

**Revision to Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales**

***Perceptions of the fairness of criminal justice – Table 4.2 page 33***

There were seven measures of public confidence in the fairness of the CJS in the 2010/11 Crime Survey for England and Wales (CSEW). One of these seven measures ('the CJS is too soft on those accused of committing a crime') had been omitted from Table 4.2 which provides the 2010/11 data on these measures.

For this revised version of the report an additional row has been inserted into Table 4.2, this provides 2010/11 CSEW data on the perception that the CJS 'is too soft on those accused of committing a crime'.

Any enquiries about this revision and wider enquiries about this report should be directed to the Surveys team of the Ministry of Justice at:  
**MoJAnalyticalServices@justice.gsi.gov.uk**

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Ministry of  
**JUSTICE**

# **Attitudes to Sentencing and Trust in Justice**

Exploring Trends from the Crime Survey  
for England and Wales

**Mike Hough (Birkbeck, University of London)**

**Ben Bradford (University of Oxford)**

**Jonathan Jackson (London School of Economics)**

**Julian V Roberts (University of Oxford)**

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# 1. Summary

This report examines attitudes to, and perceptions of, sentencing and the CJS in England and Wales, drawing mainly on the 2010/11 Crime Survey for England and Wales (CSEW).<sup>1</sup> The analysis focuses on perceptions of trust and confidence in justice, as well as presenting findings on knowledge about sentencing and crime trends and attitudes toward sentencing. In order to address issues of public cooperation and institutional legitimacy, the report also draws upon UK data from Round 5 of the European Social Survey (ESS).

## 1.1 Key points

- Attitudes to sentencing have changed little since 1996. Most people thought that the courts were too lenient, although responses were varied; most people underestimated the severity of current sentencing practices and were relatively lenient when expressing a sentencing preference for a specific (hypothetical) case.
- Views about the effectiveness of the criminal justice system (CJS) appeared to be fairly stable. After long-term falls in trust and confidence, this trend changed in 2003 to one of stability, and even a slight increase in public confidence in the police.
- People made clear distinctions between their judgements about the fairness of the CJS and its effectiveness. Levels of trust in fairness in the CJS were higher than levels of trust in effectiveness in the CJS.
- There were demographic and geographic variations in trust in the criminal justice system; but factors unmeasured by the CSEW, such as characteristics related to broader mind set and personality, may play a larger role.
- Access to information, whether reflected in levels of education or in newspaper readership, appeared to shape attitudes to justice.
- Contact with the police was an important predictor of both trust in the police and trust in the rest of the CJS. In relation to trust in the CJS as a whole this relationship was entirely asymmetrical (with negative contacts appearing to damage trust, but positive contacts having no effect); in relation to trust in the

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<sup>1</sup> The British Crime Survey (BCS) is now known as the Crime Survey for England and Wales to better reflect its geographical coverage. While the survey did previously cover the whole of Great Britain it ceased to include Scotland in its sample in the late 1980s. A separate survey – the Scottish Crime and Justice Survey – covers Scotland. The name change took effect on the 1 April 2012, the date responsibility for the survey transferred to the Office for National Statistics.



police it was more symmetrical (positive contacts were associated with somewhat higher levels of trust).

- Trust in the justice system is important in part because it shapes the perceived legitimacy of the system as well as people's willingness to cooperate with legal authorities. According to ESS UK data, the legitimacy of the police was more important than the legitimacy of the courts in explaining variation in cooperation. Feeling an obligation to obey the police and feeling aligned with the moral values of the police were the most important predictors of expressed willingness to cooperate with the police and criminal courts. Feeling aligned with the moral values of the courts was a statistically less powerful predictor. Believing that the courts are too lenient was associated with a *greater* willingness to cooperate with legal authorities rather than a *lesser* willingness to cooperate with legal authorities.
- Analysis of ESS data suggested that the UK did better than some European countries in terms of levels of public trust, but worse than others, such as the Nordic countries.

## 1.2 Knowledge and attitudes towards crime and sentencing

Public punitiveness may be defined as the tendency to demand from the criminal justice system harsh punishment for convicted offenders. Punitiveness manifests itself in several ways – through calls for tougher sentencing in general, criticism of the courts for being lenient, and in support for specific policies which emphasise punishment over other criminal justice objectives (such as rehabilitation). Two principal research strategies have evolved to measure and explore public punitiveness: single questions tapping into general attitudes to sentencing;<sup>2</sup> and more complex (vignette-based) questions relating to a specific case.

A rounded appreciation of public attitudes requires both approaches.

As with previous sweeps of the CSEW, the latest findings suggest that public knowledge about crime and sentencing remained poor in the 2010/11 survey: significant proportions of the public held an inaccurate view of national crime trends and most people underestimated the severity of current sentencing practices. Most people believed that the courts were too lenient.

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<sup>2</sup> The focus is on public attitudes to the sentencing of adults but many of the trends reported here are also found when researchers have asked questions about young offenders (e.g. Hough and Roberts, 2004; Mattinson and Mirrlees-Black, 2000; Tufts and Roberts, 2002; Ministry of Justice, 2013).

The most important predictors of public knowledge of custody rates were: gender, education, socio-economic class, and newspaper readership.

Characteristics associated with attitudes toward sentencing were: being born in the UK (more punitive, on average); Asian Muslim (less punitive, on average); tabloid readership (more punitive, on average); broadsheet readership (less punitive, on average); poor health (more punitive, on average); and perceptions of recent crime trends (with more negative attitudes associated with perceptions of rising crime).

Factors associated with imposing more punitive sentences when confronted with case scenarios were: gender (men were more punitive); socio-economic class (non-professionals were more punitive); education (those without degrees were more punitive); newspaper readership (broadsheet readers were less punitive); and crime perceptions (people believing crime is going up in the UK as a whole were more punitive).

### **1.3 Confidence and trust in justice**

Studies of public opinion about the criminal justice system have sometimes distinguished between 'trust' and 'confidence', with the former defined in an active and relational sense (individuals 'place' or 'invest' trust in an institution or organisation) and the latter defined as a passive orientation (individuals 'have' confidence in an institution or organisation). In both cases it is important to differentiate between effectiveness and fairness.

In this report the terms 'trust' and 'confidence' are used almost interchangeably to refer to a set of public beliefs, expectations and orientations toward different criminal justice agencies. For the current purpose, the conceptual distinction between trust and confidence seems slight. To be confident that the police are effective – for example – seems on the face of it to be very similar to judgement that the police can be trusted to be effective (i.e. that they are 'out there' being effective, and can be trusted to be effective in specific future instances).

Levels of public trust and confidence in the criminal justice system varied greatly, depending upon the specific function of criminal justice. People expressed much more confidence in the fairness of the CJS than in its effectiveness.<sup>3</sup> Around six respondents in ten trusted the fairness of the system; less than half had confidence in its effectiveness.

Levels of confidence in the effectiveness and fairness of the CJS have remained relatively stable over the past few years, though there has been some improvement in levels of trust in effectiveness, particularly the effectiveness of the police, and indeed in 'overall' levels of confidence in the police (i.e. that the police are doing a good or bad job). This may reflect an increasing awareness that crime is no longer rising locally<sup>4</sup> – although, as noted previously, the majority still think that crime is rising nationally.

When asked about the effectiveness of specific branches of the CJS, the police attracted the highest and prisons attracted the lowest levels of confidence. Overall levels of confidence in the police – as measured by ratings of how good a job they do – have risen since 2003/04. The discrepancy in levels of trust for different functions of criminal justice is neither new nor restricted to the public in England and Wales.

## **1.4 Trust in justice and its drivers**

There were a number of different dimensions underlying trust and confidence in the police and CJS. In relation to the police, people distinguished between the fairness of the police, the interests or motives of officers, the reliability of the police (particularly in dealing with minor crime) and the community engagement of the police. In relation to trust in the rest of the CJS, people distinguished between the effectiveness of the courts, the effectiveness of the prisons, and the fairness of the system as a whole.

Gender, age, contact experience and victimisation were consistent predictors of opinions of both the police and the CJS. Other variables were only intermittently important predictors.

Contact with the police (both personal and in terms of perceiving police activity), and victimisation emerged as the most consistent predictors of trust and confidence in both the

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<sup>3</sup> The higher levels of trust in the system's fairness (compared to its effectiveness) are consistent with other data. A MORI poll found that over three-quarters of the public have confidence that the system respects the rights of accused persons and treats them fairly, but less than one quarter were confident that the system is effective in reducing crime (MORI, 2009). Similar patterns have recently been found in Australia (Jones and Weatherburn, 2010).

police and the CJS. Controlling for a large number of factors, contact with the police consistently predicted overall trust in the CJS. However, here the association was entirely asymmetrical, with negative contacts having a strong predictive power and positive ones having very little.<sup>5</sup> Knowledge about the CJS (as represented by estimates of the proportion of convicted rapists sent to prison) was also a consistent predictor of confidence in the CJS. The following groups were also more likely to be confident in the CJS:

- women;
- younger and older people (compared to those in middle age);
- people in good health, with those in poor health less confident; and,
- people living in lower crime areas.

UK findings from the fifth round of the ESS showed that trust in fairness of the police and courts was more important than trust in effectiveness in predicting intended willingness to cooperate with legal authorities.<sup>6</sup> According to the ESS, the perceived legitimacy of the police was more important than the legitimacy of the courts in explaining variation in expressed willingness to cooperate with the CJS.

## 1.5 Implications for policy

Issues of trust and confidence in justice are important for a number of reasons. Trust in justice is an important determinant of public preparedness to cooperate with justice officials – whether in reporting crime to the police, acting as witnesses or serving as jurors (European Social Survey, 2012; Jackson et al., 2012a). High levels of trust in justice also result in higher levels of public compliance with the law (Jackson et al., 2012b).

Procedural justice theory provides a useful explanatory framework for understanding the findings presented in this report. The central concept in procedural justice theory is legitimacy, and the driving proposition is that effective justice systems are those that secure *normative commitment* to the law – a sense that abiding by the law and cooperating with legal authorities is the right thing to do – by building public trust in justice, and thus a public sense that the institutions of justice carry legitimacy.

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<sup>4</sup> A recent study by Sindall et al. (2012) found that perceptions of change in crime rates were, over time, associated with changing levels of confidence in the police. These were effects at the neighbourhood level: they were the result of aggregating people's opinions via weighted neighbourhood averages.

<sup>5</sup> The association between contact with police officers and confidence in the police was, however, more symmetrical.

<sup>6</sup> Comparing the UK with the other 26 countries in the fifth ESS (conducted in 2010), the UK emerged as average amongst Western European countries (and markedly lower than Nordic countries) in terms of levels of trust but it scored much higher than Ukraine, the Russian Federation and Israel.

Therefore, the reason why trust in justice helps to promote cooperation and compliance is related to people's perceptions of the legitimacy of the justice. Public trust in justice helps to build the legitimacy of the institutions of justice, which in turn results in cooperation and compliance.<sup>7</sup>

What are the best strategies for building or consolidating legitimacy in the eyes of the public? How officials treat individuals – for example whether police officers wield their power and authority in fair and respectful ways – seems central in communicating the trustworthiness of the criminal justice system to members of the public. Trust in the effectiveness of the police and the justice system plays a smaller role than trust in fairness, and with regard to fairness, it seems that *processes* are as important as *outcomes* – that is, people pay particular attention to the presence or absence of fair procedures, and to the quality of treatment received from justice officials. Fair and respectful handling of people, treating them with dignity, and listening to what they have to say, all emerge as significant predictors of legitimacy, and thus preparedness to cooperate with legal authorities and comply with the law. In other words, procedural fairness may not only be valued in its own right, but it may actually be a precondition for an effective justice system.

Implementing principles of procedural justice is not cost-free, but neither is it necessarily resource-intensive. It is worth taking into account budgetary constraints and the potential for organisational strain, as the system rises to the challenge of "doing more with less". With threats to the *volume* of available services, securing some counterbalance in terms of improved *quality* may be a very wise investment. As for the targeting of strategies designed to bolster the legitimacy of the system, trust in justice is most needed in socially and economically marginalised communities where crime rates are highest, and where offending and victimisation overlap.<sup>8</sup> The demands made on the police in such areas are often non-criminal – or lie on the margins of criminality – but the handling of each of these incidents remain “teachable moments” about the trustworthiness and legitimacy of the police.<sup>9</sup>

Misperceptions of both crime and sentencing first documented in the mid-1990s remain considerable problems. There will continue to be obstacles to addressing public misperceptions and improving trust (with a key obstacle being the problem of achieving

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<sup>7</sup> In the UK see: European Social Survey (2012); Jackson et al., (2012a, 2012b); Bradford (in press); and Tankebe (in press). In the US see: Sunshine and Tyler (2003a); Tyler (2006a, 2006b); and Papachristos et al., (2012). In Australia see: Murphy (2004); Murphy et al. (2009); Elliott et al., 2011; and Murphy and Cherney (2012).

<sup>8</sup> Sampson and Bartusch (1998).

<sup>9</sup> See Tyler (2011b) and Mazerolle et al. (in press).

sufficient "reach") as long as mainstream media are the dominant shapers of public opinion about crime and justice.

In conclusion, it is worth flagging a risk inherent in policy based on principles of procedural justice. The legitimacy of systems of justice is partly about perceptions and partly about reality. In a society where perceptions of institutions are shaped by a growing range of media, there is a risk that strategies to improve the legitimacy of the justice system becomes little more than a public relations exercise – securing the right media messages, and ensuring that staff remain “on message” in their contact with the public. Such strategies of appearance management may yield some short-term results, but there are inherent risks in this approach given that it is about trust-building. This is because when gaps between appearance and reality surface the costs to legitimacy can be very high indeed. In other words, improvements in trust have to be earned and not simply claimed.

## 2. Introduction

Public opinion and sentencing – encompassing knowledge of and attitudes towards sentencing and sentencers – has long been an important field of criminological inquiry (e.g. Walker and Hough, 1988; Hough and Roberts, 2012; Roberts, 1992; Wood and Gannon, 2009). More recently, public trust and confidence in the criminal justice system has emerged as a significant focus of research and policy. Policy makers in all western nations have sought to improve public understanding of sentencing, as well as confidence in sentencers and the sentencing process. They are increasingly making greater efforts to improve confidence in the system as a whole as well as in its constituent parts – particularly the police.

In this report we draw upon analyses of the 2010/11 sweep of the Crime Survey for England and Wales (hereafter CSEW, formerly known as the British Crime Survey<sup>10</sup>) to examine attitudes to, and perceptions of, sentencing and the CJS. We also draw upon UK data from Round 5 of the European Social Survey (ESS), allowing us to address the importance of trust in the justice system in driving legitimacy and cooperation with the police and criminal courts.<sup>11</sup>

### 2.1 Project objectives and methods

The project had four objectives:

- To document current levels of public knowledge of sentencing, attitudes to sentencing, and trust in criminal justice, and to place those levels in a historical context drawing upon the CSEW (thus updating Smith, 2010);
- To document the relationship between trust in justice and attitudes to sentencing and public punitiveness;
- To identify the individual and neighbourhood factors that predict attitudes and levels of trust in criminal justice; and,

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<sup>10</sup> The British Crime Survey (BCS) is now known as the Crime Survey for England and Wales to better reflect its geographical coverage. While the survey did previously cover the whole of Great Britain it ceased to include Scotland in its sample in the late 1980s. A separate survey – the Scottish Crime and Justice Survey – covers Scotland. The name change took effect on the 1 April 2012, the date responsibility for the survey transferred to the Office for National Statistics.

<sup>11</sup> The 'trust in justice' module in Round 5 of the ESS was designed to measure people's trust in the police and criminal courts, but also legitimacy, cooperation and compliance. Until very recently, the CSEW did not measure people's perceptions of legitimacy of the police. However, from the 2011/2012 survey a new set of questions were included.

- To understand how public trust in justice and attitudes to sentencing affect levels of public engagement and willingness to cooperate with the criminal justice system, drawing upon ESS data.

## Questions Addressed in the Report

In order to achieve these objectives we addressed a number of questions:

- What are the key factors associated with attitudes to sentencing?
- What dimensions of trust in justice does the CSEW measure?
- What is the relationship between trust in justice and attitudes to sentencing and future engagement with and cooperation with the CJS?
- What is the relative importance of factors in trust in justice such as:
  - Are socio-demographic characteristics important?
  - What is the importance of experience of justice (for example victimisation and contact with the police)?
  - What is the importance of levels of information/knowledge about crime and sentencing trends?
  - Are area/neighbourhood level factors important?
- What are the links between contact with the police, trust in justice, perceived legitimacy of the police and criminal courts, and cooperation with the justice system?
- Where does the UK stand in a European comparison of public trust and institutional legitimacy?

## Sources of Information

### 1. Previous literature

The report draws upon a review of the literature exploring public attitudes to crime and punishment from the first sentencing module on the CSEW conducted in 1996 to the present, using data from interviews conducted in 2010/11. In addition, findings from the more recent wider literature upon public confidence in criminal justice and on attitudes to sentencing are reviewed, in order to provide context for the CSEW trends.

### 2. Survey data analysis

The CSEW is the largest victimisation survey of its kind in the world (for further information on the history and scope of the survey, see Hough et al., 2007; Hough and Maxfield, 2007; and Maguire, 2012). The survey started in 1982 and was conducted intermittently until 2001; since that time it has been conducted annually, as a 'rolling' survey. The CSEW is a



nationally representative survey of individuals living in private households; interviews are conducted face to face in the respondent's home, with a randomly selected member of each household.

The survey explores a range of questions related to experiences of crime and criminal justice and measures the volume, nature and consequences of criminal victimisation against adults (aged 16 or over) across England and Wales; an additional questionnaire is used to collect information on crimes committed against young people between the ages of ten and fifteen. The 2010/11 sweep of the survey reported findings from 46,754 adult interviews conducted in that year, with a response rate of 75 per cent.<sup>12</sup> Unless otherwise stated in the text, the analysis in this report is based on the 2010/11 dataset. Data from the 5<sup>th</sup> round of the ESS was also used.<sup>13</sup>

### Analytical Methods Used

This report adopts a number of overlapping analytic strategies to address the questions raised at the beginning of this chapter:

- Descriptive statistics to provide information about the current levels of public knowledge, attitudes and confidence in sentencing and criminal justice.
- Multivariate analyses to examine the relationships between confidence in the CJS and sentencing and factors associated with these (e.g. socio-demographic characteristics, experiences and attitudes).
- Factor analyses to assess the underlying dimensions that the trust and confidence questions are measuring.
- Multi-level modelling to examine the factors that predict levels of trust and confidence in the CJS in England and Wales.
- Linear regression modelling of ESS data to outline some of the potential effects of low trust in the criminal justice system.

See Appendix A for further technical information on these methods.

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<sup>12</sup> Further information about the CSEW and access to previous publications drawing upon the survey can be found at <http://www.ons.gov.uk/ons/guide-method/surveys/list-of-surveys/survey.html?survey=Crime+Survey+for+England+and+Wales>

<sup>13</sup> The UK section of Round 5 of the ESS was administered using computer assisted personal interviewing. A stratified three-stage random probability clustered design was implemented, using the Post Office's small user postcode address file (PAF). For details on the 'trust in justice' model, see European Social Survey, 2011, 2012; and Hough et al., 2013.

## **The scope of the analysis**

This report continues a tradition of research into public trust and confidence in criminal justice and sentencing which has drawn upon the CSEW. The CSEW has always carried questions related to trust and confidence, and has done so in increasing depth since 1996. (For earlier reviews see Smith, 2010, 2007; Hough and Roberts, 2004a). In 2010, Smith reviewed trust and confidence trends from the CSEW over the period 2002/03 to 2007/08; this report updates and extends those analyses. The present report documents current trends in trust and confidence and incorporates perceptions of criminal justice, experience of victimisation and other potential influences upon public opinion. The report explores several related domains, including public knowledge of sentencing trends; attitudes to sentencing; public confidence and trust in sentencing and the criminal justice system; and perceptions of the legitimacy of the CJS and its individual components. In addition, a theoretical context for the findings is also provided, using the conceptual framework of procedural justice theory.

## **2.2 Defining trust and confidence in criminal justice**

Distinctions are sometimes made between ‘trust’ and ‘confidence’ in the justice system – for example trust is defined in an active and relational sense (individuals ‘place’ or ‘invest’ trust in an institution or organisation) and confidence is defined as a passive orientation (individuals ‘have’ confidence in an institution or organisation). In practice the terms are often used interchangeably in the literature – both at the conceptual and operational levels. Conceptually, researchers have assumed that expressing trust in an institution is quite similar to expressing confidence in the institution – or its ability to discharge its critical functions (cf. Jackson and Bradford, 2010). Operationally, researchers in most Western nations have repeatedly asked members of the public to rate how much trust or confidence they have in various branches of criminal justice or criminal justice professionals (see Hough and Roberts, 2004, for a review).

### **What is ‘trust and confidence’?**

‘Trust and confidence’ has become an accepted phrase to represent public opinions of the police and the criminal justice system as a whole. Treating trust and confidence as essentially interchangeable terms, we follow Hardin (2002) and other recent work (e.g. Hough et al., 2010; Jackson and Bradford, 2010; European Social Survey, 2012) in defining trust in the police and the CJS as: the belief among members of the public that the CJS has the appropriate intentions toward them and is competent in the tasks assigned to it (and for the purpose of this report, we treat confidence as something similar). Our definition implies

that trust in the CJS extends beyond an instrumental assessment of its ability to fulfil its basic tasks efficiently and effectively.

This approach has two important implications. First, it implies a need to consider trust (and confidence) not as a single concept but as something multifaceted, with at least two distinct components underlying it (an idea that is already reflected in the design of the CSEW, see Smith 2007). Second, it implies that there is a need for a broader way of understanding how people might weigh up these different components when thinking about the CJS. The report draws on Tyler's procedural justice theory to provide such an understanding.

## 2.3 Procedural justice theory<sup>14</sup>

Penal and criminal policy has always reflected tensions between different models of crime control. The key features of the simpler 'crime control' models are that:

- people make rational decisions about whether to break the law;
- a deterrence approach is the main aim of criminal justice;
- offenders – and thus crime rates – are responsive primarily to the risk of punishment. People will be deterred if they believe that legal punishment is swift, severe and certain;
- increasing the severity of sentencing and extending the reach of enforcement strategies are therefore seen as sensible responses to crime; and,
- offenders' rights to due process are seen as a constraint on effective crime control.

Yet, more subtle models of crime control recognise that formal criminal justice is only one of many systems of social control, most of which have a significant normative dimension. Criminology has tended to give insufficient attention to questions about why people comply with the law, and too much attention to questions about why offenders violate the law (cf. Bottoms, 2002). This imbalance is important, because questions about law-breaking tend to yield answers framed within the boundaries of simple crime control models. They tend to imply approaches to crime control that are designed to secure *instrumental compliance* – that is, where people's reasons for law-breaking are based on self-interested calculation. Questions about compliance, by contrast, yield answers that recognise the interplay between formal and informal systems of social control, and in particular the normative dimensions in

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<sup>14</sup> Further information and discussion about procedural justice theories – and related concepts – can be found in Sunshine and Tyler (2003), Hough et al. (2010), Jackson *et al.* (2012), and Hough et al. (2013).

people's orientation to the law. *Normative compliance* with the law occurs when people feel a moral or ethical obligation or commitment to do so.

Procedural justice theories propose specific relationships between:

- the treatment people receive at the hand of criminal justice officials;
- the resultant trust that people have in institutions of justice;
- the legitimacy people confer, as a consequence of this trust, on institutions of justice including the police and the criminal courts;
- the authority that these institutions can then command; and,
- public preparedness to obey the police, comply with the law and cooperate with the justice system.

*Perceived legitimacy* exists when the public regard the authorities as having earned an entitlement to command, creating an obligation to obey on the part of the public and a sense among the public that the police are morally justified in exercising power (chiefly because they endorse the moral values of the police). If people willingly obey systems of authority that command legitimacy, questions about the 'drivers' of legitimacy become of central policy importance.

There is a growing body of research in support of procedural justice theories. Originally this work was largely confined to the United States (e.g. Tyler and Huo, 2002; Tyler, 2007, 2011a), but it now includes a number of international studies (e.g. Murphy, 2004, 2005; Hinds and Murphy 2007; Bradford et al., in press; Hough et al., 2013). Contrasting instrumental and normative models of compliance, Tyler (2011b) argues that normative compliance is economically more viable and more stable over time than instrumental compliance, which carries a growingly unaffordable social and fiscal cost.

Using surveys of the general public, Tyler (e.g. Sunshine and Tyler, 2003b) has demonstrated that public perceptions of the *fairness* of the justice system in the United States are more significant in shaping its legitimacy than perceptions that it is *effective*. Similar findings have been reported from surveys conducted in England and Wales (Jackson et al., 2012a, 2012b). An important distinction here is between a sense of justice based on process and one based on outcome. Tyler's findings suggest that procedural justice – that is, fair and respectful treatment that 'follows the rules' – is more important to people than obtaining outcomes that they regard either as fair or favourable to themselves. In other words, in encounters with the police the quality of treatment received is more important than

the outcome. According to Tyler's policing model (Sunshine and Tyler, 2003), legitimacy then generates compliance with the law, first because people grant the justice system the right to dictate appropriate ways to behave; and second, if individuals see the police as lacking 'moral fibre' – most importantly by behaving in manifestly unfair ways – that can make the public cynical about the law.

## 2.4 The structure of this report

Before exploring procedural justice and public opinion, it is important to understand the public's levels of knowledge and general attitudes to sentencing; both provide the backdrop for a consideration of broader issues. **Chapter 3** summarises trends in public knowledge of crime and punishment trends, as well as attitudes to sentencing. **Chapter 4** explores levels of trust in criminal justice, drawing upon a 'global' measure of trust and confidence and also levels of trust and confidence in specific functions of the justice system. **Chapter 5** first examines the nature of the 'constructs' that underlie attitudes that relate to trust in justice; it then documents the 'drivers' of public trust and confidence in criminal justice, and the empirical consequences of low levels of public trust and confidence; before finally locating the UK in a European-wide comparison. The empirical findings are situated within a theoretical model of procedural justice. **Chapter 6** discusses the implications of these findings. **Appendix A** provides further details of analytic strategies. **Appendix B** provides a review of the factors found in previous research that predict trust and confidence in justice.

## 3. Sentencing: public knowledge and attitudes

### 3.1 Summary

- Knowledge levels of crime and justice indicators remain poor – most of the public believed that national crime trends have become worse in recent years when crime statistics show that this was not the case. Most people underestimated the severity of sentencing and thought that the courts were too lenient; however they were relatively lenient when expressing a sentencing preference for a specific (hypothetical) case.
- These misperceptions and attitudes existed across diverse subgroups of the population.
- People who were most likely to hold incorrect perceptions of crime trends were: women; non-Muslim Asians; non-professionals; and people who did not read newspapers. The most important predictors of public knowledge of custody rates for rape were: gender, ethnicity, socio-economic class, and newspaper readership.
- The most important predictors of a perception that the courts were too lenient were: being born in the UK (more likely to perceive the courts as too lenient, on average); Asian Muslim (less); tabloid readership (more); broadsheet readership (less); poor health (more); and perceptions of recent crime trends.
- The following variables were associated with more punitive sentences being imposed in response to case scenarios: gender (men more punitive); socio-economic class (non-professionals more punitive); education (those without degrees more punitive); newspaper readerships (broadsheet readers less punitive); greater concern about disorder; and believing crime is going up in the UK as a whole.

### 3.2 Chapter overview

Before considering findings relating to procedural justice it is important to understand the context for public judgements. This includes both public knowledge of crime and sentencing trends, and public attitudes towards sentencing generally, as well as sentencing preferences in specific (hypothetical) cases. There are also policy-relevant considerations at play as it is important for policy makers to understand public knowledge about crime rates and sentencing trends.

After summarising the principal findings from prior research, the chapter presents findings from the 2010/11 CSEW. Levels of knowledge about trends in crime and punishment are significantly related to levels of punitiveness; accordingly, it is important to understand how much the public know about these issues in order to explain variation in attitudes. The focus is on public attitudes to the sentencing of adults, although many of the trends reported here have also been found when researchers have asked questions about young offenders (e.g. Hough and Roberts, 2004; Mattinson and Mirrlees-Black, 2000; Tufts and Roberts, 2002; Ministry of Justice, 2013).

### 3.3 Previous findings on knowledge of trends in crime and punishment<sup>15</sup>

Most people know little about the statutory framework of sentencing, the nature of sentencers in England and Wales, the range of sentencing options, or actual sentencing practices (Hough and Roberts, 2012). This is understandable, given that the sentencing process is one of the most complex stages of the criminal justice system. The following findings emerge from surveys of the public<sup>16</sup> conducted over the past 20 years:

- Public estimates of the imprisonment rates for specific offences are significantly lower than the actual rates (e.g. Doob and Roberts, 1983; Hough and Roberts, 1999; Mattinson and Mirrlees-Black, 2000; and Walker, Hough and Lewis, 1988). The public also under-estimates sentence lengths for specific offences (Hough and Roberts, 1998).
- Public awareness of the sentencing process and sentencing options is limited. When respondents to the CSEW were asked to identify sentences available to judges other than imprisonment, only probation was identified by more than one third of the sample (Hough and Roberts, 1998; Home Office, 2001). More recently, research has demonstrated that most people fail to appreciate the role that lay magistrates play in the sentencing process (Roberts et al., 2012). For example, many people believed that lay magistrates were in fact legally qualified.

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<sup>15</sup> More research has been conducted into public attitudes to sentencing in this country than any other (see Hough and Roberts, 1999; Roberts and Hough, 2005; Van de Walle and Raine, 2008; Wood and Gannon 2009; and Hough and Roberts, 2012). There is also a substantial scholarly literature drawing upon a range of methodologies, both quantitative and qualitative (for discussion of alternative methodologies see Gelb, 2008; Roberts et al., 2011; Tendayi, Viki and Bohner, 2009).

<sup>16</sup> The misperceptions of sentencing process and practice found among the British public also emerge from surveys in other jurisdictions (e.g. Amelin et al., 2003; Van de Walle and Raine, 2008).

## Previous research findings

Crime in England and Wales as measured both by police recorded crime statistics and by the CSEW has been falling or steady for the last fifteen years; but in any year over this period, between two thirds and three quarters of the population still believed that nationally crime was rising (e.g. Hough and Roberts, 1998; Mattinson and Mirrlees-Black, 2000). When crime was peaking in England and Wales in the mid 1990s, 75 per cent of the population thought that there was more crime than two years previously; in 2002/03, after several years of falling crime, still 73 per cent thought that there was more crime (Simmons et al., 2002; Nicholas and Walker, 2004).

Prior sweeps of the CSEW suggest that perceptions of local crime trends may be more accurate, reflecting direct experience rather than news media exposure. Less than one third of the 2009/10 sample believed that crime in their local area had increased (Parfremment-Hopkins and Green, 2011). The 2009/10 recorded crime statistics<sup>17</sup> revealed no statistically significant changes in national crime rates; the trend in overall CSEW crime (i.e. crimes reported to the survey) since 2004/05 had been flat.

## 2010/11 CSEW findings

The 2010/11 CSEW posed two questions about crime trends:

- *What do you think has happened to crime in the country as a whole over the past few years?*
- *What do you think has happened to crime in your local area over the past few years?*

Respondents were given the response options shown in **Table 3.1**; the correct answer to the first question is “stayed about the same”. The misperceptions documented in earlier sweeps of the CSEW remain: perceptions of crime trends are clearly less positive with respect to the national level. Two fifths of the sample (40%) expressed the opinion that crime across the country had “gone up a lot” over the last few years; less than one respondent in ten held this opinion about local crime trends.

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<sup>17</sup> Home Office (2011a).



**Table 3.1: Public perceptions of crime trends, nationally and locally, 2010/11**

	Country as a whole	Respondent's Local Area
Gone up a lot	40%	9%
Gone up a little	34%	29%
Stayed about the same	19%	53%
Gone down a little	6%	8%
Gone down a lot	<1%	1%
<i>Unweighted n (=100%)</i>	<i>34,735</i>	<i>34,284</i>

Questions: "What do you think has happened to crime in the country as a whole [in your local area] over the past few years?", Source: CSEW.

One explanation for the discrepancy in perceptions of crime trends at the local and national levels is that the latter are shaped by media coverage of high profile cases; these may lead people to draw adverse conclusions about crime trends nationally. On the other hand, when thinking about local area trends people probably draw upon their own experience, and since most areas of the country, according to the CSEW, have experienced stable or falling crime rates for most offences in recent years, this is most likely to be reflected in responses seen in **Table 3.1**. This interpretation is supported by responses to a supplementary question which sheds light on public sources of information about crime trends. Respondents were asked the following question: "Which of the following sources would you say has given you the impression...[about crime trends]?". Respondents were significantly more likely to cite the media as the source of information for their view of national crime trends (see **Table 3.2**). TV and radio news were cited by approximately six out of ten respondents with regards to national crime patterns, but 25 per cent with respect to local crime.

**Table 3.2 Sources of information about crime trends, nationally and locally**

	National crime trends	Local crime trends
TV/ Radio news	59%	25%
Local newspapers	32%	46%
Tabloids	30%	8%
Word of mouth	28%	44%
Personal experience	24%	41%
Broadsheets	22%	8%
TV documentaries	21%	7%
Relatives/ friends	18%	24%
Radio programmes	13%	7%
Internet	12%	5%
Other	<1%	1%
<i>Unweighted n (=100%)</i>	<i>34,735</i>	<i>34,284</i>

Questions: "Looking at this card, which of these sources would you say has given you the impression that crime has [respondent's view] in the country as a whole/ in your local area over the past few years?". Source: CSEW.

## 3.4 Public knowledge of sentencing patterns

### Previous research findings

The general research strategy has been to ask people to estimate the custody rate, or the average sentence for specific crime types, and to compare these public responses to actual sentencing patterns.<sup>18</sup> For example, in 2007/08, almost all (97%) of convicted rapists were sentenced to custody. However, a third of the CSEW sample estimated that less than half of all offenders convicted of rape were imprisoned; another third estimated between 50 per cent and 80 per cent (Smith, 2010). Comparable misperceptions were found for burglary (see also Mattinson and Mirrlees-Black, 2000).<sup>19</sup>

### 2010/11 CSEW findings

The 2010/11 sweep of the CSEW asked: “*Out of every 100 men aged 21 or over who are tried and found guilty of house burglary how many are sent to prison?*”. Subsequent questions were then asked for estimates of the custody rate and the average sentence imposed on “*men aged 21 or more who are tried and found guilty of rape*”.

#### (i) Domestic Burglary

Sentencing statistics published by the Ministry of Justice for 2011 show that of all males aged 21 or over convicted of burglary, 71 per cent were sentenced to immediate custody. This aggregate statistic does not distinguish between offenders who plead guilty and those convicted after trial. Since offenders who plead not guilty are more likely to be sent to prison,<sup>20</sup> the correct answer to the question would probably be around 80 per cent. Accordingly, any response between 70 per cent to 90 per cent may be considered to be accurate – and responses below 60 per cent as large under-estimates of the actual custody rate.<sup>21</sup> Most respondents (86%) fell into the category of a large under-estimate of the custody rate; only 8 per cent provided a roughly accurate estimate of the custody rate for this profile of offender (**Table 3.3**).

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<sup>18</sup> For findings from other countries see Roberts and Hough (2005).

<sup>19</sup> A decade earlier, in the first analysis of public knowledge of sentencing trends drawing upon the CSEW Hough and Roberts (1998) found that 58% of respondents provided an estimate of the custody rate for rape which was much too low (i.e., more than 30% lower than the actual rate).

<sup>20</sup> Ministry of Justice (2011).

<sup>21</sup> Responses above 90% were classified as over-estimates, and responses between 60% and 69% as small under-estimates.

**Table 3.3: Estimates of the average custody rate for domestic burglary, 2010/11**

Estimate	% of Respondents
Over-estimate of custody rate (> 90%)	2%
Roughly accurate estimate of custody rate (70% - 90%)	8%
Small under-estimate of custody rate (60% - < 70%)	4%
Large under-estimate of custody rate (< 60%)	86%
<i>Unweighted n (=100%)</i>	<i>5,737</i>

Question: "I'd like you to think about the kinds of sentence that are imposed for burglary. Out of every 100 men aged 21 or over who are tried and found guilty of house burglary how many are sent to prison?", Source: CSEW.

## (ii) Rape

The 2011 sentencing statistics published by the Ministry of Justice show that as in previous years almost all (99%) of convicted rapists are sent to prison. A large under-estimate of the custody rate for this offence could be defined as percentages of 60 per cent or less. A second group may be defined as a small under-estimate of the custody rate (between 60% and 85%). Finally, estimates between 85 per cent and 100 per cent can be considered roughly accurate. Approximately half the sample (48%) largely under-estimated the custody rate for rape (**Table 3.4**).

**Table 3.4: Estimates of the custody rate for rape, 2010/11**

Estimate	% of Respondents
Roughly accurate estimate of custody rate (85% - 100%)	29%
Small under-estimate of custody rate (> 60% - < 85%)	23%
Large under-estimate of custody rate (60% or less)	48%
<i>Unweighted n (=100%)</i>	<i>5,713</i>

Question: "Now turning to rape. Out of every 100 men aged 21 or over who are tried and found guilty of rape, how many do you think are sent to prison?", Source: CSEW.

CSEW respondents were also asked to estimate the average sentence imposed on offenders convicted of rape: "Thinking of men aged 21 or over who are convicted of rape, what do you think is the average length of sentence they get?"<sup>22</sup> Sentencing statistics<sup>23</sup> for males convicted of rape of a female in 2011 show an average sentence length of 8.5 years. This statistic includes all offenders; defendants aged 18–20 receive shorter sentences than adults 21 or over<sup>24</sup> and therefore the true statistic for the description provided in the survey would be higher; 9 years is used as the comparator in the analyses.

<sup>22</sup> To ensure that respondents are thinking of the sentence imposed in court rather than the time actually served in prison, the CSEW interviewer makes this clear. Unlike the previous question on the custody rate for rape, the sentence length question does not specify that the offender pleaded not guilty but was convicted after trial.

<sup>23</sup> Available at: <http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>.

<sup>24</sup> Ministry of Justice (2011).

The sample’s average sentence length was 5.4 years, significantly lower than the average sentence imposed on this profile of offender.<sup>25</sup> **Table 3.5** groups respondents into four categories: those who were roughly accurate in their estimates of the average sentence for rape; those who over-estimated the average sentence; those who provided a small under-estimate, and finally those who made large underestimates of the sentence length. Around one in six (15%) respondents provided an estimate that may be regarded as roughly accurate. Most respondents under-estimated the average sentence imposed: just over half (55%) estimated the average sentence to be under five years, when the true average is almost ten years (see **Table 3.5**).

**Table 3.5 Estimates of the average custodial sentence for rape, 2010/11**

Estimate	% of Respondents
Over-estimate of average sentence (> 10 years)	5%
Roughly accurate estimate of average sentence (7 - 10 years)	15%
Small under-estimate of average sentence (> 5 - < 7 years)	25%
Large under-estimate of average sentence (< 5 years)	55%
<i>Unweighted n (=100%)</i>	<i>5,688</i>

*Question: “Thinking of men aged 21 or over who are convicted of rape, what do you think is the average length of sentence they get?”, Source: CSEW.*

**Predicting variations in the estimated custody rate for rape**

To complement the analysis reported above, linear regression modelling was used to further explore the question asking respondents to estimate the custody rate for rape. This technique allows identification of variables with independent associations with estimates of the custody rate when other variables are controlled for. A wide range of socio-demographic and other variables were included (see **Chapter 5** for examples of the explanatory variables tested and **Appendix A** for further detail on the methodology, full results are shown in **Supplementary Table B3.1**). Note that this model predicted the proportion of convicted rapists respondents thought to be sent to prison; the correct rate is close to 100 per cent, so this question can, in one respect, be seen as a measure of knowledge about sentencing practice.

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<sup>25</sup> Unlike the previous two questions about custody rates for burglary and rape the CSEW changes wording for this question and simply asks about offenders convicted of rape, rather than specifying offenders who pleaded not guilty but who were ultimately convicted.

Significant predictors of estimates of the custody rate for rape included: gender (women giving lower estimates than men); socio-economic class (those in the higher professional groups gave higher average estimates than others); education (more education being associated with higher estimates); and readership of some types of newspapers (readers of broadsheet newspapers were likely to give slightly higher estimates). However, this model explained relatively little of the variation in respondents' custody rate estimates (around 6%), suggesting that the most important factors influencing people's judgements about custody rates are likely to be represented by variables not currently included in the CSEW.

### 3.5 Public attitudes to sentencing

Two principal research strategies have evolved to measure and explore public punitiveness: single questions tapping general attitudes to sentencing, and more complex questions relating to a specific case. A rounded appreciation of public attitudes requires both approaches.

#### Previous research findings

Attitudes to sentencing are largely based on misperceptions of sentencing practices – most people have a negative view of courts because they believe courts impose more lenient sentences than is in fact the case. The most frequently posed question is: “*Are the courts too harsh, too lenient or about right?*”. This question may be taken as an index of public punitiveness, albeit one with limitations. The principal limitations are (i) when responding, most people may think of the worst crimes and offenders; (ii) a survey does not allow people sufficient time to consider the “evidence” on the question – they may respond with media stories of sentencing which tend to be unrepresentative. The utility of the question is that it has been repeatedly posed. The wording has varied slightly over the years, but the response has been the same; the percentage of the public expressing this view has changed little over the past 25 years.<sup>26</sup> Thus 79 per cent of the 1996 CSEW sample believed sentencing was too lenient (Hough and Roberts, 1998). Other recent surveys have found the same pattern of findings (Dawes et al., 2011; Roberts et al. 2012).

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<sup>26</sup> In 1990, the British Attitudes Survey found that four out of five respondents agreed with the statement that “too many convicted criminals are let off lightly by the courts” (Dowds, 1995). Surveys in other nations have generated the same trends (see Hough and Roberts, 2012).

**2010/11 CSEW findings**

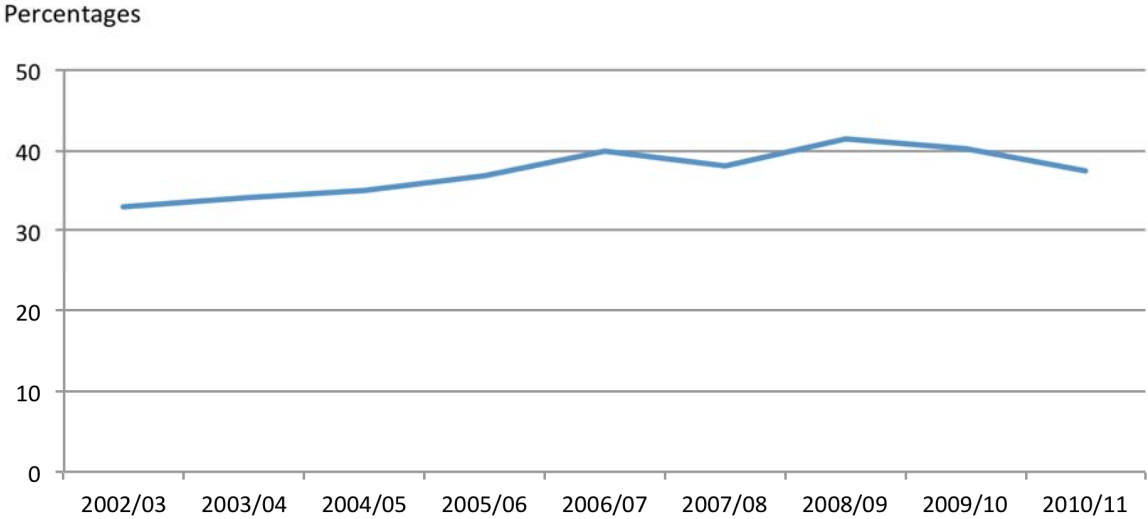
**Table 3.6** provides data from the previous three years (2008/09 to 2010/11). Three-quarters of the sample endorsed the view that sentences are too lenient, with respondents holding this view similarly divided between “a little too lenient” and “much too lenient”. Comparing trends over a longer time period shows that public attitudes to sentencing practices – have changed little over a nine year span. **Figure 3.1** summarises trends in responses from 2002/03 to 2010/11 and reveals little variation in the proportion of respondents expressing the view that sentences are much too lenient.

**Table 3.6 Attitudes toward sentence severity (2008/09 to 2010/11)**

	2010/11	2009/10	2008/09
Much too tough	<1%	1%	1%
A little too tough	2%	2%	2%
About right	24%	22%	21%
A little too lenient	36%	35%	35%
Much too lenient	38%	40%	41%
<i>Unweighted n (=100%)</i>	5,596	5,389	5,572

Question: see text, Source: CSEW

**Figure 3.1 Perceptions of sentences as ‘much too lenient’, 2002/03 to 2010/11**



Source: CSEW

**Demographic Variation**

There was little demographic variation in the percentage of respondents who perceived the courts to be too harsh, too lenient or about right. When variation did arise it was in unpredictable ways. For example, middle-aged respondents were more likely than both older and younger respondents to think that sentences were too lenient. **Supplementary Table B3.2** contains more detail on the socio-demographic variation in responses to this question.

## Punitivity index based on the CSEW

Responses to two questions were combined to create an index of punitiveness. The two questions used were: the question described above (perception of whether courts are too harsh, too lenient or about right), and a second question that asked respondents to agree or disagree<sup>27</sup> with the following statement: “*The criminal justice system is too soft on those accused of committing a crime*”. The index was created by simply taking the mean of these two questions. A linear regression model predicting scores on this punitivity index was estimated (see **Appendix A** and **Supplementary Table B3.3**) to identify factors that influence levels of public punitiveness, with the aim of generating additional insight into the correlates and predictors of punitiveness.<sup>28</sup>

The model confirms the rather limited role of demographic and other variables available in the CSEW in predicting punitiveness. Despite including a large number of explanatory variables, the model explained only around 16 per cent of the variation in punitivity as measured by these two general questions. However, many explanatory variables were significant in the model. Punitivity first increased with age then decreased. Women were somewhat less punitive than men, while people with degrees were less punitive than those without. Those employed full time tended to be less punitive than others, as were single people. Compared with people who did not read newspapers, readers of tabloid style papers were on average more punitive, while readers of broadsheets were less. Having been born in the UK, access to a car, and being in poor health, were other characteristics associated with higher levels of punitiveness.

Of greater interest is the relationship between punitiveness and variables representing experiences of and attitudes towards crime and justice issues, a number of which emerged as significant predictors in the model. Victims, and those who perceived more disorder in their local area and/or increasing crime at the national level, were more punitive. However, it is important to note that the effect sizes (regression coefficients) within the model are generally very modest. The effect size can be thought of as an indicator of the importance of a particular variable in accounting for responses to specific questions. If a variable generates a very small effect size this usually indicates that it is not a particularly important *predictor* of punitiveness, whatever the *statistical significance* of the relationship between the two.

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<sup>27</sup> Response options were: “strongly agree”; “tend to agree”; “strongly disagree”; “tend to disagree”; while “don’t know” responses were excluded when constructing the scale.

<sup>28</sup> Note that this model was estimated using a combined three-year dataset (2008/09, 2009/10 and 2010/11).

In summary, the reasons why some people respond more punitively than others seem likely to relate primarily to variables which were not measured in the CSEW.

### Public sentencing preferences in response to case scenarios

An alternate method of measuring punitiveness involves asking people to impose sentences in response to typical crimes. This method provides the opportunity to compare the severity of sentences derived from the public with actual sentencing trends. The first example of this approach derives from 1996 when a sub-sample of the CSEW was asked to sentence a 23-year-old burglar with previous convictions who broke into an old man's home and stole electrical goods. Approximately half the sample (54%) favoured imprisonment, with an average sentence length of twelve months (Hough and Roberts, 1998). The case on which the vignette was modelled had actually attracted a sentence of three years, reduced on appeal to two; suggesting that the public are less punitive when asked about a specific case than when asked a general question about sentencing. This finding has been replicated a number of times (e.g. Doob and Roberts, 1984; Hough and Roberts, 1998; Mitchell and Roberts, 2011).

Two scenarios used in recent sweeps of the CSEW permit us to explore punitiveness in response to specific cases. CSEW respondents were asked to sentence an offender convicted of theft. Two scenarios were used involving adult offenders, one with and one without a prior, relevant conviction: (1) *"I would like you to think about what action might be taken against a 30 year old man who owns up to minor offence such as the theft of clothing worth £30 from a small independent shop. He has never been in trouble with the police before."*

After choosing a sanction in response to this case, respondents were then asked: (2) *"If the man has been in trouble before for a similar minor offence, which of the actions on the card do you personally think should be taken against the offender?"*.

**Table 3.7** provides a breakdown of public responses from the 2010/11 CSEW. As can be seen, there is almost no support for custody with respect to the first offender; however, almost one third favoured the use of custody when they learned that the offender had a prior conviction for theft. This shift to custody in response to the presence of a related prior conviction is consistent with previous research which has demonstrated the importance of a criminal record as an aggravating factor in the eyes of the public (e.g. Hough et al., 2009; Roberts, 2008).



**Table 3.7 Public sentencing preferences, theft by an adult, 2010/11**

	<b>Offender with no prior convictions</b>	<b>Offender with prior conviction for theft</b>
Caution/ warning	37%	2%
Conditional discharge	9%	5%
Fine	26%	22%
Community sentence	26%	42%
Custody	2%	29%
<i>Unweighted n (=100%)</i>	11,666	11,648

Questions: see text; Source: CSEW

**Socio-demographic and experiential variation in sentence preference**

Regression modelling was used to further explore respondents’ sentencing preferences to understand which socio-demographic and other variables were independently associated with punitive sentencing in the two scenarios. Two binary logistic regression models were estimated, covering both of the scenarios described above (further details in **Appendix A** and full results in **Supplementary Table B3.4**).<sup>29</sup> For the first offence the following groups were less punitive: women; people from BME groups; people with degrees or higher educational qualifications; newspaper readers; those who thought crime in the UK nationally was going down; and those who had had contact with the CJS. People who perceived that disorder was a problem in their local area tended to be more punitive.

For the scenario in which the defendant had a prior conviction, where nearly one third of respondents preferred custody (**Table 3.7**) the following groups tended to prefer less punitive sentences than this: women; people with degrees; readers of broadsheet newspapers; single people and those who visited pubs; those who thought crime was lower in their local area than nationally; those who thought UK crime levels were falling; and people who had had some contact with the CJS. By contrast, the following groups tended to be more likely to prefer custody: those from a Black African background; those from lower socio-economic groups; those in poor health; those who thought disorder was a problem locally; and those who felt crime was increasing nationally.

<sup>29</sup> In relation to the first offence scenario, the model predicted the probability of desiring a sentence greater than a caution or warning (i.e. conditional discharge, fine, community sentence or imprisonment). In relation to this second scenario, the model predicted the probability of desiring a custodial sentence compared with all other options (i.e. community sentence, fine, conditional discharge, precaution or warning). These cut-offs were selected to reflect the predominance of opinion (i.e. in the first scenario the most commonly selected option was caution or warning, while in the second scenario the most commonly selected option was community sentence).

This chapter has shown that – despite changes in crime levels and in sentencing practice – attitudes to crime and justice in 2010/11 were remarkably consistent with earlier findings. The majority of the public continues to believe that crime is rising nationally and most people underestimate the actual severity of the courts at sentencing. Taken together these findings help to explain the negative public attitudes to the courts, and the belief that sentencers are too lenient. There are now some signs, however, that people are starting to notice falls in crime, as around a third of the 2010/11 sample thought that crime *in their area* was rising. If crime levels remain steady – or continue to fall – more people may notice this, and in time, this may result in more positive attitudes towards the criminal justice system.

## 4. Public trust and confidence in justice: Current levels and recent trends

### 4.1 Summary

- Levels of public confidence in the criminal justice system vary greatly, depending upon the specific function of criminal justice. People express much less confidence in the effectiveness of the CJS than in its fairness.
- This discrepancy in levels of trust for different functions of criminal justice is neither new nor restricted to the public in England and Wales.
- When asked about the effectiveness of the CJS as a whole, a majority of the public lack confidence. When asked about the effectiveness of specific branches of the CJS, the police attract the highest and prisons attract the lowest levels of confidence; levels of confidence in the courts were also low.
- Levels of confidence in the effectiveness and fairness of the CJS have increased slightly over the past few years, albeit that the longer term picture is largely stable.
- Overall levels of confidence in the police have increased in recent years.
- Levels of confidence in the fairness of the CJS are relatively high. With the exception of the question about the balance between victims and offenders, all other components of fairness attracted more positive than negative ratings from the public.

### 4.2 Chapter overview

This chapter draws upon the 2010/11 sweep of the CSEW to update and extend findings from previous sweeps of the survey (e.g. Smith, 2007, 2010; Van de Walle, 2008; Hough and Roberts, 2004) The chapter covers global measures of confidence (the criminal justice system as a whole) as well as confidence in specific functions of criminal justice (such as reducing re-offending; rehabilitating offenders, achieving the correct balance between the rights of victims and offenders).<sup>30</sup> It also covers confidence in the fairness of the CJS.

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<sup>30</sup> The riots of August 2011 may have affected levels of public confidence in aspects of criminal justice, including policing and sentencing (although see Hohl et al., 2012); comparisons between the previous and the next sweep of the CSEW will be able to address this issue.

## 4.3 Public trust and confidence in criminal justice: effectiveness and fairness

### Public Priorities for Criminal Justice

Previous research<sup>31</sup> has indicated that fairness and effectiveness are two priorities for the public in terms of the performance of the criminal justice system, and for this reason questions were developed for the CSEW to explore both domains. In this report – and in the CSEW – a distinction is made between these two primary functions of criminal justice: “Achieving Effectiveness” and “Ensuring fairness”. Expressed trust and confidence in criminal justice (or any other public service such as health care) is likely to vary depending upon the specific function under scrutiny and also whether a particular agency of the CJS is mentioned. Indeed, with respect to specific branches of criminal justice, confidence levels vary greatly, depending on the function of the system that is under scrutiny. **Figure 4.1** summarises recent trends in trust in the criminal justice system. The headline measure for this changed from a single question in 2007/08 (focusing on bringing offenders to justice, i.e. a measure of effectiveness) to two new items that distinguished between the system’s effectiveness and its fairness.

Key findings are:

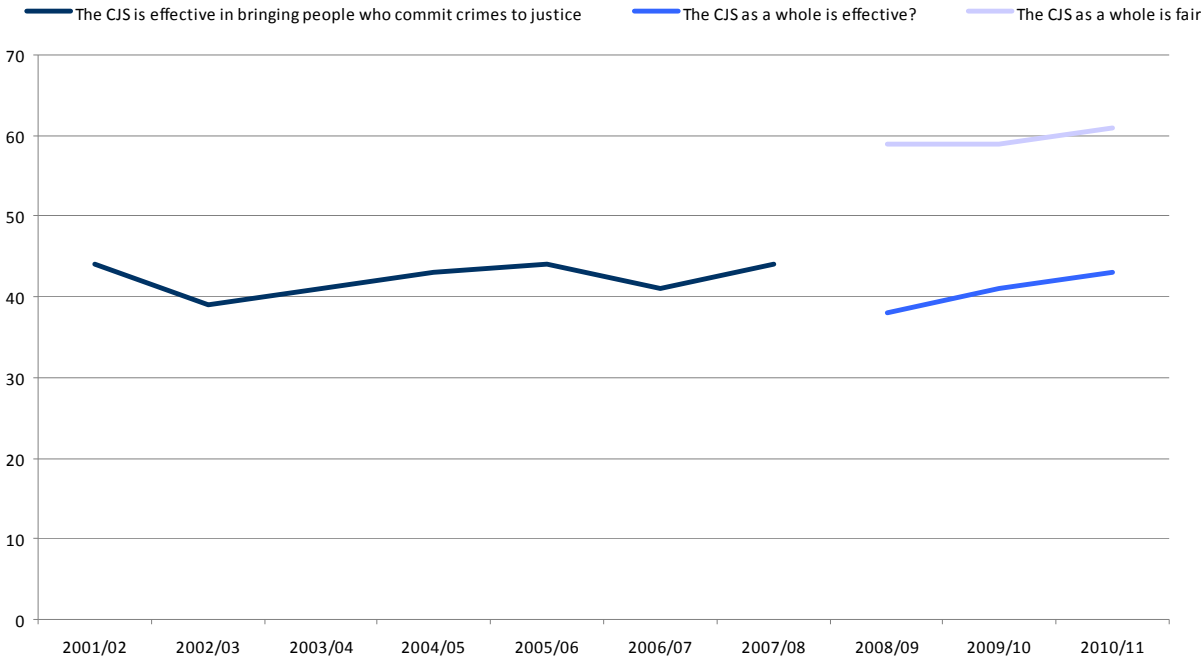
- The public are significantly more likely to trust the fairness than the effectiveness of the CJS.<sup>32</sup> Approximately six respondents in ten trust the fairness of the system; less than half have confidence in its effectiveness.
- Levels of confidence in the effectiveness and fairness of the CJS have increased slightly over the past few years. Adopting a longer-term perspective across the decade, trust levels are relatively stable for the question about the effectiveness of the system as a whole with respect to bringing offenders to justice.

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<sup>31</sup> In 2003, MORI asked members of the public to rate the importance of a number of criminal justice functions. The objective rated as “absolutely essential” by the highest percentage of respondents, (73%), was “treating all people fairly”. Crime prevention functions were regarded by almost as many respondents as essential: “dealing effectively with violent crime” was seen as essential by over two thirds of respondents (MORI, 2003).

<sup>32</sup> The higher levels of trust in the system’s fairness (compared to its effectiveness) are consistent with other data. A MORI poll found that over three-quarters of the public have confidence that the system respects the rights of accused persons and treats them fairly, but less than one quarter were confident that the system is effective in reducing crime (MORI, 2009). Similar patterns have recently been found in Australia (Jones and Weatherburn, 2010).

**Figure 4.1 Confidence in the criminal justice system, 2001/02 to 2010/11**



Analyses of the CSEW revealed little demographic variation in public trust in the effectiveness and fairness of the CJS. Moreover, there were generally comparable patterns for the two measures: groups who believe the system is relatively effective are also more likely to believe it is fair. Thus, for example, young adults aged 16–34 (both male and female) see the system as more effective and also fairer than respondents in the 55–74 age range (see **Supplementary Table B4.1**). The factors that independently predict confidence in the CJS are explored in more depth in **Chapter 5**.

#### 4.4 Perceptions of the effectiveness of the criminal justice system

**Table 4.1** summarises levels of confidence in the overall effectiveness of the system and the specific function of various agencies based on the 2010/11 sweep. Dealing with the global measure first, the confidence “balance” is negative: just over half (57%) of the sample chose “not confident” responses, while 43 per cent were confident. The 57 per cent confidence level may be used as a benchmark to compare confidence levels for specific functions: for two functions relating to the work of the police and the CPS, public confidence is greater: approximately two thirds were confident in the effectiveness of the police and slightly more than half in the CPS.

**Table 4.1 Public confidence in effectiveness of criminal justice, 2010/11**

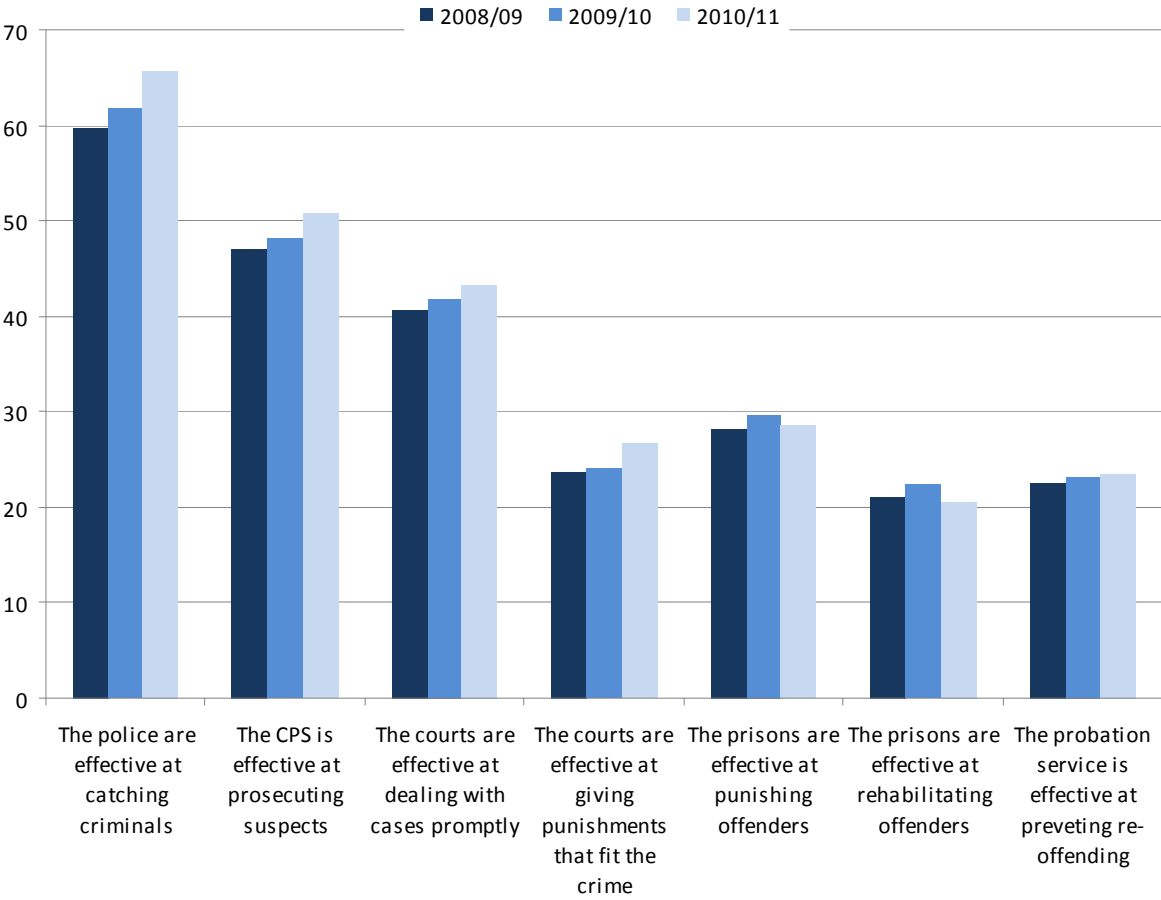
	Very confident	Fairly confident	Not very confident	Not at all confident	Unweighted n (=100%)
Police are effective at catching criminals	8%	58%	28%	6%	45,581
CPS is effective at prosecuting	6%	45%	36%	13%	43,323
Courts are effective at dealing with cases promptly	5%	38%	41%	15%	40,142
Courts are effective at giving punishments which fit the crime	3%	23%	41%	32%	44,653
Prisons are effective at punishing offenders	3%	25%	41%	30%	42,978
Prisons are effective at rehabilitating offenders	2%	19%	48%	32%	41,728
Probation service is effective at preventing re-offending	2%	22%	51%	26%	39,520
CJS as a whole is effective	3%	40%	43%	14%	44,972

Source: CSEW

People tended to express less confidence that the courts are effective at giving punishments which fit the crime and were also less confident about the work of the prisons and the probation services. This finding that the public express less confidence in criminal justice agencies at the later stages of the criminal justice process confirms previous findings in this and other jurisdictions (e.g. Hough and Roberts, 2004; Roberts, 2007). The lowest levels of confidence emerged for prisons: four out of five respondents lacked confidence in the effectiveness of the prisons to rehabilitate offenders. The question about preventing re-offending generated low levels of public confidence (see **Table 4.1**).

Looking at recent trends in confidence in the different elements of the CJS, **Figure 4.2** shows that over the past three years public confidence in the effectiveness of the police has increased – from 60 per cent in 2008/09 to 66 per cent in 2010/11. A modest increase in public confidence emerged for the question measuring the effectiveness of the CPS, from 47 per cent to 51 per cent; all other measures of public confidence were largely unchanged.

**Figure 4.2 Trends in public confidence in criminal justice, 2008/09 to 2010/11**



**4.5 Perceptions of fairness of the criminal justice system**

Turning to confidence in the fairness of the CJS, the overall picture of public confidence is generally more positive. **Table 4.2** summarises 2010/11 perceptions of a range of objectives which may be classified under the general heading of “fairness” of the criminal justice system.<sup>33</sup> Almost four out of five respondents (77%) agreed with the statement that the CJS “Treats those accused of crime as innocent until proven guilty”. Similarly, two thirds of respondents *disagreed* that the system discriminates against some individuals in society. Perceptions reversed, however, when respondents were asked about the balance between victims and offenders: almost two-thirds of the sample disagreed that the CJS achieves the correct balance between the rights of the victims and the rights of offenders. It will be recalled from **Table 4.1** that public perceptions about effectiveness were positive for one of seven questions (relating to the police). In contrast, with respect to the fairness questions five of the six questions generated positive responses (see **Table 4.2**).

<sup>33</sup> Note that the generic question format changes – from asking people to express their confidence in a particular function – to asking them to agree or disagree with a series of statements.

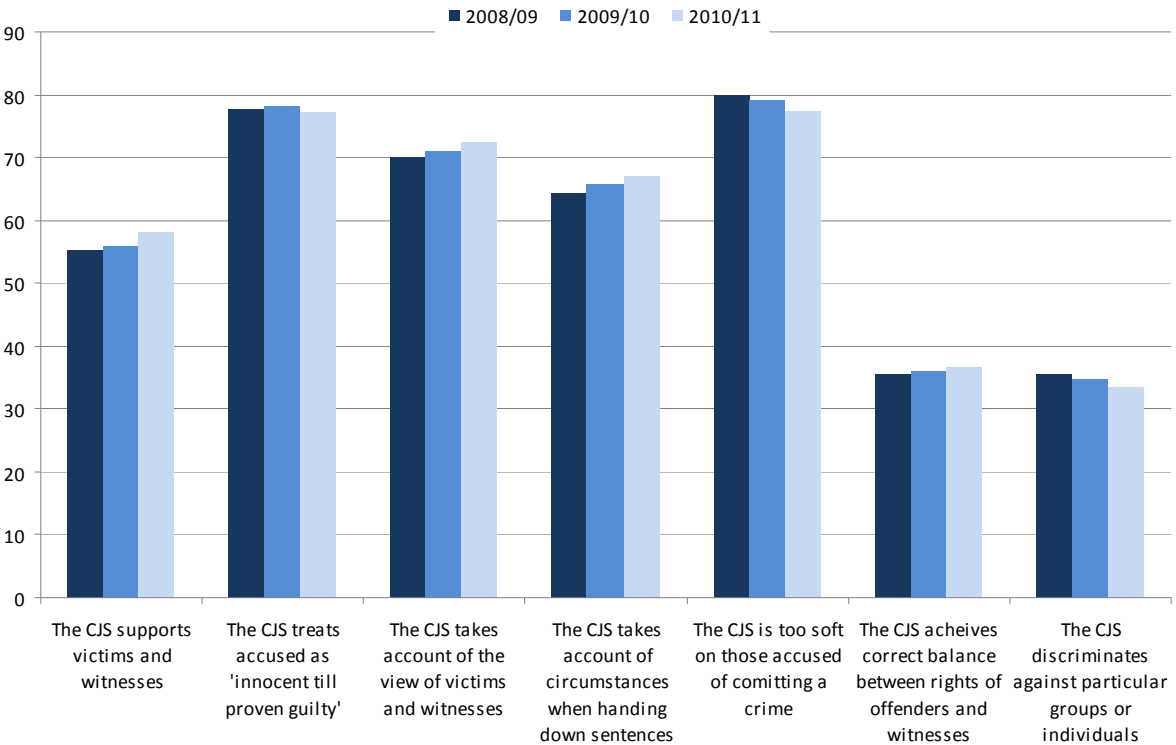
**Table 4.2: Perceptions of the fairness of criminal justice, 2010/11**

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Unweighted n (=100%)
Gives victims and witnesses the support they need	6%	53%	32%	10%	37,719
Treats those accused of crime as innocent until proven guilty	14%	63%	18%	5%	41,299
Takes into account the views of victims and witnesses	9%	63%	22%	5%	39,873
Takes into account the circumstances of the crime	8%	59%	25%	8%	39,564
Is too soft on those accused of committing a crime	36%	42%	19%	4%	42,921
Achieves the correct balance between the rights of the offender and victim	3%	33%	43%	20%	40,599
Discriminates against particular groups or individuals	6%	28%	48%	18%	38,391

Source: CSEW

Figure 4.3 summarises public confidence trends regarding the fairness of the CJS over the period 2008/09 to 2010/11; there has been very little change in levels of confidence over this period for any of these measures.

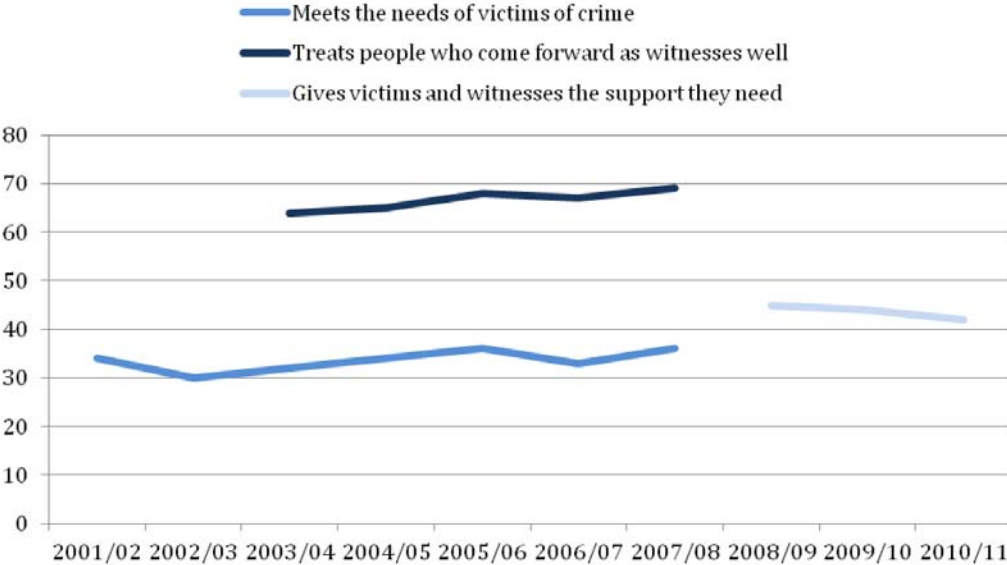
**Figure 4.3: Trends in fairness of the CJS, 2008/09 to 2010/11**





**Figure 4.4** focuses upon public confidence in three aspects of responding to the needs of victims and witnesses using data from a longer period (2001/02 to 2010/11). This period also includes a change in measures, from separate questions relating to witnesses and victims in the earlier period, to a combined question in the later one. On the older measures, there was some increase in confidence in the treatment of witnesses; by contrast, ratings in response to the item asking about the extent to which the CJS “meets the needs” of victims were less positive and perhaps more stable. Note also what seems to have occurred when the questions changed in 2008/09. It appears that in answering the new combined question, respondents’ opinions may be weighted more toward victims than witnesses – as the line for the old ‘victims’ measure is closer to that for the new question (although the difference could also be because ‘meeting needs’ is more similar to ‘providing support’ than ‘treats well’). Opinions assessed via this new measure appeared to decline slightly between 2008/09 and 2010/11.

**Figure 4.4 Confidence in the treatment of victims and witnesses, 2001/02 to 2007/08**



### 4.6 Focus on the Police

Since the CSEW contains more questions on policing than other stages of the CJS, this chapter concludes by examining, in greater detail, additional CSEW questions on public perceptions of the police. **Table 4.3** provides a more detailed breakdown of public ratings of the police in 2010/11, including items that are related to effectiveness (e.g. “can be relied upon to deal with minor crimes”) and others related to fairness and respect (e.g. “police would treat you with respect”). Public responses to the overall measure of confidence in the police (“Taking everything into account I have confidence in the police in this area”) are

positive: approximately three-quarters of the sample agreed with this statement, only 13 per cent disagreed and 15 per cent expressed no opinion (see **Table 4.3**). Ratings of the dimension of respectful treatment are most positive: approximately 85 per cent agreed that the police “would treat you with respect if you had contact with them for any reason”; with just over one quarter strongly agreeing. However, only half the respondents agreed with the statement that the police “can be relied on to deal with minor crimes”, and most of these respondents chose ‘tend to agree’ rather than ‘strongly agree’.

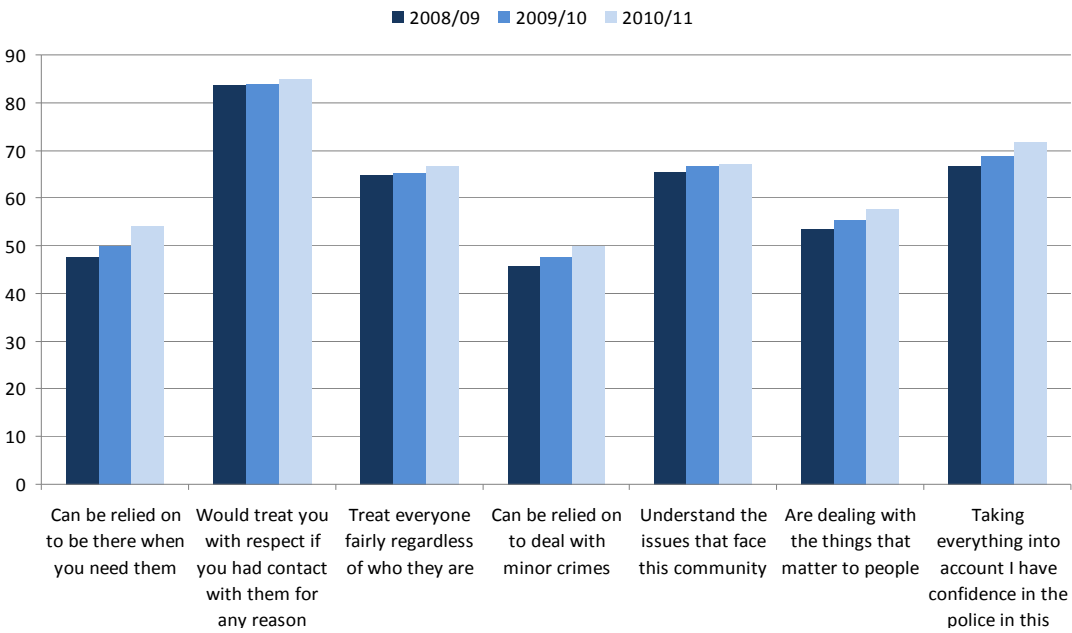
**Table 4.3 Public confidence in the police, 2010/11**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unweighted n (=100%)
The police...						
...can be relied upon when needed	11	43	24	16	6	46,021
...would treat you with respect	28	57	10	4	1	46,367
...treat everyone fairly	15	52	21	9	3	45,362
...can be relied on to deal with minor crimes	9	41	21	22	8	45,835
...understand community issues	12	55	23	8	2	45,468
...are dealing with things that matter to people	9	49	28	11	3	45,330
...taking everything into account I have confidence in the police in this area	17	55	15	9	4	46,467

Source: CSEW

**Figure 4.5** examines public confidence in the police over the past three years. Patterns are consistent with other analyses presented in this report: significant variation emerges across functions, with confidence in effectiveness lower than confidence in fairness; and relatively little variation over time. Note however that ‘overall’ levels of confidence rose over the three years, and some other indicators also appear to have shifted in a positive direction (and recall also that **Figure 4.2**, above showed that confidence in the effectiveness of the police in catching criminals also rose over the period).

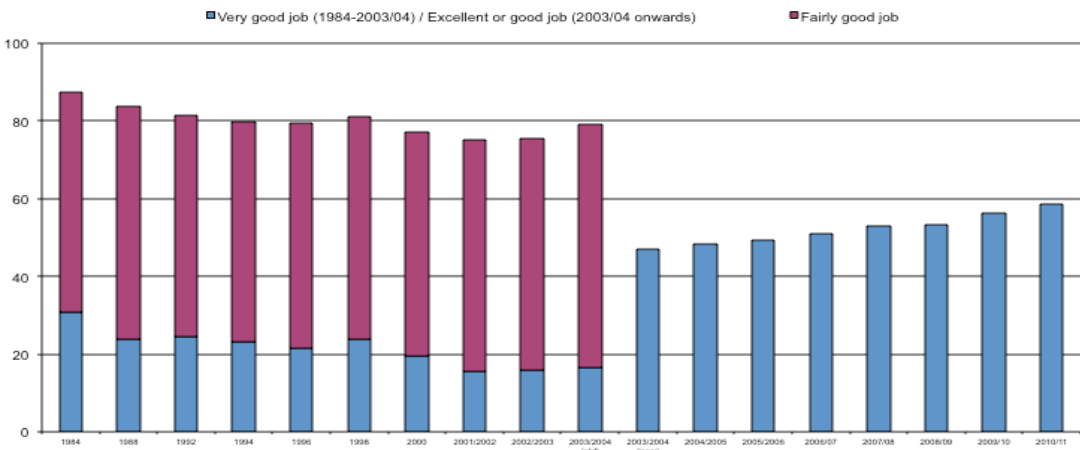
**Figure 4.5 Public perceptions of police performance, 2008/09 to 2010/11**



Finally, since the early 1980s the CSEW has included the same question on public perceptions of the police; this provides insight into longer-term trends. The exact question was: "Taking everything into account, how good a job are the police in this area doing?".

**Figure 4.6** reveals a gradual decline in public ratings of the police up until 2001; more recently public ratings of the police have improved. From 1984 to 2003/04 respondents were given four possible responses to this question – very good; fairly good; fairly poor; very poor. From 2003/04, the question was changed to offer five responses – excellent; good; fair; poor; very poor (in 2003/04 both question wordings were included in the survey). The effect of this change is shown in **Figure 4.6**. While by 2003/04 fewer than 20 per cent of respondents were prepared to say the police were doing a very good job, more than twice as many indicated they thought the police were doing an excellent or a good job (with most indicating 'good' rather than 'excellent'). This question does not specify the dimension on which the respondent should base their rating – this is left to the respondent to define. The fact that ratings improved over the period 2003/04 to 2010/11 suggests that people were thinking of the effectiveness of the police, as noted, trust in the effectiveness of the police has increased in recent years (see **Figure 4.2**).

**Figure 4.6 Trust and confidence in the police, 1984 to 2010/11**



This chapter has shown that confidence in the criminal justice system as a whole, and in the non-police components of it, has remained broadly stable over recent years (with small improvements in some areas offset by small declines in others). By contrast, public confidence in the police has been slowly increasing since about 2003/04 with, in later years, confidence in effectiveness in particular appearing to be on an upward trajectory. The factors associated with confidence in the police and criminal justice system are explored in **Chapter 5**.

## 5. Trust and confidence in the criminal justice system: dimensions and predictors

### 5.1 Summary

- There are a number of different dimensions underlying trust and confidence in the police and CJS. In relation to trust and confidence in the CJS, people distinguish between the effectiveness of the courts, the effectiveness of the prisons, and the fairness of the system as a whole. In relation to the police, people distinguish between trust in the fairness of the police, the interests or motives of officers, the reliability of the police (particularly in dealing with minor crime) and the community engagement of the police.
- Turning to the predictors of trust and confidence, gender, age, contact experience and experiences of and concerns about crime and disorder were highly consistent predictors of opinions of both the police and the CJS. Many other variables tested were important predictors only in relation to some aspects of trust in the police or CJS.
- Contact with the police (both personal and in terms of perceiving police activity), and experiences of crime and disorder emerged as the most consistent predictors of trust and confidence in both the police and the criminal justice system.
- Controlling for a large number of covariates, contact with the police consistently predicted confidence in the CJS (although the effect was entirely asymmetrical, with unsatisfactory contacts associated with lower confidence but satisfactory contacts not associated with higher confidence). However the association between personal contact and confidence in the police was more symmetrical, with positive contacts associated with somewhat higher levels of trust.
- Knowledge about the criminal justice system (as represented by respondents' estimates of the proportion of convicted rapists sent to prison) was also a consistent predictor of confidence in the CJS.
- Women tended to have more confidence in the police and CJS than men, while those in middle age tended to have somewhat less confidence than both younger and older people. People in poor health had consistently less confidence than others. There was a consistent tendency for people living in lower crime areas to have higher levels of confidence. Other variables – notably newspaper readership, contact with the different parts of the CJS and membership of certain ethnic groups – were important predictors in some models but not others.

- The legitimacy of the police was more important than the legitimacy of the courts in explaining variation in cooperation. More specifically, feeling an obligation to obey the police was the most important predictor, then feeling aligned with the moral values of the police, and finally (the least powerful statistically significant predictor) feeling aligned with the moral values of the courts.
- Believing that the courts are too lenient was associated with a *greater* rather than a *lesser* willingness to cooperate with legal authorities.
- Finally, according to the European Social Survey (ESS), the UK scored 9<sup>th</sup> out of 26 countries on a measure of trust in police procedural fairness and 14<sup>th</sup> out of 26 on a measure of perceived police legitimacy.

## 5.2 Chapter overview

Two of the key aims of the research (see **Chapter 2**) were to examine the dimensionality of trust in the CJS and to explore factors associated with these dimensions of trust. This chapter addresses these two aims. It first provides a brief discussion of the analysis undertaken to identify the dimensions of trust (with full details set out in **Appendix A**). It then presents findings from the CSEW on the predictors of trust in the police and in the criminal justice system, setting these in the context of previous research. Consistent with previous studies, contact with the police and experiences and perceptions of crime and disorder are found to be the most consistent predictors of trust in criminal justice. Knowledge of the CJS also appears to be important in predicting trust and confidence levels. With the exception of age, gender and health status, socio-demographic variables are much less consistent predictors.

The final section of the chapter draws on the ESS to examine the extent to which public trust and confidence in the police and courts (and punitive attitudes) explains variation in their expressed willingness to cooperate with legal authorities (e.g. report crimes to the police and give evidence in court). Perceptions of the legitimacy of the police and courts are also added to the analysis. The chapter concludes by placing the UK in its European context with regard to national levels of public trust and institutional legitimacy.

## 5.3 Dimensions of Trust

Several CSEW questions relating to trust and confidence were used to explore the subtlety and dimensionality of public views (see **Appendix A** for the technical details). These questions were originally designed to fall into three broad groups: confidence in the

effectiveness of the CJS; confidence in the fairness of the CJS; and trust and confidence in the police (covering aspects of effectiveness, fairness and engagement with the community).

Overall, seven dimensions of trust and confidence were identified through the statistical technique of confirmatory factor analysis. In relation to trust and confidence in the CJS, respondents distinguish between:

- the effectiveness of the courts;
- the effectiveness of the prisons; and,
- the fairness of the system as a whole.

In relation to the police, people distinguish between trust in:

- the fairness of the police;
- the interests or motives of officers;
- the reliability of the police (particularly in dealing with minor crime); and,
- the community engagement of the police.

## 5.4 Predictors of trust and confidence

There is well-established literature on the correlates and potential causes of public trust in the police (e.g. Brown and Reed Benedict 2002; Fitzgerald et al., 2002; Jackson et al. 2012a, 2012b; Myhill and Bradford 2012; Sindall et al., 2012) and, to a lesser extent, in the criminal justice system as a whole (e.g. Bradford 2011; Singer and Cooper 2008; Smith 2007, 2010; Van der Walle, 2009). We briefly review this literature in **Appendix B**. The existing evidence base helped inform which variables were explored in relation to predicting the CSEW dimensions of trust identified above. A series of multi-level regression models were estimated, predicting each of the seven dimensions of confidence (see below and in **Appendix A** for more details).

The CSEW does not include measures of a number of variables that could, potentially, be important predictors of trust and confidence – some of which are outlined in the discussion below. The findings described here are intended to provide a general idea of the types of variables that might be important predictors of public opinion and public trust and confidence in this area, rather than providing a definitive answer to the question “what predicts confidence?”.

Multi-level linear regression was used to model trust and confidence in the police and CJS (see **Appendix A** and **Supplementary Tables**). Relatively little of the variation in the various

measures of trust was explained at the area level.<sup>34</sup> This suggests that most of the variation in public trust in the police and criminal justice system is caused by individual level factors<sup>35</sup> and not the characteristics of the areas in which people live (see below). This situation contrasts with a recent study that used London data to demonstrate significant area-level variation in trust in the police (Jackson et al., 2012a), suggesting that neighbourhood effects may be more pronounced in the capital. In relation to confidence in the CJS as a whole, at least, this may suggest that the conditions of local areas are less important when people are thinking about what they perceive to be a *national* system.

## 5.5 Modelling confidence in the police and criminal justice system

Multivariate modelling was used to identify the key predictors of the seven measures of confidence in the police and CJS. All the models used the same combined three-year dataset (2008/09, 2009/10 and 2010/11),<sup>36</sup> and all included the same basic set of explanatory variables, intended to represent, as far as possible, each of the groups of potential predictors described in **Appendix B**.<sup>37</sup> Explanatory variables therefore comprised indicators representing:

- personal contact with (and ‘seeing’) police and CJS;
- experiences of crime and disorder (victimisation; perceptions of crime and disorder; knowledge about the CJS);
- media use;
- socio-demographics;
- routine activities; and
- area-level effects.

Results from the models are summarised in **Table 5.1**. Full results are shown in **Supplementary Tables B5.1 to B5.3**. **Table 5.1** is best read horizontally. Each row summarises the associations between a particular variable (e.g. gender) and the seven measures of confidence. The more plus (or minus) signs on a given row, the more consistent

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<sup>34</sup> The data were grouped at the LSOA level – see Appendix A for details.

<sup>35</sup> i.e. socio-demographic and other variables.

<sup>36</sup> Survey years were combined to boost sample size and increase the robustness of the models. The variable year was included in all models to control for any contextual effects arising from this.

<sup>37</sup> The choice of which variables to include was inevitably constrained by their availability in the CSEW. The modular design of the survey means that many potentially suitable questions are not asked of the same respondents: most notably, questions on contact with the police and contact with the CJS are in different survey modules. Note also that not every available potential predictor was included in the models, mainly to keep them at a manageable size in terms of presentation and interpretation, and also to avoid duplication (including a number of explanatory variables all closely related to each other).



that variable is as a positive (or negative) predictor of trust and confidence in the police and criminal justice system. Note that very few rows contain both plus and minus signs – few predictors tested in the models had variable (positive or negative) associations with the different measures of confidence.

The following factors were associated with most or all of the different components of trust and confidence in the police and the CJS:

- Contact with the police – overall, contact with the police was associated with lower trust and confidence; although contacts judged satisfactory did have some positive statistical effects, these were outweighed by the negative effects of unsatisfactory contacts.
- Police visibility – those who felt they saw officers more often around where they lived reported higher average levels of trust.
- Victimization – recent victims of crime had lower confidence than non-victims.
- Perceptions of crime and disorder – those who perceived more crime and disorder around them tended to have lower confidence.
- Gender – women had greater confidence than men.
- Age – confidence in the police and CJS tended to fall between the young and the middle-aged and then rose again among older people.
- Country of birth – compared with those born overseas, having been born in the UK was associated with lower levels of confidence.
- Health – people in only ‘fair’ or ‘poor’ health had on average lower levels of confidence than those in ‘good’ health.

Analysis of the CSEW suggested, in sum, that a number of socio-economic factors were associated with confidence in the police and CJS. This apparently contradicts the findings of Brown and Reed Benedict’s (2002) meta-analysis, which identified only ethnicity, age, contact with the police, and concerns about crime and disorder, as consistent predictors of confidence in the police. However, while often strongly statistically significant, many of the effect sizes (or regression coefficients) summarized in **Table 5.1** are small; and indeed some are extremely small. This indicates that although many variables were predictive of the various measures of confidence, the substantive size of many of these effects was often marginal. Once all the explanatory variables in the models are taken into account it would be expected that the association between any one variable and the response variable would be small. However, another reason for the high number of significant predictors may be the size

of the data set involved – all of the models summarised in **Table 5.1** had unweighted base sizes in excess of 12,000, and most were in excess of 24,000.

Some more detailed findings on each of the predictors are outlined below.

### Contact with the police and other CJS agencies

Unsurprisingly, recent contact with officers was associated with trust in the police. In the case of police-initiated stops this association was entirely asymmetrical, with unsatisfactory contact having a significant negative statistical effect but satisfactory contact not having a significant positive effect. With regard to public-initiated contacts, however, the statistical effects were much more symmetrical. (**Supplementary Table B5.3** shows that this symmetry was strongest in relation to trust in police fairness). Seeing more police in the local area was also consistently associated with higher average levels of trust.

By contrast, although contact with the police predicted all three measures of confidence in the CJS (as distinct from the police), its statistical effect was entirely asymmetrical: unsatisfactory contact predicted lower confidence, but satisfactory contact did not predict higher confidence levels. Having been arrested and having appeared in court were associated with lower confidence across all three CJS measures.

While it may seem unlikely that the public perceive the CJS as ‘a’ single system or body, it seems that encounters with the most public-facing element of the CJS – the police – can inform ideas about other elements of the system (especially the courts and prisons), and about its fairness as a whole. One implication here may be that attempts to improve confidence in the CJS at the population level that do not attend to the relationship between police and public may face significant barriers. For example, the effect of information provision on confidence may be undone by a single subsequent negative encounter with a police officer.

### Experiences and perceptions of crime

There were significant and consistent links between trust in the police and victimisation, perceptions of disorder, and ideas about crime. Recent victims, those who perceived more disorder in their local area, and those who thought crime was higher in their area than nationally reported lower levels of trust in almost all cases. Those who thought crime was lower in their local area than nationally, and who felt that crime was falling, consistently

reported higher levels of trust. Living in a lower crime area – as measured by the IMD crime index<sup>38</sup> – was also associated with a higher level of trust.

This group of variables were also quite consistent in their statistical effects on the measures of trust and confidence in the CJS. Having been recently victimised was associated with lower confidence across all three models, as was the perception that low-level disorder was a problem in the local area. People who felt crime was falling in their local area expressed on average greater confidence, as did those who felt crime was going down nationally. Those who felt crime rates were increasing nationally were less confident in the CJS.

Perceptions of local crime trends compared with national crime patterns were less consistent predictors of confidence in the CJS. The actual crime rate in an individual's area was only an inconsistent predictor (i.e. its significance varied depending on the other variables included in the model). Finally, knowledge of custody rates for rapists was associated with greater confidence in the CJS across all three measures. Note that the variable used represents the respondent's estimate of the proportion of convicted rapists sent to prison. Since essentially all men convicted of rape are given custodial sentences, the higher the value on this variable the more accurate the respondent's knowledge of sentencing can be considered to be.

## Media Use

In findings that echo those of Jackson et al. (2012a), newspaper readership had little consistent association with trust in the police, with one notable exception – trust in police community engagement was significantly higher among those who read national newspapers compared with those who did not read newspapers.

Newspaper readership was also consistently associated with confidence in the fairness of the CJS: people who read any of the national newspapers were on average more confident in the fairness of the system than those who read no newspapers at all. Other associations between media use and confidence in the CJS were less consistent, with the exception that readers of broadsheet newspapers tended to be more confident in its effectiveness.

## Socio-demographics

Opinions of the police tended to be more favourable among women than men and among younger and older people compared with those who were middle-aged (although age was

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<sup>38</sup> For details of the Index of Multiple Deprivation crime domain, see <http://data.gov.uk/dataset/imd-crime>.

not a significant predictor of trust in police/council engagement). There was relatively little variation by ethnicity, although those with Mixed Black and White and Black Caribbean ethnicities expressed lower average levels of trust on some measures, while non-Muslim Asians tended to report higher levels of trust in the police. People born in the UK had consistently lower levels of trust across all four measures. Turning to employment status and class, the only consistent pattern was that the unemployed and economically inactive tended to have lower average levels of trust than those in full-time employment.

Gender, age and to a lesser extent ethnicity were again associated with the measures of confidence in the CJS. All else being equal, women tend to have more confidence than men, younger and older people tend to have more confidence than those who were middle-aged and, where they varied significantly from the White group, people from visible ethnic minorities tended to have higher levels of confidence (this was particularly the case among Asian and Black African groups). A notable exception was that those with Mixed Black and White and Black Caribbean ethnicities expressed, on average, lower levels of confidence in the fairness of the system. People born in the UK had consistently *lower* levels of confidence than respondents born overseas.

### Routine activities

Car access (compared with no access) was linked with lower levels of trust in the police across most of the four measures, as was being in only fair or poor health (compared with being in good health). More trips to bars and clubs were also quite consistently linked with lower levels of trust in the police. Similarly, car access and being in fair/poor health were associated with lower confidence levels across all three measures of trust in CJS; living in social rented accommodation was, somewhat less consistently, associated with greater confidence. Associations between the other routine activity variables and confidence in the CJS were much less consistent or largely absent.

### Area-level effects

Once demographic and other factors were taken into account relatively little (only 2 or 3%) of the variation in trust in the police was explained at the LSOA<sup>39</sup> level. There was one exception to this, 7 per cent of the variation in trust in police/council engagement was explained at the LSOA level. This may relate to inclusion of the local council, perhaps firmly associated with local area, in the question wording. Again, the characteristics of the area in

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<sup>39</sup> 'Lower Super Output Area' (LSOA) is a Census-based unit of area. The population of an LSOA is on average approximately 1,500 people.

which people lived (as opposed to their individual perceptions of their area) appeared to have little effect on their trust in the criminal justice system. However, there is some evidence to suggest that people living in low crime areas tended to have somewhat higher levels of trust in both the effectiveness and the fairness of the criminal justice system.

**Table 5.1: Predictors of confidence in the police and Criminal Justice System**

Confidence in the police: FAIR=Fairness; REL=Reliability; INT=Shared Interests; ENG=Engagement

Confidence in the CJS: CRT=Court effectiveness; PRIS=Prison effectiveness; FAIR=Fairness

+ or - indicates association significant at the 5 per cent level

	Confidence in the police				Confidence in the CJS		
	FAIR	REL	INT	ENG	CRT	PRIS	FAIR
Survey year		+		+	+		
<b>Contact with police</b> (ref: not)							
Satisfactory police stop							
Unsatisfactory police stop	-	-	-	-	-	-	-
Satisfactory self-initiated	+	+	+	+			
Unsatisfactory self-initiated	-	-	-	-	-	-	-
See police in local area (high=more)	+	+	+	+	+	+	+
<b>Experience of CJS</b> (ref: no)							
Arrested	.	.	.	.	-	-	-
Attended court (any capacity)	.	.	.	.	-	-	-
Acted as juror	.	.	.	.			
Appeared in court as defendant	.	.	.	.			
Contact with probation	.	.	.	.			-
<b>Experiences of crime and the CJS</b>							
Victim (ref: not)		-	-	-	-	-	-
Perception of local disorder (high=worse)	-	-	-	-	-	-	-
Thinks crime higher in local area (ref: same)	-	-	-	-			-
Thinks crime lower in local area (ref: same)	+	+	+	+	(-)	(-)	
Perception of crime change (high=better)	+	+	+	+	+	+	+
Perception of UK crime (ref: unchanged)							
Gone up	.	.	.	.	-	-	-
Gone down	.	.	.	.	+	+	+
Proportion of rapists sent to prison	.	.	.	.	+	+	+
<b>Newspaper readership</b> (ref: none)							
Right wing tabloid				+		(+)	+
Daily Mirror				+		(+)	+
Daily Mail				+			+
Right wing broadsheet	+		+	+	+		+
Left wing broadsheet	-			+	+		+
Other paper							

	Confidence in the police				Confidence in the CJS		
	FAIR	REL	INT	ENG	CRT	PRIS	FAIR
<b>Socio-demographics</b>							
Female (ref: male)	+	+	+	+	+	+	(+)
Age	-	-	-		-	-	-
Age squared	+	+	+		+	+	+
Ethnicity (ref: White)							
Mixed Black and White	-		-		-		-
Mixed (Other)							
Asian Muslim	+				+	+	+
Asian (Other)		+	+	+	+	+	+
Black African				+	+	+	
Black Caribbean	-		-				-
Other ethnic group					+	+	
Born in the UK (ref: not)	-	-	-	-	-	-	-
Lives in London (ref: not)							+
Lives in inner city (ref: not)							
Employment status (ref: full-time)							
Part-time		-		+	(+)	(+)	
Unemployed	-	-	-				
Economically inactive		-	-	-	-		
NS-SeC (ref: higher professional)							
Lower Professional and intermediate							(+)
Employees							(+)
Routine and semi-routine	+						+
Never worked					(+)	+	
Not classified	+		+			+	
<b>Qualifications (ref: GCSE/A levels)</b>							
No qualifications		+			(+)	(+)	
Degree or above					+	(-)	
<b>'Routine activities'</b>							
Car access (ref: not)		-	-	-	-	-	-
Single (ref: not)		+	+		+	+	(-)
Time spent out of home on weekdays (high=more)					(-)		
Number of visits to pub/bar (high=more)	-	-	-		-		(-)
Goes to clubs (ref: does not)					(-)		
Fair health (ref: good)	-	-	-	-	-	-	-
Poor health (ref: good)	-	-	-	-	-	-	-
Years lived at current address		-	-				
Social renter (ref: owner occupier)				+	+	(+)	(+)
Private renter (ref: owner occupier)							
<b>Crime rate (IMD crime rank, high=less crime)</b>	+	+	+	+	(+)	(+)	(+)

Brackets (+) (-) indicate that explanatory variable was significant only in some models.

The table reports conditional associations between each explanatory variable and the response variables, and, in any particular case, whether such an association is identified can depend upon what other variables are included in the model.

## 5.6 Consequences of trust and confidence

This final section turns to whether trust and perceived legitimacy predicted expressed willingness to cooperate with legal authorities. Data from Round 5 of the European Social Survey were used to investigate this issue. The analysis in this section uses only the UK sample of the ESS. Interviews were carried out in 2010. The sample gives a good indication of how England, Scotland, Wales and Northern Ireland together compare with their European neighbours. (Further details of the ESS and further findings can be found in European Social Survey, 2011, 2012; Hough et al., 2013.)

Cooperative acts are important to the functioning of the criminal justice system. Many criminal offences become known to the police through being identified first by a member of the public. Cooperation from citizens – whether as witnesses, jurors or in other roles – is then required throughout the criminal justice process. An absence of cooperation impairs the efficiency of the police and other criminal justice agencies, and erodes the fairness of their operations. For example, if crimes are less likely to be reported by people living in certain areas, then police resources will be allocated in ways that do not reflect the ‘true’ distribution of crime, favouring those areas where people are more likely to report (even if the incidence of crime is lower).

Intended cooperation is measured in the ESS by asking three linked questions. The questions start with a hypothetical situation: *“Imagine that you were out and saw someone push a man to the ground and steal his wallet.”* The first question is *“How likely would you be to call the police?”* The second question is *“How willing would you be to identify the person who had done it?”* The third question is *“And how willing would you be to give evidence in court against the accused?”* A scaled measure of cooperation was created using these questions, and multivariate statistical techniques were used to assess the extent to which cooperation is predicted by:

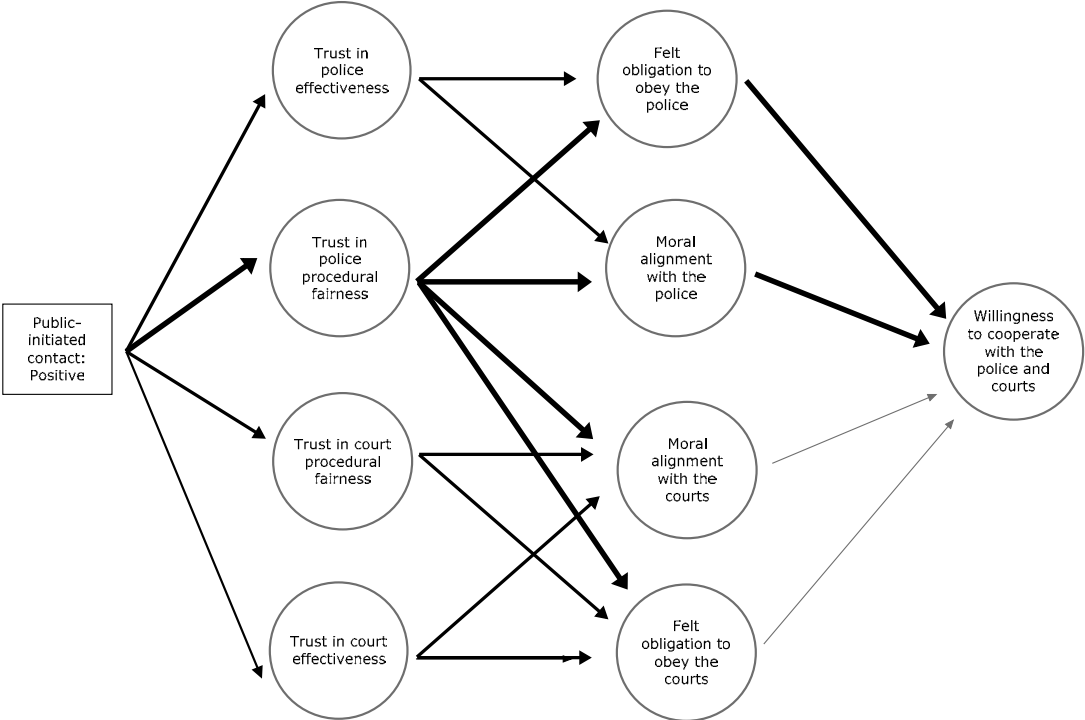
- trust in court effectiveness;
- trust in court fairness;
- belief that the courts are too lenient (or too tough);
- trust in police fairness; and,
- trust in police effectiveness.

The following control variables were used in the statistical model to take account of variations in preparedness to cooperate that occur across: types of area: (e.g. big city, city suburbs, town, education, victim of crime, age and gender).

Three findings need highlighting. First, trust in fairness was more important than trust in effectiveness in predicting people’s willingness to cooperate with legal authorities (see **Supplementary Table B5.4**). This is consistent with prior research from the US and UK (Sunshine and Tyler, 2003; Jackson et al, 2012a, 2012b). Second, trust in the police was more important than trust in the courts. Third – and somewhat paradoxically – believing that the courts are too lenient was associated with a *greater* willingness to cooperate with legal authorities rather than a *lesser* willingness to cooperate with legal authorities.

According to the procedural justice model, the perceived legitimacy of the courts and police should predict preparedness to cooperate (details in **Supplementary Table B5.5**). But again, feeling an obligation to obey the police was the most important predictor, then feeling aligned with the moral values of the police, and finally (the least powerful statistically significant predictor) feeling aligned with the moral values of the courts.

**Figure 5.1: Schematic overview of the findings from the CSEW and ESS**





**Figure 5.1** pulls together some of the key findings (the thicker the arrow, the stronger the association between the two constructs).<sup>40</sup> The key message is that the three things that matter most in predicting preparedness to cooperate is contact with the police, trust in police procedural fairness, and police legitimacy (obligation to obey and moral alignment). What people think about the courts seems to be less proximate in driving their willingness to cooperate with legal authorities compared with what they think about the police. In other words, the police seem to be more visible and more important in driving people’s cooperation with legal authorities than the criminal courts.

## 5.7 Britain in a European context

This final section uses the same data – i.e. Round 5 of the European Social Survey (ESS) – to compare the United Kingdom with a range of other European countries on measures of trust in justice and legitimacy. While it is difficult to make valid comparisons between the objective performance of justice systems in different countries (due to different jurisdictions and systems), properly conducted cross-national surveys do allow for reliable comparisons of public perceptions of justice systems.

The results of international comparisons of two questions, one on the perceived procedural fairness of the police, and the other on a particular dimension of perceived police legitimacy, are discussed here. Although Round 5 of the ESS also asked about trust in the fairness and competence of the courts, analysis of the ESS suggests that attitudes to the police are more likely to be grounded in direct or indirect experience.

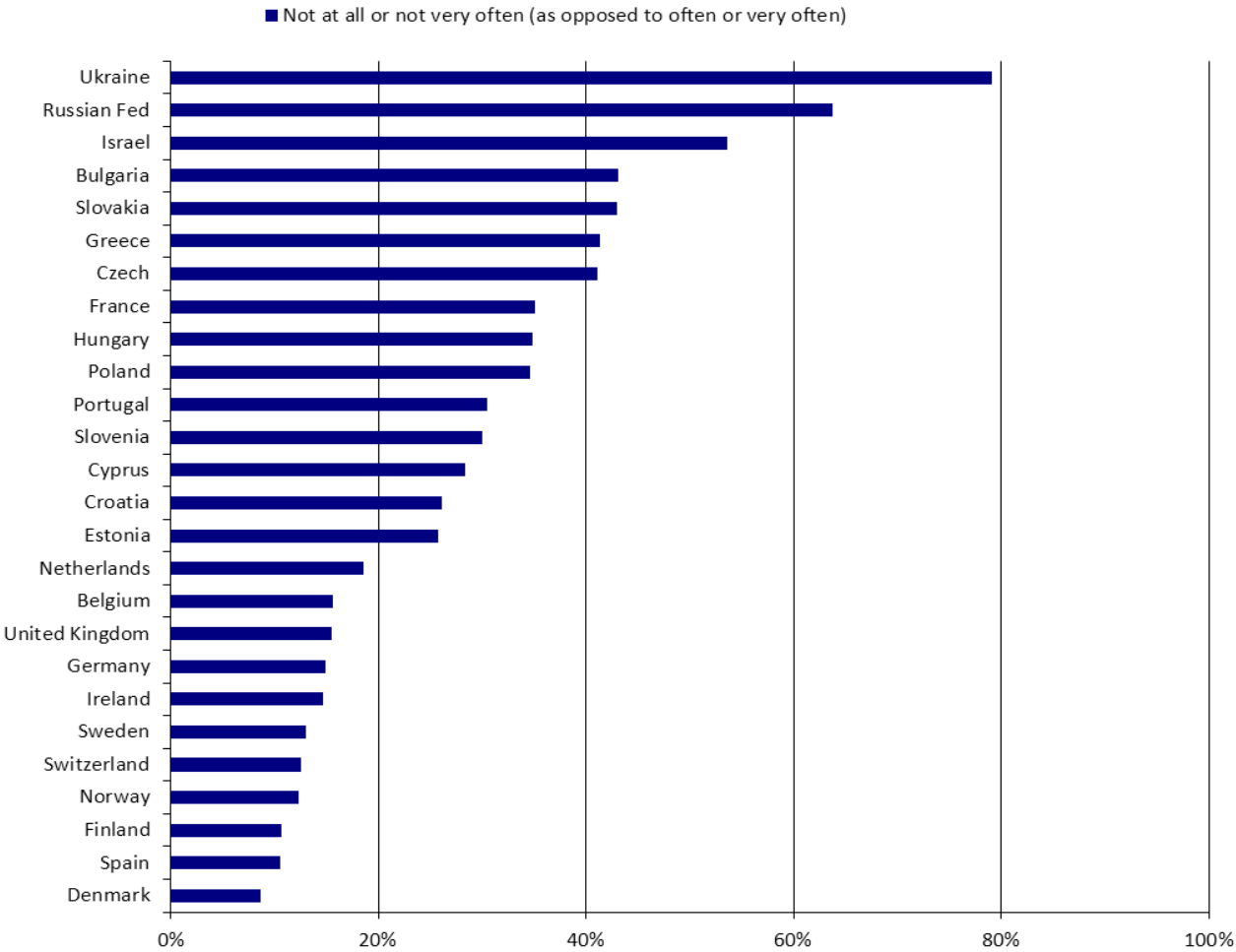
**Figure 5.2** shows that opinions of the procedural fairness of the police vary widely across Europe. Respondents were asked how often the police treat people fairly, with responses ranging from “very often” to “often” to “not very often” and “not at all often”. The figure plots the proportion of people who say either “not at all” or “not very often”. Trust in the fairness of the police is high in Scandinavian countries, Switzerland and Spain. These countries are followed by other Western European countries, including the UK, Ireland, Germany, Belgium and the Netherlands. Trust in police fairness then declines as we move south and east, to what appears to be very low levels in Ukraine, the Russian Federation and Israel.

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<sup>40</sup> Findings from a series of linear regression models (see **Appendix A** for further information) were used to create the summary on **Figure 5.1**. The relative effect size of each predictor (for the respective outcome variable) defined the thickness of the arrows.

The UK came ninth out of 26 on this measure – something which may be a cause for concern if countries such as Norway, Spain and Denmark are chosen as comparators – though it does better than several other developed Western European countries as well as Ukraine, the Russian Federation and Israel. In other words, the findings imply that the UK does not perform any worse in terms of trust in justice than many of its neighbours; however there may be room for improvement.

**Figure 5.2 Trust in police procedural fairness**

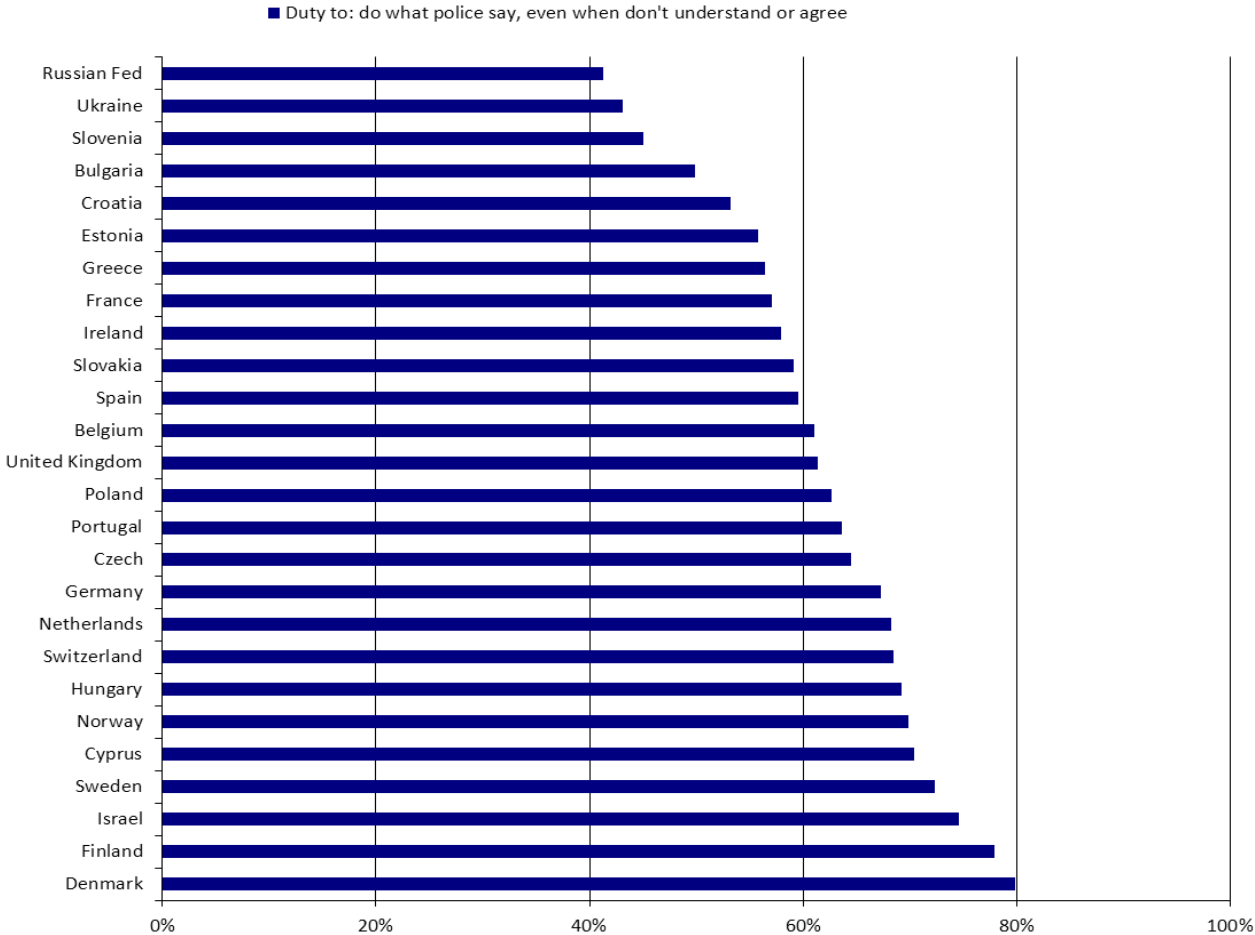


Question: “Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect? “ (4-point scale, “not at all often”, “not very often”, “often”, or, “very often”?)

**Figure 5.3** provides an indication of levels of perceived police legitimacy in the 26 countries, measured by a question asking respondents whether they feel a sense of duty to obey the police (respondents were asked: “To what extent is it your duty to do what the police tell you even if you don’t understand or agree with the reasons?”). Higher scores on this scale indicate greater legitimacy. As with trust in police fairness, a sense of police legitimacy is

highest in Nordic countries and lowest in the Russian Federation, Ukraine and Slovenia. The UK comes rather lower down the list in this chart, being 14<sup>th</sup> out of 26. Assuming that the ESS accurately measures public perceptions of police legitimacy, these results suggest that the UK police score a little below the European average in building or consolidating their legitimacy in the eyes of the public.

**Figure 5.3 Perceived legitimacy (felt obligation to obey the police), by country**



Question: "To what extent is it your duty to do what the police tell you even if you don't understand or agree with the reasons?" 11-point scale, running from "not at all" (0) to "completely" (10).

## 6. Conclusions

This report has examined attitudes to, and perceptions of, sentencing and the CJS in England and Wales, drawing largely on the Crime Survey for England and Wales (CSEW) but also using other sources where appropriate (particularly Round 5 of the European Social Survey). The report builds on previous research, and many of its findings confirm what has already been established. But our analysis has broken new ground in locating this material in the conceptual framework of procedural justice theory that helps to draw out its policy relevance.

### 6.1 Key findings

This report covers issues of trust in justice and related questions about attitudes to, and knowledge of, sentencing. This section draws out the most salient findings.

**Chapter 3** of the report focussed on knowledge and attitudes towards sentencing, and to a lesser extent, knowledge of crime trends (updating Smith, 2010). Patterns of attitudes and beliefs had changed little over the period since 1996. Knowledge about crime and sentencing remained poor: a large majority of the population wrongly believed that crime was rising nationally – although there are signs that people were beginning to notice falls in crime in their local area. Large majorities underestimated the severity of sentencing practice, and most people continued to believe that the courts were too lenient. Certain factors appeared to predict punitive attitudes, although overall these accounted for a small proportion of variation between the respondents:

- a belief that crime was rising;
- tabloid newspaper readership;
- living in a ‘non-professional’ household;
- being male; and,
- being UK-born.

The stability of these patterns of findings is striking, given that crime has fallen quite sharply over the last decade and a half.

The majority of the rest of the report focussed on perceptions of trust in justice; one of the objectives of the research was to look at the ways in which people think about trust in criminal justice. Statistical techniques enabled inferences to be made from patterns of

responses to attitudinal questions about the underlying constructs, and inferences to be made from samples to populations.

In relation to trust in institutions of justice, a clear contrast emerges between judgements about fairness and judgements about effectiveness. In relation to the police, key dimensions that emerge are trust:

- in police fairness;
- in police reliability or basic competence in dealing with problems;
- in police preparedness to engage with, and respond to, the local community; and,
- that the police have the interests of the community at heart.

In relation to the wider criminal justice system, key dimensions are:

- trust in the fairness of the justice system as a whole;
- trust in the effectiveness of the courts; and,
- trust in the effectiveness of the prisons.

People's views about the effectiveness of the criminal justice system appeared to be fairly stable over time, with negative and positive attitudes more or less in balance. Trust in the fairness of the criminal justice process appeared to be higher than trust in its effectiveness, and again broadly stable. In contrast, while long-run trends (since the CSEW was first fielded in 1982) in confidence in the police have been downwards, this trend reversed in about 2003 and confidence has been increasing slowly since that time.

In terms of what shapes – or predicts – levels of trust in justice, the first point to be made is that while there were demographic and geographic variations in trust, these were not large. The statistical models presented in this report were used to predict which groups were most and least trusting, however these accounted for quite a small proportion of the variation between respondents. This implies that the survey did not measure all the relevant factors; one explanation may be that attitudes to justice form part of broader attitudinal mind-sets, reflecting orientations towards security, order, conformity and predictability. Therefore, this suggests that other characteristics, for example those related to broader mind-sets or personality may better predict attitudes to justice.<sup>41</sup> Any survey can, also, only capture certain information about people's experiences and influences. For example wider contact

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<sup>41</sup> There is a long tradition in the psychological literature of distinguishing between people (and cultures) that tend to tough-mindedness or tender-heartedness, from William James onward; the continuum running from authoritarianism to libertarianism is also relevant.

with different authorities and public services may influence people's views and attitudes may also be shaped by vicarious experiences, for example information about a friend or family member's experience of the CJS.

However, access to information, whether reflected in levels of education or in newspaper readership, also appeared to explain some variation in trust and confidence. More crucially, contact with the justice system, and especially the police, was also a predictor. There were two findings of particular importance in relation to this. First, experience of the police tended to shape levels of trust not solely in the police but also in the rest of the CJS. Secondly, the quality of contact with the police, as rated by respondents, had an asymmetrical relationship with trust in both police and the CJS as whole. That is, negatively rated contacts had a large negative effect on trust, while positively rated ones had a small – and in the case of the CJS a negligible – positive effect. It is the quality of contact that is an issue here, rather than the mere fact of contact.

The importance of people's encounters with the police is consistent with procedural justice theory, which predicts that how justice officials use their power is an important influence on public trust and institutional legitimacy. The analysis of data from the ESS builds upon the CSEW work to show that trust in the procedural fairness of the police and perceptions of the legitimacy of the police are the most important predictors of public willingness to cooperate with legal authorities. Believing that the courts are too lenient was associated with a *greater* willingness to cooperate with legal authorities rather than a *lesser* willingness to cooperate with legal authorities.

Finally, the other findings presented here from the ESS suggested that the UK did considerably better, in terms of levels of trust, compared to many other European countries, and markedly better than those in Eastern Europe – but worse than some of the more comparable countries, such as the Nordic countries. The reasons for the precise ordering of the 'league tables' presented in **Chapter 5** is not clear, but this does indicate there is some room for improvement in UK levels of trust and confidence in the CJS.

## 6.2 Implications for policy: public cooperation and compliance with the law

Our analysis of the ESS accords with numerous studies that illustrate the importance of trust and confidence in justice. Previous research has focussed on a need to secure public cooperation, with the linkage between trust and cooperation being demonstrated. Some of this evidence has been presented in **Chapter 5**, and other studies have been referred to throughout the report.

If public cooperation with justice is one benefit that flows from trust in justice, public compliance with the law is likely to be another.<sup>42</sup> Some may regard compliance as a less obvious consequence of trust in justice than cooperation, though again, the evidence base for a connection is beginning to become more firmly established. Procedural justice theory can provide a conceptual framework within which to understand the causal processes through which trust is transformed – both into cooperation and compliance with the law. Trust in justice builds a sense in people’s minds of the legitimacy of the justice system – that is, its entitlement to command – which is reflected in public perceptions that they have an obligation to obey the law and to cooperate with justice officials.

Empirical research into procedural justice theory is also starting to yield very clear pointers about the best strategies for building or consolidating legitimacy in the eyes of the public. Perhaps counter-intuitively, trust in the effectiveness of the police and the justice system as a whole plays a smaller role than trust in fairness, and within fairness, it seems that *processes* are as important as *outcomes*. That is, people pay particular attention to the presence or absence of fair procedures, and to the quality of treatment received from justice officials. Fair and respectful handling of people, treating them with dignity, and listening to what they have to say, all emerge as significant predictors of legitimacy. In other words, it appears that procedural fairness may not only be valued in its own right, but it may actually be a precondition for an effective justice system – as people’s cooperation and compliance is at least in part dependent on their perceptions of the system’s legitimacy. Fair and respectful treatment of the public helps to secure commitment to the rule of law.<sup>43</sup>

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<sup>42</sup> See Jackson et al., 2012b; European Social Survey, 2012.

<sup>43</sup> See Tyler and Huo, 2002; Sunshine and Tyler, 2003; Tyler, 2006a, 2006b; European Social Survey, 2012; Jackson et al., 2012a, 2012b; Tankebe, in press.

### 6.3 Some practical suggestions for policy and practice

This report has presented evidence on levels of trust in justice, and has offered some conceptual and empirical support for policies based on principles of procedural justice. This final section offers some thoughts on what is actually involved in introducing these principles into criminal justice practice.

Perhaps the first issue to address relates to resources. No organisational change is cost-free, but achieving a different quality of relationship in encounters with the public is not necessarily expensive. Changes in styles of policing – and of the delivery of justice – are achieved more through positive leadership than through training on the one hand, or through the re-engineering of formal procedures on the other. Police leaders and court managers need to communicate clearly to their workforces that procedural fairness is a core part of their work. An important part of this communication process lies in ensuring that internal management actually commands legitimacy in the eyes of the workforce. Potentially there is an important role for Police and Crime Commissioners<sup>44</sup> in ensuring that sufficient attention is maintained on procedural fairness and system legitimacy.

There is a further issue relating to resources that needs to be taken into account. The five years from 2010 involve significant contractions in budgets, as the system is required to rise to the challenge of "doing more with less". With threats to the *volume* of available services, securing some counterbalance in terms of improved *quality* may be a very wise investment.

Another high-level issue concerns the interrelatedness of trust in justice. This report has shown that trust in the police shapes trust in the rest of the justice system. People make inferences from the police (and particularly from their encounters with police officers) to the criminal process. The relevant findings add support for the perspective that the police exercise symbolic as well as instrumental roles. In practical terms, this implies that the police should take particular care in any commentaries they offer – whether formally, through the media, or informally, through everyday contact with people on the performance of the rest of the justice system.

As for the targeting of strategies designed to improve the legitimacy of the system, those sectors of the community that are best able to stimulate change from the police or other criminal justice agencies are probably less significant than those with less social capital who

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<sup>44</sup> Local Police and Crime Commissioners (PCCs) will be responsible for setting policing priorities and improving community safety in their neighbourhoods.



are over-represented in the (overlapping) populations of crime victims and offenders. Where trust in justice is most needed is in the most socially and economically marginalised communities where crime is highest (Sampson and Bartusch, 1998). What this means in practice is that strategies of procedural justice are most needed in hard-to-police areas where cases of repeat victimisation and offending push policing in precisely the opposite direction (cf Hough, 2013, in press). The demands made on the police in such areas are often non-criminal – or lie on the margins of criminality – but the handling of each of these incidents remain, as Tyler (2011) has put it, “teachable moments” about the trustworthiness and legitimacy of the police.

The findings of this report are consistent with neighbourhood policing strategies, which have been a feature of criminal justice policy in England and Wales since the turn of the century. In particular, the emphasis on the geographical stability of neighbourhood policing teams seems likely to promote trust in justice, as do principles of responsiveness to public priorities. However, these principles of responsiveness can be strained in divided communities where different groups have different priorities. For example, inter-generational conflict is well illustrated by the frequent complaint that young people are being anti-social simply by “hanging around” in public spaces. Principles of procedural justice remind us that the police need not only to be responsive wherever possible, but to retain some degree of *distance* from communities, resolving conflicts by reference to criteria of legality rather than majority preference.

This report has shown that misperceptions of both crime and sentencing first documented in the mid-1990s remain. A public which perceives that the system is failing is unlikely to be a trusting one. There are still obstacles to addressing public misperceptions and improving trust. Political initiatives are constrained by the fact that politicians are distrusted more than judges and senior police.<sup>45</sup> Therefore government departments may not be best placed to convey the accurate messages about crime and justice that are needed. Such messages may come better from the organisations that make up the justice system – and from the police in particular, as the most trusted institution within the system. There are examples of excellent practice in reaching the public,<sup>46</sup> but the problem of achieving sufficient “reach” remains an overwhelming obstacle while the mainstream media – and the print media in particular – are the dominant shapers of opinion about crime and justice.

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<sup>45</sup> See for example <http://www.ipsos-mori.com/researchpublications/researcharchive/3133/Politicians-trusted-less-than-estate-agents-bankers-and-journalists.aspx>

<sup>46</sup> A good example is the Magistrates’ Association’s “Local Crime Community Sentence” programme – see <http://www.magistrates-association.org.uk/lccs.php>

In conclusion, it is worth noting that there is risk when developing policy based on principles of procedural justice. The legitimacy of systems of justice is partly about perceptions and partly about reality. In a society where perceptions of institutions are shaped by a growing range of media, there is a risk that strategies to improve the legitimacy of justice systems become little more than public relations exercises that involve securing the right media messages, and ensuring that staff remain “on message” in their contacts with the public. Such strategies of appearance management may yield some short-term results, but they are inherently very risky, given that they are about trust-building. When gaps between appearance and reality surface, the costs to legitimacy can be very high indeed. In other words, improvements in trust have to be earned and not simply claimed.

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## Appendix A

### Methodological Annex

This annex provides further technical information on the Crime Survey for England and Wales (CSEW) and the European Social Survey (ESS); and also on the analytical techniques used throughout this report.

#### Crime Survey for England and Wales

The CSEW is a nationally representative face-to-face household survey that was first conducted in 1982. In the 2010/11 CSEW approximately 47,000 adults were interviewed between April 2010 and March 2011. The response rate for the 2010/11 CSEW was 76 per cent and the survey was weighted to adjust for possible non-response bias and to ensure the sample reflects the profile of the general population. The main purpose of the CSEW is to measure the extent and nature of criminal victimisation against adults, aged 16 or over, living in private households in England and Wales; it covers victimisation incidents in the 12 months before the interview. However, the CSEW also includes questions on a range of other areas relating to victimisation, crime and the criminal justice system.

For further technical information on the CSEW please see the technical report at:  
<http://www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/bcs-methodology/>

#### European Social Survey

The ESS is a biennial multi-country survey covering over 30 nations. The first round of the survey was carried out in 2002/03, and the analysis in this report is based on data from the fifth round of the survey which was conducted in 2010. For the 2010 ESS approximately 50,000 adults were interviewed overall (approximately 2,000 adults in the United Kingdom) and the response rate ranged from 31 per cent to 81 per cent across the countries involved (the response rate for the United Kingdom was 56 per cent). The survey aims to monitor change and continuity in a wide range of social variables, including media use; social and public trust; political interest and participation; socio-political orientations; governance and efficacy; moral, political and social values; well-being; and social exclusion.

## Analysis – overview

All analysis was conducted using weighted data. Unweighted bases, the number of respondents who answered each question, are shown in tables. Survey findings are subject to a margin of error. Findings were statistically tested at the five per cent significance level, and only differences which were statistically significant differences are referred to in the text.

## Regression modelling

Logistic regression is a multivariate statistical technique that predicts the outcome of a dependent variable (e.g. sentencing punitively in case scenarios), which has only two possible outcomes, from a set of independent variables. Multivariate techniques allow the assessment of independent variables that are statistically related to the dependent variable when the influence of all other variables under consideration is taken into account. Both continuous and categorical variables can be used to predict the dependent variable.

Linear regression is a similar multivariate statistical technique, with the exception that the dependent variable is measured on a continuous scale (e.g. an estimate of the custodial sentence for rape).

## Factor analysis

The CSEW measures of public trust and confidence address people's perceptions of the effectiveness and fairness of justice institutions, as well as their assumptions about institutional commitment, shared interests and community engagement. Combined with the fact that the questions variously mention the police, courts and other agents of criminal justice, there is a good deal of complexity contained in the CSEW data.

There is a well-developed tradition of using factor analysis to reduce large numbers of individual survey items into a much smaller number of scales that reflect the underlying constructs. This reduces the complexity of patterns of data – in this particular case highlighting a number of different underlying dimensions to trust and confidence in the criminal justice system. Many aspects of trust can be measured and combined, generating a more *valid* measure as well as a more *reliable* one.

The items available in the CSEW were first divided into two groups: trust and confidence in the police; and trust and confidence in other justice agencies (the courts, prisons, crown prosecution service, probation service, and the criminal justice system in general). The police are the most visible face of the CJS, of which people are more likely to have direct personal

experience, so it is reasonable to assume that a basic distinction that people make is between the police and other criminal justice agencies.

Factor analysis was used to test a series of different models, with each model differing according to the proposed underlying dimensions. Missing values in the single items were dealt with via use of a statistical technique called ‘full information maximum likelihood’ estimation – this essentially means that respondents with some missing values are not dropped from the analysis (although respondents with all missing values were excluded).

### Scaling measures of trust in the police

A four factor model had the best fit for an explanation of the measures of model fit. This suggests that there were four underlying components or aspects of trust and confidence in the police that formed and influenced the answers CSEW respondents gave to these nine questions. These four factors can be titled: ‘Trust in the fairness of the police’, ‘Trust in the reliability of police officers’, ‘Trust that officers share the interests of the community’, and ‘Trust in the extent of community engagement of police officers’.

### Scaling trust in other parts of the justice system

In terms of confidence and trust in the wider CJS only a three factor model fitted reasonably well, meaning that the three underlying, latent constructs accounted better for the correlations between the variables. These three factors can be titled: ‘Trust in the effectiveness of the criminal courts’, ‘Trust in the effectiveness of prisons’ and ‘Trust in the fairness of the criminal justice system overall’.

The final step was to add the different measures (trust in the police, and trust in the rest of the criminal justice system) together. A seven factor model fitted the data well. These seven scaled measures of trust and confidence were used in the multi-level modelling analysis described below.

### Multi-level modelling

For the purposes of the analysis presented in **Chapter 5**, on trust and confidence in the CJS and the police, three geo-coded CSEW datasets (for the survey years 2008/09, 2009/10 and 2010/11) were combined into one dataset. This allowed account to be taken of the possible influence of area on people’s opinions.<sup>47</sup> The geo-coded datasets identified the areas in which respondents lived at many geographical levels, from police force area (PFA) right down to

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<sup>47</sup> This also increased the sample size in analyses utilising questions included in only one module of the survey,

'Middle Super Output Area' (MSOA) and 'Lower Super Output Area' (LSOA). These latter two levels are census-based area level classifications; MSOAs have an average population of 7,200 and LSOAs have an average population of 1,500. Both are designed to be as internally homogeneous as possible and are intended to approximate real local communities.

The CSEW uses a complex stratified sampling technique (TNS-BRMB 2010) that means, among other things, that respondents are grouped in specific MSOAs and LSOAs rather than spread evenly across the whole of England and Wales. This makes multi-level modelling of the data a viable option. This technique allows the idea that an individual's trust in the police (for example) may be partly due to their personal characteristics (level 1) and partly due to the characteristics of the area in which they live (level 2) to be taken into account. This technique requires a dataset in which respondents are grouped into meaningful geographic or other clusters, and that a large number of respondents share a cluster with at least one other respondent. The dataset created fulfilled these criteria even in the case of the smallest level of geographic aggregation, LSOA, although because in many models data from only one module was used the mean number of respondents per cluster was often less than two.

Using the combined three-year dataset a series of 'variance component' models were estimated to investigate the possible influence of area on the various measures of confidence. These models show how much variation in a response variable is related to individual level variables and how much is related to the area or cluster level. Yet, despite suggestions in the policing literature about the influence of area on trust and confidence, in the CSEW data there appeared to be only a weak influence of area on trust in the criminal justice system, and indeed in the police. What effect there was increased as the unit of aggregation grew smaller – PFA of residence, for example, explained essentially none of the variation in individual level confidence. By contrast, LSOA of residence explained eight or nine per cent of the variation in some of the confidence indicators (somewhat less in others); this is a not inconsiderable amount, although it is less than has been reported elsewhere (Jackson et al., 2012). However, this figure tended to drop substantially once demographic variables were added to the models. Therefore, it was not really area-level characteristics that were explaining variation in the response variable, but rather the individual characteristics of people who cluster with other, similar, people in different areas. Despite this finding we continued to use multi-level modelling, both for consistency and because it allowed us to add an area-level variable, IMD crime rate, to our models in a conceptually justifiable manner.

**Appendix B** provides further information about the variables that were entered into the models.

## Appendix B

### Review of predictors of trust and confidence

This appendix provides a review of the factors found in previous research that predict trust and confidence in justice and explains the choice of variables included in the models presented in Chapter 5.

#### Personal contact

Numerous studies have demonstrated consistent and strong associations between personal experience of the police and other criminal justice agencies and variation in levels of trust and confidence in those agencies. This research has tended to concentrate on the police. There was a significant level of research activity in the early 1980s when, for the first time, researchers attempted to map out who was coming into contact with the police and how members of the public judged these encounters (Hough and Mayhew, 1983; Jones et al., 1986; Smith, 1983; Tuck and Southgate, 1981). Research interest in 'police contact' has accelerated in recent years, with the publication of a number of important studies (see Skogan 2012). This interest appears justified, given that, according to the CSEW, a significant proportion of people each year come into contact with the police – between 30 and 40 per cent, according to recent survey waves. Personal contact will be a key factor in many people's experiences of the police, if not, perhaps, the courts and other elements of the criminal justice system.

Yet, the relationship between personal experience and public opinion is different for the police than for many other public services. In most cases personal experience with the agency improves opinions and evaluations – for example, among National Health Service patients (MORI 2007). For the police, however, this pattern is reversed, and opinions are routinely found to be less favourable among those who have had recent contact than among those who have not (Fitzgerald et al., 2002; Skogan, 2006). While unsatisfactory contact experiences tend to have a significant negative association with trust, satisfactory experiences do not have a significant positive association, leading to an overall negative association between contact and confidence. Skogan (2006, 2012) has termed this the 'asymmetry' effect, and this asymmetrical relationship between contact and trust seems to hold across most encounters with the police and for most social groups.

Recent work has challenged the idea of total asymmetry. Studies have shown that positive contacts can also have an uplifting effect on trust, at least in some cases and some contexts

(Bradford et al., 2009; Jackson et al., 2012; Myhill and Bradford, 2012; Tyler and Fagan, 2008). A notable finding from all these studies is that police stops are almost entirely asymmetrical in their apparent effect on trust, and it is service style encounters – such as those initiated by crime victims or by people seeking help or advice – that appear to hold the potential for enhancing, as well as damaging, public trust. Inclusion of contact with the police is a vital facet of the models presented in Chapter 5.

It appears that, in line with the procedural justice model described in Chapter 2, people value respect, a sense of inclusion, and being treated with dignity in their encounters with criminal justice professionals, particularly the police. Members of the public also want police and other criminal justice professionals they encounter to explain their actions and to allow them a voice in the interaction (Tyler and Huo, 2002). While the time constraints and the limitations of the CSEW design mean it was not possible for us to examine in depth the reasons for respondents' judgements of specific encounters (although see Myhill and Bradford, 2012), it is important to remember that, in most cases, negative overall assessments will be generated by a sense of unfairness, disrespect, and exclusion.

Studies of 'public' contact with the criminal justice system as a whole are much less common than those concerned with contact with the police. While an increasing amount is known about victims' and witnesses' satisfaction with their contact with the Criminal Justice System (e.g. Franklyn, 2012), it is sometimes difficult to translate the experiences of these specific population groups into impacts on trust and confidence at the population level (compare Bradford, 2011 with Van der Walle, 2009). Put simply, so few people have contact with, say, the criminal courts from one year to the next that their experiences are hard to pick up in a general population survey such as the CSEW. However, variables for contact with different elements of the system are included in the models in Chapter 5.

### **Vicarious and other forms of contact**

Personal, face-to-face encounters are not the only form of contact individuals have with the police or other criminal justice agencies. Vicarious experience, gained through conversations with friends or relatives, or through the stories that circulate in social groups, may be a particularly important form of secondary contact with significant implications for trust and confidence (Jackson et al., 2012; Miller et al., 2004; Rosenbaum et al., 2005). Unfortunately, however, the CSEW data do not allow consideration of this issue.

However a related issue that is covered by the CSEW is police visibility. The focus on reassurance and neighbourhood policing in recent years can be seen as a response to what

the public say, time and again, that they want: more visible and accessible police and above all 'bobbies on the beat', whose presence is obvious to community members (Fitzgerald et al., 2002; Roberts and Hough, 2005). Such visibility may reassure members of the public that, even if they are not necessarily 'solving' the crime problem, police are actively engaged in pursuit of such a solution (Innes and Innes, 2011). A measure of police visibility is therefore included in the models.

### **Victimisation and crime concerns**

Being a victim of crime, whether the incident is reported to the police or not, seems almost certain to shape people's perceptions of the ability of the police and other CJS agencies to fulfil the core responsibilities placed upon them. Many have suggested that the rise in victimisation from the 1960s onwards played some role in the well-documented decline in trust and confidence in the police in particular, from around this point (Garland, 2001; Reiner, 2010).

Yet, events in recent years suggest that the link between victimisation and confidence is not entirely straightforward. Victimisation rates fell steadily from the mid-1990s, but this was not until recently accompanied by any great improvements in trust in the police (Jackson et al., 2009). Furthermore, detailed analyses of the correlates of confidence in the police generally find that victimisation (regardless of actual contact with police) and fear of crime, while significantly associated with trust and confidence, have considerably less statistical effect than other variables, notably personal contact and perceptions of community cohesion and disorder (Jackson et al., 2012; Jackson and Bradford, 2009).

However, a recent study (Sindall et al., 2012) demonstrated a link between falling rates of victimisation, declining perceptions of the extent of the crime problem (although not worry about crime) and an increase in public confidence in the police. While crime concerns may not be the most important factors shaping public confidence in the police and criminal justice system, they are likely to have at least some effect. Victimisation and perceptions of crime are both included in the models in Chapter 5.

### **Public concerns about disorder and neighbourhood breakdown**

A number of studies examining this issue have shown that, alongside crime, public concerns about low-level disorder, anti-social behaviour, social cohesion and a general 'moral decline' in society are often strongly linked to trust and confidence. Relating strongly to both policy concerns about anti-social behaviour (Millie and Herrington, 2005) and the notion of 'signal crimes' or disorder (Innes 2004a, 2004b), these studies have demonstrated strong



associations between perceptions of disorder and social cohesion and views of the police (Girling et al., 2000; Jackson and Sunshine, 2007; Jackson and Bradford, 2009; Myhill and Bradford, 2012). They argue that concerns about neighbourhood disorder and social cohesion influence public confidence because they comprise an orientation toward policing and justice that is rooted in the moral significance of rule-breaking behaviour. People experience rule-breaking as an affront to shared values and norms, and infer that rule-breaking is taking place when they see disorder and a lack of cohesion in their social environment. Associations between perceptions of disorder (for example) and trust in the courts or the wider criminal justice system are more uncertain, and have been identified in some studies (Bradford, 2011) but not in others (Spratt and Doob, 2009).

People's opinions of the police and CJS are therefore premised not only on the basis of whether they worry about crime, but also on the extent to which they believe the justice system is addressing the moral consequences of rule-breaking behaviour (Girling et al., 2000; Jackson and Bradford, 2009). A high level of disorder and a perceived lack of social cohesion indicate that the police and CJS are failing to maintain order and punish wrongdoing (and those who *do* feel a real or immediate concern about crime may also perceive this is an affront to shared values and norms). In summary, confidence in the police (and perhaps the wider CJS) may not necessarily be undermined by the *existence* of crime, but it does appear to suffer when people feel justice institutions are not dealing with the *consequences* of crime, such as disorder and declining cohesion.

These concerns are represented in the models with a measure of perceptions of disorder (that combines the disorder/ASB questions asked in the first part of the CSEW). While it would have been preferable to include measures of social cohesion and concern about change in society these were either not available or were only included in one survey module, meaning their inclusion would have greatly added to the complexity of the analysis.

### Mass media use

For most people the media, and not personal experience, is the primary source of information on the police and criminal justice system (Mawby, 2002; c.f. Skogan, 1990; 1994; Fitzgerald et al., 2002). Furthermore, evidence from the 2000 *Policing for London Survey* suggested that not only were media of various types the most important sources of information for people, almost all (92%) saw their main source as accurate (Fitzgerald et al., 2002: 78). The CSEW reports similar findings, with local papers, news programmes on TV and radio, and tabloids and broadsheets among the most commonly cited sources of information (e.g. Allen et al., 2006: Table 2.21).

However the extent to which use of different media feeds into trust judgements is uncertain. A recent study conducted in London found that while over a three-year period the intensity of positive and negative reporting of the police varied significantly this was barely associated with change in public confidence (Jackson et al., 2012). 'Media effects' on public opinion are, in general, very difficult to prove, not least because of the self-selection involved in media consumption: people's views may be affected by the newspaper they read, for example, or they may choose a newspaper that reflects views they already hold. Notwithstanding these issues newspaper readership is included in the analytic models.

### **Information provision and knowledge of the criminal justice system**

A number of studies have examined the impact of information provision on trust and confidence in both the police and the wider criminal justice system (e.g. Chapman et al., 2002; Salisbury, 2004; Singer and Cooper, 2008; Quinton, 2011). Most have started with the general assumption that the public are relatively uninformed about matters such as the actual level of crime or sentencing practice, and that this is one factor undermining trust and confidence. A variety of methods, including experimental designs, have then been implemented to examine what happens to people's opinions when they are provided with accurate information concerning the CJS. Most studies find a small but significant uplift in opinions subsequent to the provision of good quality information, although in some this effect is modest (see Quinton, 2011). While the external validity of many of these studies is open to some doubt – since the experimental or other intervention is often unlikely to be replicable on a population level basis – they do at the very least demonstrate that people who know more about the criminal justice system tend to have greater confidence in it. A measure of knowledge about the CJS is therefore included in the models.

### **Socio-demographic characteristics**

Much research has concentrated on investigation of the socio-demographic correlates of confidence in the police and criminal justice system. However, in a review Brown and Reed Benedict (2002) summarised the results of over 100 studies and found that only four variables were consistently associated with perceptions of and attitudes toward the police, and of these, only two were socio-demographic – age and race (most of the studies were US based, making race a more pertinent descriptor than ethnicity<sup>48</sup>). The other two variables were contact with the police and 'neighbourhood'.

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<sup>48</sup> Historically the 'racial' divide in trust in the police and justice system in the USA has been significant – people from a Black ethnic background have lower confidence than people from a White ethnic background. While the picture is now complicated by a growing Hispanic population, it is still common in the US to talk in terms of racial variation in opinions of the police, courts and wider CJS.

This finding is unsurprising, since socio-demographic factors in and of themselves are unlikely to 'cause' changes in attitudes and opinions. More probable is the idea that they are associated with other variables that *are* linked in some causal way with attitudes, and socio-demographics may, in certain circumstances, act as proxies for these other variables. To take a hypothetical example, class might be suggested as a potentially important predictor of attitudes toward the police, with confidence lower among working class groups. One reason for working class people to think differently about the police may be that they are more likely to have contact with police officers, and once contact with the police is taken into account any link between class and attitudes may be attenuated or broken; social class may, in some circumstances, act as a proxy for contact experience. Since different studies will contain different sets of explanatory variables these will tend to move in and out of significance, depending on which other variables are included in the models or explanations.

This leaves the variables of age and ethnicity. With regard to age, it may be that older people retain a greater level of trust in authority figures than their younger counterparts: it is also notable that research conducted since 2002 suggests that the association between age and confidence in the police has declined in strength over the years (Bradford, 2011). With regard to ethnicity, it again appears unlikely that being from a Black ethnic background (or Asian ethnic background, etc.) is in itself a *cause* of different opinions of the police but that it is a consistent set of experiences linked with being from a Black ethnic background, the stories of which circulate within Black ethnic communities and which may help constitute a sub-cultural orientation toward the justice system, that is the real motivating factor. Both age and ethnicity are included in the models in Chapter 5. Because Brown and Reed-Benedict's review was not conclusive a range of other demographic variables (e.g. gender, country of birth, educational attainment and social class) were also added.

### **Routine Activities**

Another way of thinking about the potential links between demographic or social factors and attitudes and opinions of the justice system is in terms of routine activities (Cohen and Felson, 1979). Certain characteristics (being young, unemployed, a car owner, living in social housing) predispose people to different experiences; for example higher contact with police or greater chance of seeing police activity or greater likelihood of knowing people who have been to court; and these in turn are linked to differential opinions (see Kautt, 2011). Again the idea is that it is not that these characteristics 'cause' opinions but that they may be linked with other, possibly unobserved factors which do exert such influence. In addition to socio-demographics a number of routine activity type variables are also included in the models, such as car access, housing tenure, employment status and self-reported health.

### **The influence of local area**

Much current and previous research in policing (e.g. Jackson et al., 2012; Sampson and Bartusch, 1998), suggests that the type of area in which people live may be a significant factor affecting their confidence in the criminal justice system. That is, over and above personal characteristics and beliefs there may be something about a certain place or type of place that influences the ideas and opinions of people living there. Most obviously, we might expect that people living in areas with high crime rates, or which are objectively disorderly (and not simply perceived to be disorderly) in some way, will have different experiences and opinions of the criminal justice system than those living in less crime prone or more orderly locales.