court. Black Americans have a less trust in the CJS than White Americans but this difference appears to disappear in neighbourhoods with high crime rates and as such may be a function of poverty and involvement with the CJS or crime (as either a victim or offender) than race. Opinion polls have also found that there is considerable public support for reforming the CJS to give victims, communities, and offenders a more active and meaning role. Sherman argues that are three domains that impact confidence in the CJS. The first is changing values and cultural expectations. The declining trust in the CJS reflects a large decline in confidence in the government in general and that this can be explained by “the decline of hierarchy and the rise of equality in all walks of life” (p. 25). Social changes in the past half century have challenged virtually all forms or social hierarchy and communal authority is no longer valued over individual dignity. According to Sherman, in an egalitarian culture citizens demand more respect and recognition from public officials, including CJS officials. Second, the conduct and practices of the CJS itself influence public trust. The hierarchical nature of the court system does not fit well with an egalitarian culture. Because trust in the CJS is no longer automatic, it must be earned. Sherman suggests one way to do this would be for police officers to be polite and to treat persons with respect. Another suggestion is to reduce the authoritarian nature of the courts through the use of restorative justice practices. Thirdly, media images influence confidence in the CJS. Television shows that use justice proceedings as entertainment (e.g. Judge Judy) undermine public confidence as do portrays of CJS officials breaking official rules, even to achieve a just or

desirable outcome. However, Sherman argues that when used appropriately, the power of celebrity could encourage confidence in the CJS.

Article Critique:

- Although Sherman's arguments make intuitive sense, he offers little in the way of empirical support.
- Sherman goes beyond simply pointing out that there is low confidence in the CJS, attempts to offer some explanation for why this is the case and offers some suggestions for how to increase confidence.
- Sherman does not acknowledge popularity of the 'tough on crime' attitude, and how this may influence his explanations of low public confidence in the CJS.
- His discussion of the media's influence over public confidence makes no mention of sensational reporting, or reporting only the most serious offences thereby encouraging the attitude that violent crime is out of control and that the CJS is doing little to curb this.

Other Jurisdictions:

Lappi-Seppala, Tapio, Trust, Welfare and Political Culture: Explaining Differences in National Penal Policies, in Volume 37, Crime and Justice: A Review of Research, editor Michael Tonry, Chicago, University of Chicago Press, pp. 313-387, 2008.

Article Summary:

This article makes the point that nation states differ markedly in the extent to which they use imprisonment as a response to crime. More critically, however, the extent to which nation states use imprisonment is unrelated, in any systematic way, to the amount of crime that they experience, or to existing crime rates. Lappi-Seppala situates his empirical findings in the context of confidence in the justice system, which, again, does not appear to be related to changing crime rates. Rather, he suggests, high levels of confidence in the justice system and in government appear to be correlated with moderate approaches to the imposition of punishment, strong social safety and social welfare commitments, and a model of political decision-making that is oriented towards consensus rather than conflict. Additionally, the insulation of the justice system from the political sphere, the specifics of training for justice system personnel, and the form and content of mass media communication regarding crime all appear to have direct impacts on confidence in the justice system. His detailed comparison of crime rates and rates of imprisonment across a wide range of nation states indicates that the trajectory of these two variables is not critical to the degree of public confidence in the criminal justice system, calling into question government initiatives that seek to link changing crime rates with changing levels of public confidence.

Justis (Justice Indicators), Scientific Indicators of Confidence in Justice: Tools for Policy Assessment, Review of Need: State of the Art Indicators of Public Confidence in Justice for Policy Assessment, www.eurojustis.eu.

Article Summary:

Justis, or Justice Indicators is a project, directed by Professor Mike Hough of University College, London, and involving a hosting of European nation states. The project began in 2007, and is designed to provide individual members (nation states) with the best available indicators for assessing public confidence in justice. The project is scheduled to run from 2007 to 2013 and is “based on the assumption that an effective justice system must assess itself not only against narrow criteria of crime control, but against broader criteria relating to people’s trust in justice and their sense of security”. Put differently, confidence in the justice system is driven by collective perceptions of the legitimacy of the justice system – do the public regard the system as fair, does it provide public security, is it just? The new indicators, available for inclusion in the European Social Survey of 2010, will allow member states to understand what particular issues or variables are driving confidence in the justice system, and to develop policies consistent with these findings. Is it, for example, the perceived effectiveness of the system in bringing offenders to justice that is critical to public confidence? Or are there other variables – perceptions of fairness and commitment to procedural and/or substantive justice – that are more likely to predict the extent of public confidence in the criminal justice system? An improved understanding of the drivers of public confidence is critical for policy development and implementation.