

Knowledge  
Transfer  
Partnerships

***“Creating a knowledge-base of public confidence  
in the Criminal Justice System”***

A Knowledge Transfer Partnership between Newcastle University and  
Northumbria Local Criminal Justice Board



## **Report 2: Literature Review**

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## Executive Summary

1) This literature review critically engages with the current body of knowledge about public confidence in the Criminal Justice System (CJS).

2) A variety of indicators have been used to measure public confidence, including:

- The general confidence measure (confidence in CJS effectiveness at bringing offenders to justice)
- Questions about ‘doing a good job’
- Indices of confidence composed of multiple indicators
- Questions about whether the CJS is ‘dealing with crime’
- Questions about satisfaction
- Questions about what respondents anticipate would happen in a specific scenario

Each of these could be considered appropriate in certain situations but it is important to recognise that they will all measure different things.

3) Quantitative research varies in terms of its power for making accurate generalisations to the population as a whole. It is important to treat findings from ‘low power’ surveys with caution. Quantitative explanations can be covertly derived – looking for associations between variables – or overtly derived – specifically asking respondents why they take a certain view. Overtly and covertly derived explanations each have advantages and disadvantages.

4) Qualitative research is useful to probe respondents own understandings of the meanings behind research concepts. It has been underused in confidence research and has a lot to offer in terms of increasing our understanding of the conditions underpinning how people become confident.

5) Existing confidence research often attempts to identify the ‘drivers’ of confidence. The term ‘driver’ comes from market research and may be hindering effective research into confidence by obscuring the complexity of confidence. It may be more useful to think in terms of the ‘objects’ and ‘conditions’ of confidence. ‘Objects’ are the components and attributes of CJS activity in which the public seek to have confidence and ‘conditions’ are the underlying conditions which will shape confidence.

6) The conditions underpinning confidence identified in the existing research can be divided into three categories:

- **Demographics** - gender, ethnicity, age, socio-economic background
- **Underlying values and beliefs** - on the state of society, on justice, on the service the CJS should provide
- **Information** - personal experience, word of mouth, media, official information, environmental indicators

Demographic factors affect confidence indirectly via the values and beliefs that people have and the information sources that they are subject to. Values and beliefs contribute to the normative expectations people have of the CJS. Information sources help to shape whether or not people anticipate that the CJS will match their normative expectations.

7) Existing research has identified a wide range of objects of confidence, that is things people expect the CJS to do and how they expect it to do them. These can be divided into three categories:

- **Principles** - punishing offenders, striking an appropriate balance between victim and offender rights, focussing on the right kind of crimes and being fair to all
- **Functions** - being there when needed, apprehending offenders, customer service, dealing with offenders
- **Results** - controlling crime levels, keeping people safe, preventing reoffending, maintaining a pleasant local environment

8) What the CJS does and is seen to be doing emerges from the existing research as particularly important. The actions of the agencies and personnel of the CJS may have communicative qualities which are more reassuring to the public than information about crime statistics or the likelihood of becoming a victim. What the CJS is seen to be doing may, in effect, influence people’s beliefs about the principles of the CJS and the results it is achieving.

9) Despite the wide range of research findings on what ‘drives’ confidence only a limited number of recommended solutions to increase confidence have been made. The most commonly recommended solution is to educate the public and correct their misperceptions by communicating better. Unfortunately the existing knowledge-base does not provide much specific guidance about how to do this. The techniques of ‘social marketing’ have been cited as one way to change attitudes towards the CJS. However, social marketing is a branch of marketing concerned with changing people’s behaviour in ways which are socially beneficial. Initiatives to improve confidence are not in the first instance aimed at altering behaviour, but rather altering an attitude. This brings into question whether techniques from social marketing can be effectively borrowed in order to increase confidence.

10) There are several areas of enquiry that it would be useful to pursue in order to produce a more sophisticated outcomes-focussed account of public confidence. These are:

- Develop outcome-focussed indicators for confidence
- Fully exploit the potential of qualitative research
- Be sensitive to the importance of dominant discourses in structuring the way people talk about criminal justice
- Explore the symbolic importance of CJS actions, as opposed to the results achieved through those actions
- Understand the role of lay reasoning about what is effective in determining levels of confidence

## **1. Introduction**

**1.1.1** This report critically reviews the findings emerging from the existing knowledge-base on public confidence in the criminal justice system (CJS). It provides overviews of both the various methods used to research confidence and the research findings. It engages critically with the research findings by reorganising what have often been called the ‘drivers’ of confidence into two categories: *conditions* and *objects*. The conditions of confidence are those factors which can be seen as providing the social, cultural and informational backdrop to a person’s becoming confident. The objects of confidence are those aspects of CJS business and conduct which are identified as being of particular importance to members of the public as they decide whether or not they are confident.

**1.1.2** The report is structured as follows:

- Chapter 2** – Gives a brief overview of the literature reviewed and how it was located
- Chapter 3** – Reviews the methodological approaches used in the existing knowledge-base
- Chapter 4** – Explains the conditions/objects framework for the review and reviews existing research findings and recommendations for action
- Chapter 5** – Provides some recommendations for ways to approach future research

## 2. Overview of the Literature

**2.1.1** Initially Dodgson et al’s (2006) bibliography was used as a springboard into the literature. Other literature was located using the bibliographies of sources already consulted, government and other research and policy websites, searches of academic databases and contents of relevant journals and through email requests to all LCJBs for any relevant research carried out on a local basis.

**2.1.2** The literature consulted in order to prepare this document can be divided into three broad thematic groups:

- Literature which is specifically about public confidence in the CJS or in specific components or functions of the CJS
- Literature which discusses issues which are related to the idea of public confidence or crime, justice and the CJS
- More general literature

**2.1.3** Literature falling into these thematic groups might be drawn from any of the following source categories:

- Practitioner literature – local
- Policy literature - national
- Research literature – non-academic and locally produced
- Research literature – non-academic and produced at national level
- Academic research

**2.1.4** Given the current salience of the subject-matter the review has identified a surprisingly limited volume of literature *specifically* addressing the issue of public confidence in the CJS, or some part of the CJS: 25 key pieces of literature fall into this category. These pieces of literature are the central focus of this review, as they are the core of the existing knowledge-base on confidence. There is a wide variation in terms of the quality and utility of the research which is discussed in this review.

**2.1.5** The non-academic literature reviewed which is not specifically about confidence consists mainly of CJS policy documents and in-house research. These are used to provide an understanding of the wider research and policy context within which public confidence is a central concern. The academic literature consulted which is not specifically about public confidence has been chosen because it contains ideas which are useful for thinking about public confidence. These ideas are drawn from the disciplines of Criminology, Sociology and Social policy and key themes covered include: fear of crime, public attitudes, public opinions on criminal justice issues, New Public Management and modernization, policing, penal populism and the contemporary criminal justice landscape and justice in discourse.

## **3. Exploring public confidence: a review of methods**

### **3.1 Measuring confidence accurately**

**3.1.1** This chapter describes the range of methodological approaches adopted to explore public confidence. The strengths and weaknesses of the various approaches to measuring and explaining confidence are explored.

#### **Developing indicators**

**3.1.2** The process of developing a quantitative indicator to capture confidence entails engaging with the wider methodological problem of public opinion measurement. The idea of ‘public opinion’ is ‘part and parcel of democratic theory, created in response to problems of collective judgment and decision making’ (Price and Neijens, 1997: 339). However, there is a well-established body of work highlighting the methodological difficulties inherent in trying to capture public opinion using survey data, some of which strongly questions the suitability of quantitative methods for the purpose of understanding public opinion (For examples see Fishkin, 1995; Ackerman and Fishkin, 2004, Price and Neijens, 1997; Shamir and Shamir, 2000).

**3.1.3** Survey research has a tendency to capture ‘off the top of the head’ responses which are not necessarily embedded either in a real life context or in informed reflection on the matter at hand (Fishkin, 1995: 2), and which over-simplify what are often complex attitudes (St. Amand and Zamble, 2001: 516). This kind of response can lead to the capture of ‘value-expressive’ responses, where respondents use their answers to specific questions to express much broader concerns. For example, Jackson (2004) uses the idea of ‘expressive’ fear to describe the use by the public of survey responses to express their wider concerns about perceived decline and deficiencies in society (Jackson, 2004); people who claim to be personally fearful of becoming a victim of crime may be expressing their belief that society is in decline and that crime is an important issue. Therefore claiming that people are fearful on the basis of such measurements may be inaccurate. In this way ‘crime survey responses express underlying attitudes to the existence and prevalence of crime, the importance and cultural significance of crime and disorder locally, and the personal possibility of victimization’ (Jackson, 2004: 961).

**3.1.4** Meanwhile, views about crime may tend to replicate ‘general social narratives about risk, insecurity and anxiety, which exist in a context wider than the personal experience or knowledge of the respondents’ (Hutton, 2005: 251) These potential problems mean that poorly designed survey indicators may collect data which is of limited utility and may misrepresent public opinion. For example, Roberts et al (2003: 8) have suggested that the development of increasingly punitive penal policy seen in recent years may be based on a misreading of public opinion by politicians who have depended on poor quality research. In the first section of this chapter, the survey indicators used to measure confidence are discussed.

### **The general confidence measure**

**3.1.5** The most commonly used and cited indicator of public confidence (used as the primary measure of confidence in 8 of the studies located) is the general confidence question included in the British Crime Survey. This asks:

Thinking about the Criminal Justice System as a whole...how confident are you that it is effective in bringing people who commit crimes to justice?

**3.1.6** Data gathered using this question is used to monitor the performance of LCJBs. It is therefore unsurprising that it is the most commonly used measure for confidence across the literature. However, as has been noted by Farrall and Ditton (1999: 56) with respect to the fear of crime:

The questions that were routinely employed in crime surveys had, to all intents and purposes, been reproduced without much thought given to why these questions had been worded in the way that they had been, or to whether at all these questions were at all appropriate.

**3.1.7** There is a danger of this happening with the general confidence question and it is therefore especially important to consider the weaknesses of this particular approach.

**3.1.8** Some weaknesses of the general confidence measure are described in the Base-line Audit produced as the first report of this study (Turner et al, 2006). One of the criticisms contained there was that there may be a mismatch between official and public conceptions of the point at which an offender has been ‘brought to justice’:

Although an offence may, in CJS terminology, have been brought to justice, for some members of the public justice has not been done unless the sentence fits the crime (Turner et al, 2006: 12)

**3.1.9** This represents a key problem with this operationalisation of public confidence. The question is intended to refer to the effectiveness of the CJS, but the findings from the original cognitive testing carried out before the question was added to the BCS noted that

the phrase ‘bringing offenders to justice’ was often interpreted as people who had committed crimes ‘getting what they deserve’ or ‘teaching them a lesson’, reflecting the view that the justice system was about administering punishment (BCS 2000 Technical Report: 62)

**3.1.10** This suggests that it is not confidence in CJS effectiveness, but rather confidence in the perceived fairness of sentencing which was playing the greater role in determining people’s level of confidence according to this measure.

**3.1.11** The general confidence question is just one of a suite of questions about confidence in various aspects of CJS business which is included in the BCS. Its use as a proxy measure for overall confidence reflects the fact that bringing offenders to justice has also been selected by respondents to the BCS as the most important thing the CJS does (Allen et al, 2006: 11; Allen et al, 2005: 6). However, although respondents indicated that bringing offenders to justice is the most important thing that the CJS should do, this does not mean that effectiveness at this activity is the most salient issue in people’s minds when they decide whether or not they are confident in the system as a whole.

### **Doing a good job**

**3.1.12** An alternative measure which has been used as an indicator of confidence in the CJS is whether or not people think that specific agencies within the CJS are doing a good job. In order to gauge levels of confidence in policing Jackson and colleagues (Jackson and Bradford, 2007; Jackson and Sunshine, 2007; Jackson et al, 2007) use the question: ‘Taking everything into account, how good a job do you think the police in this area are doing?’. The BCS includes a similar question for each of the agencies of the CJS, a 2003 MORI poll also included ‘good job’-style questions (Roberts and Hough, 2005), as did the Canadian General Social Survey (Roberts, 2004). In the US meanwhile, Benesh and Howell (2001) used the question ‘Generally speaking do you approve or disapprove of the job the Louisiana courts are doing?’ to determine the level of confidence in the courts.

**3.1.13** Questions which ask about whether or not agencies in the CJS are doing a ‘good job’ ask respondents to evaluate what these agencies are doing. However the meaning of ‘good job’ is not specified – respondents can therefore refer to their own definition of what the police, courts etc. should be doing. This task might be particularly difficult if this question was used about the CJS as a whole. Furthermore, asking respondents to take ‘everything into account’ implies that there is a lot to take into account and that the issue is complex. Yet it is asking respondents to summarise in a single response how they feel about ‘everything’. The underlying implication is of a response which reflects peoples’ feelings of approval ‘on balance’.

**3.1.14** This style of question may not even be an adequate way of assessing confidence in *individual* agencies, and it is therefore unlikely to be adequate asked as a single question about the whole CJS due to the multiple agencies and functions involved. The BCS does ask respondents about each of the agencies of the CJS individually, but it is interesting to note that there is generally only a low correlation between rating an individual agency as doing a good job and being confident that the CJS is effective at bringing offenders to justice. Only the variables relating to the CPS and judges display what might be described as moderate correlations with the general confidence measure, and even these only have correlation coefficients of 0.53 and 0.50<sup>1</sup>.

### **A confidence index**

**3.1.15** Tyler (2001) uses data from several studies to consider minority-group confidence in legal institutions and the law. One of these studies (a random telephone study of 1575 Chicago residents) assesses confidence using a 10-item scale. People are asked how good a job the police and courts are doing, but they are also asked whether they ‘respect the police; think the police are honest; feel proud of the police; feel they should support the police; think the courts protect citizen rights; think judges are honest; think court decisions are fair; and think the courts guarantee everyone a fair trial’ (Tyler, 2001: 218). So, rather than asking respondents themselves to report their feelings ‘on balance’, the researchers do this for them by scoring them on an index of confidence, depending on the sum total responses to these questions. This approach might help to give an overall approval score for legal institutions, and certainly seems likely to provide useful longitudinal data on this basis. However, it is the researchers who have defined overall confidence as being a product of each of these

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<sup>1</sup> Personal correspondence from Dr David Pevalin (University of Essex)

components equally, and the idea that some components may have a disproportionately strong effect on how people themselves rate their overall confidence is not explored.

### ***Dealing with crime***

**3.1.16** A 2003 MORI poll asked people to think about the whole CJS and then decide ‘overall how *confident* are you about the way crime is dealt with?’ (Page et al, 2004). Along with most of the styles of confidence question discussed here, this question makes the object of confidence something which is quite ambiguous and is defined by the respondents: being ‘effective’, ‘doing a good job’ and ‘dealing with crime’ can mean quite different things to different people.

**3.1.17** An example of how different questions, despite claiming to capture the same concept, can produce rather different results, is that the British Crime Survey found that households with an income of below £10000 per annum were *more* confident than other households. Meanwhile, MORI found that respondents living in deprived areas were *less* confident than other respondents. These findings may seem contradictory, however it should be remembered that the surveys use different indicators for confidence. The BCS indicator asks if respondents are confident that the CJS is effective at ‘bringing offenders to justice’ whereas MORI asks if respondents are confident in ‘the way crime is dealt with’. The distinction between ‘bringing offenders to justice’ and ‘dealing with crime’ seems to be important here. It might be that respondents see ‘bringing offenders to justice’ as finding them guilty and sentencing them appropriately, whereas ‘dealing with crime’ might mean something changing for the better as a result of offenders being brought to justice.

### ***Satisfaction and confidence***

**3.1.18** Jackson et al (2007: 2) summarise their approach as asking people ‘how satisfied they are with the job that the ... police are doing’. Confidence has therefore been assumed to be interchangeable with satisfaction. Roberts (2004) identifies 3 Canadian studies as being about confidence, when in fact they could arguably be more about satisfaction: Compas carried out a survey which asked respondents to ‘rate the justice system of Canada’ on a 7 point scale, Leger Marketing asked respondents to rate their satisfaction with the judicial system and Insight Canada asked people to rate their ‘impression of the justice system’ on a 10-point scale from very positive to very negative.

**3.1.19** This assumption that satisfaction and confidence are interchangeable appears to find some support in evidence from a MORI poll which found that responses to the two questions: ‘Overall, how *satisfied* are you with the way crime is dealt with? And ‘Overall, how *confident* are you about the way crime is dealt with?’ followed the same pattern (Roberts and Hough, 2005: 35-36). Roberts and Hough (2005: 36) conclude that this means that ‘the two questions are capturing the same general concept’. However this assertion is based on questions which are extremely similar so it is perhaps unsurprising that the results follow the same pattern.

**3.1.20** Dodgson (2006) makes the useful argument that satisfaction and confidence are different kinds of judgements: one is backward looking and one anticipatory. Confidence in this way cannot simply be about being confident that the CJS *has* done something, it is also about being confident that it will *continue to do so*. It looks forwards and anticipates future events, and this anticipation can have an influence on people’s behaviour and their wider attitudes. Satisfaction with past events can play a part in determining confidence about the future, however satisfaction cannot be conflated un-problematically with confidence.

**3.1.21** It is important to note that even questions which specifically use the word confidence may still be capturing a more backward looking idea of satisfaction (for example in the ‘good job’ measures described above). In fact, many of the questions used to capture confidence, with their ambiguous, respondent-defined objects, seem to have more use in determining levels of overall approval. Whilst it might be fair to suggest that general approval is likely to have an influence on confidence, this relationship may not be clear cut. Furthermore, if these existing measures of confidence are in fact measuring satisfaction; it will be hard to determine if there is a relationship between confidence and satisfaction, because any relationship observed in existing research might be artefactual.

### ***Capturing anticipation***

**3.1.22** In 2004 MORI used a slightly different type of confidence question in a survey: ‘How confident, if at all, are you that you would be treated fairly in the criminal justice system if you were a victim of...?’ (Roberts and Hough, 2005: 37). This question taps into something closer to the kind of confidence required from our working definition because it asks people to anticipate being a victim of crime and the treatment they would receive from the system in this situation. Furthermore, by asking about several different kinds of crimes, the question can explore findings from research on notification behaviour which suggest that the seriousness of the crime determines the likelihood that it will be reported (Goudriaan, Lynch and Nieuwebeerta, 2004; Goudriaan, Witterbrood and Nieuwebeerta, 2005). There is still some ambiguity around the idea of what it is to be ‘treated fairly’, but this question does seem a more appropriate indicator of the kind of confidence we are interested in than those discussed so far.

**3.1.23** Tyler (2001) also draws on responses to a survey which taps more into respondents’ expectations about what *would* happen if they needed to call upon the CJS. He uses data from the Second National Center for State Courts Survey which asks respondents with recent experience of the local court to agree or disagree with various statements about the way things would be if they had to go to court again (Tyler, 2001: 223-225). These questions seem to be more suitable for measuring confidence as something with the potential to affect behaviour because they are concerned to look forwards to what the respondent thinks *would* happen. However, despite the promise of this anticipatory approach, it has unfortunately not been possible to locate any other instances of surveys employing this question format in the context of measuring confidence in the CJS.

### ***Summary of indicators***

**3.1.24** This section has discussed several different quantitative indicators used to measure public confidence. These include: the general confidence measure, questions about doing a good job and dealing with crime, and questions which ask respondents to anticipate the way things would be in certain criminal justice scenarios. All of these measures might be considered valid in certain circumstances. However, it has been argued that some of these indicators are more suitable for tapping backwards looking satisfaction or approval than forwards looking confidence, which might be considered more important in determining people’s behaviour. Questions which ask people to anticipate the way things *would* be seem to have more promise for predicting how people might behave, however their use has not been extensive. The next section will discuss the ways in which data collected on confidence has been analysed.

## **Survey power**

**3.1.25** The accuracy and utility of the data collected by a survey depends not just on the indicators used, but also on the way the data is collected. The issues of particular importance are: the size of the sample and the way the sample is obtained. Generally speaking the larger the sample size, the more accurate the results of the survey will be at predicting the views of the population as a whole. The way the sample is obtained will impact not only on the sample size, but also on whether or not it is statistically appropriate to make predictions about population values, and to whether there is any bias in the sample.

**3.1.26** Table 1 (on page 9, below) summarises the data collection methods used for each of the pieces of confidence-specific quantitative research reviewed here (not including the studies that drew on multiple secondary sources and also Page et al (2004) which did not provide this information). The sources have been categorised as either: high, moderate or low power. The term power is used to denote the extent to which it is possible and appropriate to make confident generalisations from the sample to the population. This is based on the size of the sample (on the basis that ‘increasing the size of a sample increases the precision of a sample’ (Bryman, 2004: 97)), the sampling method (on the basis that it is only statistically correct to provide confidence intervals based on a truly random sample) and response rate (on the basis that lower response rates allow more room for bias). It should be noted that all of the datasets are useful; however findings from some of the studies should be treated with more caution than others.

**3.1.27** As can be seen from the table, the reports by Allen et al (2005); Allen et al (2006) and Mirrlees-Black (2001) are all based on data that is likely to have a low level of bias (due to the high response rates), and will enable relatively accurate predictions of population values and inferential statistical tests to be carried out for association (due to the large sample size and use of random sampling). Studies by Devon and Cornwall Constabulary (2006) and Jackson and Sunshine (2007) are likely to be subject to a higher level of bias (based on lower response rates), can make less confident predictions of population values, and can carry out less powerful tests for association (due to smaller sample size). However, both studies are still of a high enough quality to be considered statistically reliable.

**3.1.28** Studies by Holme (2006) and Smith (2007) employ quota sampling to ensure that they include pre-selected demographic categories. This non-probability sampling approach makes it inappropriate to predict population values based on the sample values (and indeed the reports of both studies acknowledge this). It is impossible to ascertain what kind of bias may be present as neither study provides a response rate. However, both do capture reasonable sample sizes and therefore can provide useful information about the population, and about associations between variables (subject to the caveats already mentioned).

**3.1.29** The street survey carried out by Public Knowledge (2006) should be considered the least reliable data set. It has a small sample size, gives no indication of the response rate and is based on a quota sample drawn only from one area within Northumbria. It is likely to include significant bias. It is useful to provide a snapshot of the view ‘on the street’, but that snapshot is very much framed by the location and timing of the execution of the research, as well as the relative willingness of different groups to talk to a street interviewer. Generalisations from this data to the population as a whole should be treated with caution.

Power	Source	Mode of data collection	Sample size	Sampling method	Response rate
HIGH	Allen et al (2005)	Face to face (in the home)	37931	RANDOM	74%
	Allen et al (2006)	Face to face (in the home)	45120	RANDOM	75%
	Mirrlees-Black (2001)	Face to face (in the home)	19411	RANDOM	74%
MODERATE	Devon and Cornwall Constabulary (2006)	Postal	3257	RANDOM	21.8%
	Jackson and colleagues (various sources)	Face to face (in the home)	7685	RANDOM (within boroughs)	At least 60%
	Jackson and Sunshine (2007)	POSTAL	1023	RANDOM	18%
LOW	Smith (2007)	Face to face (street – omnibus survey)	2000	RANDOM LOCATION QUOTA SAMPLING	Unknown
	Holme (2006)	Postal	1217	QUOTA	Unknown
	Public Knowledge (2006)	Face to face (street)	420	QUOTA	Unknown

*Table 1: Survey power*

**3.1.30** This section has given a brief overview of the power of some of the quantitative datasets which contribute to the existing knowledge-base on public confidence. It is clear that some datasets are more reliable than others.

## **3.2 Approaches to explaining confidence**

**3.2.1** Most research that includes a measurement for public confidence will at some point be put to the use of identifying other factors which impact upon people’s confidence levels. Some of the data sets will have been collected specifically with this purpose in mind. Others will be adapted to that purpose. Both quantitative and qualitative data have been used in the literature to try and explain public confidence. This section describes and critiques the various approaches to explanation.

### **Quantitative methods**

**3.2.2** Quantitative researchers have available to them two main approaches to identifying information which will aid explanation about what ‘drives’ or contributes towards a particular attitude or opinion: overtly and covertly derived information (MORI, 2004: 18). Overtly derived explanations are those which emerge when respondents are specifically asked questions like ‘why do you say that?’ or ‘what would make you more confident in the CJS?’ Covertly derived explanations are the answers to other questions in the study which can be shown to have a statistically significant association with answers to the confidence question. This section will explore the relative advantages and disadvantages of overtly and covertly derived explanations, using examples from the literature. To avoid unnecessary repetition they will simply be referred to as overt and covert explanations.

### ***Covertly derived explanations***

**3.2.3** Covertly derived explanations for confidence can be powerful tools for exploring the underlying factors contributing to confidence. However, these explanations are limited by the range of variables included in the survey. If little of the variance in confidence is explained by the other variables then it might be that the questions asked were unsuitable for this purpose. Furthermore, even if other variables are found to be predictive of the variance in confidence it is important that this is not simply because they capture the same basic concept, or because the nature of the relationship is simply an artefact of the way the research has been carried out.

**3.2.4** Relationships found by testing for statistical association still require interpretation through the application of theoretical knowledge. For example, Jackson and Bradford (2007: 10) found that deprivation was associated with confidence in policing, but the effect was indirect, and was in fact entirely explained by lay perceptions of the community. The researchers’ interpretation in this case led to a more complete understanding of how people become confident. Jackson and Sunshine (2007: 230) meanwhile, found that although fear of crime appeared at first to influence people’s confidence in policing, once one controlled for concern about social cohesion the influence disappeared. In this case, a theoretical recognition that some other factor may be underpinning fear of crime led to a more informative use of the available data. It is therefore important to note that some bias may be present in covert explanations, because the way data is analysed, the theoretical interpretations applied to the analysis, and the way the initial survey questions are structured will all be subject to the researcher’s pre-existing ideas about the subject matter.

### ***Overtly derived explanations***

**3.2.5** Overtly derived explanations are useful for ensuring that respondents are able to give their own reasons for why they are confident, or not confident, without being limited by predetermined questions. Respondents are able to speak in their own words. However, researchers using overt explanations need to keep in mind that what people *say* influences their level of confidence is not always an accurate indicator of what does in fact affect confidence. Furthermore, although answers are in respondents’ own words it is unlikely that these words will be insensitive to dominant social and cultural narratives about crime and justice, or that they will be altogether free of the common turns of phrase that can encapsulate these narratives. It should also be noted that spontaneous ‘free text’ responses are subject to the interpretation of researchers so that they can be coded and quantified. This can introduce bias as researchers bring to their interpretation previous knowledge and expectations about what they will find.

**3.2.6** As can be observed there are similarities between the objects which emerge as important on both an overt and covert basis: sentencing, crime levels, police performance and efficiency feature both as objects which respondents have spontaneously identified as important, and as objects which display statistical association with levels of confidence. However, it is more difficult to use overt explanations to examine the conditions under which confidence is formed. Demographic conditions which may affect confidence, like gender, age and household income will usually only be uncovered using covert indicators to look for statistical association. It also appears that the idea of wider judgments about society may only emerge from quantitative data if covert survey questions are used to gauge wider attitudes and look for a relationship between these and levels of confidence. Overt questions in a survey are

after all unlikely to prompt people to begin exploring the values and beliefs underpinning their judgments of the CJS.

**3.2.7** Table 2 (below), summarises explanations given for differing levels of public confidence across all the sources in the research literature:

	OVERTLY DERIVED	COVERTLY DERIVED
<b>Conditions</b>	Personal experience. word of mouth, CJS engagement and interaction with community, media	Personal experience, judgments about society (moral consensus and trust), gender, ethnicity, age, household income, area characteristics
<b>Objects</b>	Sentencing, crime levels, police visibility, lack of action (issue not followed up or offender not charged), persistent offenders, detection rates, prison, CJS fair to all, efficiency	Sentencing, crime levels, police doing a good job, efficiency, safety, violent crime, bringing offenders to justice

*Table 2: Explanations for confidence*

**3.2.8** This section has identified two approaches to explaining confidence using quantitative methods. Overt explanations are useful for ensuring that respondents are able to give their own reasons for confidence without being limited by predetermined questions. However they are subject to possible bias through researcher interpretation and are unlikely to uncover the underlying values, beliefs and demographic conditions which may affect confidence. Covert explanations allow researchers to make confident assertions, on the basis of statistical significance, about relationships between confidence and other variables, including underlying attitudes. However, because the available explanations are predetermined by survey design, and subsequently subject to researcher interpretation they still risk omitting important explanatory variables and may permit some bias to creep in. The next section considers the use of qualitative research to explore confidence.

## Qualitative methods

**3.2.9** Qualitative data is used exclusively in 3 of the confidence-specific research reports identified (Addison, 2006; Opinion Leader Research, 2005; NOP World, 2003) and in combination with quantitative data in 2 of the reports (Smith, 2007; Beaufort Research, 2004). The fact that quantitative studies so dramatically outnumber qualitative studies into confidence may be indicative of the tendency of policymakers to favour ‘hard’ numerical data over the ‘rich’ data generated from semi-structured interviews, focus groups and other qualitative methods. Taylor (2006: 249) notes that the dominant ‘evidence-informed’ model for policymaking has become ‘methodologically and normatively paradigmatic’, contributing to the determination of which kinds of social research get government funding. Hammersley (1995: 126) argues: ‘The parameters of the inquiry process are set narrowly: the aim is to solve the problem, and both the problem and what constitutes a solution are defined by practitioners’. This paradigm may mean that qualitative data has been seen as less valuable for confidence research.

**3.2.10** However, Robson (2002: 171) suggests that the use of semi-structured and unstructured interviews and focus groups is appropriate when there is a need to explore issues of perception and meaning. Clearly therefore qualitative data has the potential to be more useful than quantitative data in exploring some of the conditions under which people become

confident, including their understandings of justice, what the CJS should be doing and what they can expect from the CJS.

**3.2.11** Like quantitative data, qualitative data can also be said to make use of overtly and covertly derived explanations. Using more overtly derived explanations can be seen as a quite superficial approach to analysing qualitative data: describing people’s views and the reasons they give for being confident or not being confident, but not necessarily applying any interpretive activity to these expressions. A more covert approach to the derivation of explanation using qualitative data would look beneath the top-line expressions to identify underlying themes and meanings. Some of the qualitative research reviewed here only applies an overt analysis, however some of the more interesting research findings emerge from the research that analyses what is going on underneath.

**3.2.12** The variation in the way the qualitative data is analysed indicates that often the confidence-specific qualitative research has not fully exploited the potential of the qualitative approach. This failure to utilise fully the advantages of qualitative analytical techniques is also evident in the fact that the analysis provided in some reports lacks a clear focus on confidence, drifting into discussion of attitudes more generally. This might be because the structure of the questioning used in some of the focus groups and interviews is not always conducive to identifying what actually underpins people’s expressions of confidence. Often, the research seems to have been designed to explore what are already considered as ‘drivers’ of confidence. Bias based on preconceptions about confidence has therefore been introduced to the research. It is, however often difficult in the research reports to distinguish between topics introduced by the researcher and topics raised spontaneously, because full transcripts of discussion are not provided. This means that interviewer-introduced bias is hard to identify specifically.

**3.2.13** Overall then the quality and utility of the qualitative research is mixed. The advantages of using qualitative research are rarely made explicit in these reports, suggesting a lack of focus on utilising these advantages to their maximum potential. However, there is a revealing tendency within the qualitative research to begin by exploring what respondents themselves understand by terms such as ‘public confidence’ and ‘criminal justice system’, and also what they think about when deciding how to answer quantitative questions. So Addison (2006: 28) includes a section on ‘understanding and differentiating relevant concepts’, Smith (2007: 14) seeks to find out ‘What factors do people think about when deciding how confident they are in the CJS?’, Opinion Leader Research (2005: 14) attempts ‘to explore how different BME groups would define the term ‘confidence’ and Beaufort Research (2004: 28) asks respondents ‘what they understood by the term ‘Criminal Justice System’.

**3.2.14** This approach to confidence research is interesting because although it seeks to capitalise on the key advantage of qualitative data - that it can explore meaning – the way the data is subsequently used reveals the extent to which the concept ‘public confidence’ has not been clearly defined, either for the purpose of performance measurement or for research. It is almost as if what is meant by the concept ‘public confidence in the CJS’ is so unclear that the task of defining it is being returned to members of the public. The problem with this approach is that instead of focussing on the outcomes the concept should be designed to help produce (e.g. greater co-operation with the CJS), and exploring meaning with these outcomes as a reference point, the focus has shifted onto the meaning of the words employed in the

conceptual terminology. It is as if retrospective cognitive testing is being applied to the research indicators, but then the results are being used in order to ‘increase’ positive performance against these indicators, rather than to refine the indicators so that they capture what is intended. The question of what outcomes confidence is intended to produce recedes into the background.

**3.2.15** So, whilst qualitative research has real potential to help explore the conditions under which confidence is possible, through discussions on perceptions of crime and the meaning of justice, this potential is not always being fully utilised. However, the existing research has still contributed to the level of overall understanding of confidence. Table 3 (below) summarises explanations for confidence emerging from the qualitative research, dividing them into overt (descriptive explanations) and covert (interpreted explanations).

	OVERT	COVERT
<b>Conditions</b>	Media Distrust of official information Personal experience Expectations Wider social issues e.g. New Orleans Word of mouth/experiences of others within community	Sense of breakdown of social values CJS understood in context of wider system of rule, order and government which should all be there to help Patriarchal view of authority
<b>Objects</b>	Youth problem Adequacy of CJS response Sentencing Prison – too easy and ineffective Fair treatment and equal service provision for all Quality of front-line service experience Police visibility Response times Speed cameras – catching the otherwise law-abiding BME representation in CJS Cultural awareness of CJS staff Communication with victims and witnesses	Balance between rights of victims and rights of offenders

*Table 3: Explanations for confidence from the qualitative data*

**3.2.16** As can be observed in this table, despite the limited number of qualitative studies on confidence, a far wider range of explanations have emerged using qualitative data, including some interesting interpretations of the underlying issues at stake. The wide range of explanations suggested here includes some issues that would be difficult to identify through a survey. Qualitative data then offers a chance to explore more thoroughly the complexity of confidence.

### **Mixed methods**

**3.2.17** Only two of the pieces of confidence-specific research identified for this review draw upon both qualitative and quantitative data (Beaufort Research, 2004; Smith, 2007). Beaufort Research (2004) uses the qualitative research to talk to key groups to check whether or not their views were different from those of the general population (as accessed via the survey) and also to explore certain issues in more depth. Some of the qualitative data gathered from

these focus groups is therefore used and reported in a similar way to the quantitative data, and is not subject to a more sophisticated interpretation. However, the findings from the focus groups conducted did indicate that some respondents felt that because they lived in difficult areas they received a lower level of service than residents of more affluent areas. This finding is not however drawn out in the conclusions, which are dominated by the findings from the survey.

**3.2.18** Similarly, Smith (2007) uses qualitative data from focus groups as ‘supplementary’ to the quantitative findings from a survey. The true potential of using a qualitative method has therefore not been exploited in these mixed methodology studies, because qualitative data has been allotted a secondary status, drawn upon merely to reinforce quantitative findings or to illustrate potential divergence. There is therefore a gap in the current knowledge-base for a truly mixed method study of public confidence in the CJS.

### **3.3 Conclusion**

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**3.3.1** A variety of methods have been used to measure confidence and to explore the factors underpinning it. Quantitative data has the advantage of facilitating access to the views of large numbers of people, providing data from which generalisations about whole populations might be made, however the accuracy and utility of the data obtained is reliant on the careful design of research indicators and the quality of the survey procedures. Qualitative data has the potential to provide rich data, exploring the issues in more depth and enabling researchers to identify underlying social trends that could be said to be at the heart of the confidence problem. However, the full potential of qualitative data in confidence research has not been utilised thus far, and this may reflect policymaker antipathy towards the softer, more tentative data generated. The next chapter draws upon both quantitative and qualitative studies to provide a description of the key factors making up the existing knowledge-base on public confidence.

## 4. Reviewing the Literature

### 4.1 *Capturing complexity – from drivers to conditions and objects*

**4.1.1** It is common within the existing knowledge-base on public confidence for researchers to say that they are seeking the ‘drivers of confidence’ (For example Public Knowledge, 2006; NOP World, 2003, Opinion Leader Research, 2005; Dodgson, 2006). Driver is an imprecise term which has its origins in market research, where it is often used to describe the factors which contribute to overall customer satisfaction. The prevalence of the idea of drivers in the confidence research literature, and correspondingly in professional discourses might be related to the predominantly quantitative approach taken to researching confidence, including the use of quantitative techniques to identify the amount of variance in confidence which is explained by other factors. It is also very likely to be linked to the common view that the key to increased confidence lies in more effective communication with the public, which often leads to CJS agencies drawing upon the techniques of marketing to improve their communications. However, the idea of drivers might be a hindrance to effective research and analysis of data.

**4.1.2** A key limitation of thinking in terms of drivers is that this approach is not subtle enough to distinguish between the components and attributes of CJS activity in which the public seek to have confidence (which can be thought of as the ‘objects’ of confidence) and the conditions shaping how the public make judgements about these (which can be thought of as the ‘conditions’ for confidence). Much of the literature on public confidence tends to merge together objects and conditions under the catch-all label of driver<sup>2</sup>. One example of this is talking about sentencing as a ‘driver’ of confidence. Sentencing, as an integral component of the CJS, is clearly something to which confidence should attach. It almost goes without saying that confidence in sentencing will play some part in determining overall levels of confidence. However, by identifying sentencing as a ‘driver’, what the existing research literature actually means to communicate is that confidence in sentencing is considered by the public to be a key component of CJS activity in which they seek to have confidence. Whilst in market research terminology it is therefore correct to call sentencing a driver, doing so actually ignores the complexity of confidence by deflecting attention from *why* sentencing is seen as important and *how* the public become confident in this area of CJS activity. This is not to say that knowing what the most important components of CJS activity are to the public is *not* important, but rather that labelling these objects *drivers* of confidence curtails investigation before it has explored *how* individuals are becoming confident.

**4.1.3** By distinguishing between important objects on the one hand, and the conditions under which confidence is gained or damaged on the other, it should be possible to obtain a

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<sup>2</sup> The word ‘factor’ is also often used in a similar, undifferentiated way to denote something which is seen to influence confidence levels. However, both Dodgson (2006) and Holme (2006) make a distinction between the issues of importance to the public and the things which influence their opinions on these issues.

more nuanced understanding of what underpins public confidence. Conditions can include a person’s basic beliefs and values, their understandings and evaluations of the CJS, the information about crime to which they are exposed, the ways in which they make sense of these and more. Thinking in this way shifts the emphasis of the research away from a cause and effect-oriented idea of ‘drivers’ and towards a recognition in research of the complexity of confidence.

**4.1.4** This report proceeds by discussing first the conditions for confidence and then the objects of confidence. Deficiencies in the existing data and gaps in the knowledge-base are discussed throughout. The findings from the confidence specific research are placed within the wider criminological context.

**4.1.5** To avoid unnecessary complication, the review utilises the measures of confidence applied within the existing research studies. Although, as has been discussed eLondon School of Economics where, these measures are far from perfect, they are currently the only measures available. They are likely to capture sentiments similar to confidence and therefore the findings generated by these studies are useful. However, they may require a more careful interpretation than is currently afforded to them in some of the research reports, and this review attempts to provide that interpretation.

## **4.2 Conditions**

**4.2.1** There are a number of factors emerging from the existing research which contribute to the conditions under which people may or may not have confidence in the CJS. These factors have been divided into three categories, summarised in Table 4 (below).

<b>Demographics</b>
Gender Ethnicity Age Socio-economic background
<b>Underlying values and beliefs</b>
Opinion on the state of society and the government Beliefs about the constitution of justice Expectations of service and results
<b>Information</b>
Personal experience of system and services Word of mouth Media CJS community engagement and information exercises Environmental indicators

*Table 4: Conditions for confidence*

### **Demographics**

**4.2.2** The extent to which demographic and socio-economic factors influence confidence will always be quite unclear. Their influence is largely indirect and mediated by other factors

(Jackson, Bradford and Hohl, 2007: 10). The impact of demographic factors is identified largely through quantitative analysis of associations between demographic and other variables. Several pieces of research found that women were more likely to be confident in the CJS than men according to the general confidence measure (Devon and Cornwall; Allen et al, 2005; Allen et al, 2006; Mirrlees-Black, 2001). The same reports also found that people from Black or Minority Ethnic (BME) groups were more confident on all of the BCS confidence measures *except* whether the CJS respects the rights of the accused (Allen et al, 2005; Allen et al, 2006; Mirrlees-Black, 2001). However, the term BME is an umbrella term and closer analysis found that although Black respondents were less confident than White respondents that the CJS treats witnesses well, other Non-White groups were actually *more* confident than Whites on this measure (Allen et al, 2006).

**4.2.3** Qualitative research has probed ethnic differences in confidence more closely. Opinion Leader Research (2005: 20) found in focus groups with BME people that respondents had an understanding of the CJS as part of a much wider supportive state apparatus. They expected the CJS to behave in a supportive manner towards them, but this expectation was not generally matched by their experiences (Ibid: 20). Research by NOP World (2003) meanwhile found that amongst African Caribbean, Bengali and Muslim male respondents there was a strong sense that they were being unfairly targeted by the CJS, and that the police were racist. For these reasons some BME respondents reported fearing that they would be accused of involvement in crime if they reported an incident. Clearly, these fears have the potential to affect the likelihood that someone will be confident enough to report a crime (Ibid:77). Interestingly, individuals who lack confidence in this way may *not* be captured by the general confidence question, which only asks about confidence that the CJS is effective at bringing offenders to justice.

**4.2.4** The influence of age on confidence was noted in several reports (Allen et al, 2005; Allen et al, 2006; Mirrlees-Black, 2001; Jackson, Bradford and Hohl, 2007; Page et al). Using the general confidence question young people were found to be more likely to be confident in the CJS than older people (Allen et al, 2005; Allen et al, 2006; Mirrlees-Black, 2001; Page et al, 2004), although Mirrlees-Black (2001) found that the oldest respondents were more confident than the middle-aged. The latest analysis of the BCS (Allen et al, 2006) found that one of the factors most predictive of confidence was being aged 16-24. Interestingly, like BME respondents, young people were less confident than older people that the CJS respected the rights of the accused (Allen et al, 2005; Allen et al, 2006). Jackson, Bradford and Hohl (2007) also report that the very young respondents in their survey were less confident in the police.

**4.2.5** Qualitative research reveals that some young people feel that they are treated unfairly by the CJS, and the police in particular, being targeted or moved on even when they are not doing anything wrong, and not being treated respectfully (Beaufort Research, 2004; Addison, 2006). This has some resonance with the views expressed by BME groups, and suggests that perceptions of being targeted as likely to cause problems, and of being treated with less respect and more suspicion than other groups, may have a negative effect on confidence in certain aspects of CJS work, and that this lack of confidence may impact on behaviour.

**4.2.6** Findings on the influence of socio-economic factors on confidence are mixed and sometimes appear contradictory. Mirrlees-Black (2001) found that the more educated respondents, and those from managerial or professional classes were *less likely* to be

confident in the CJS on the general confidence measure. However, Jackson, Bradford and Hohl (2007) found that confidence in the police was likely to be *higher* amongst people who did *not* live in a deprived ward, whilst Page et al (2004) found that people living in more deprived neighbourhoods were less confident in the way the CJS ‘deals with crime’. Jackson, Bradford and Hohl (2007) also found that respondents from social classes A and B were more likely to have a positive view of the fairness of police. It appears therefore that the direction of influence of socio-economic factors on confidence depends on the specific aspect of CJS work addressed. Respondents from more deprived areas may feel that the CJS does *bring people to justice*, but they may not feel that crime in their area is being *dealt with* or that the police are behaving in a fair way. These findings are indicative of the complex nature of confidence in the CJS, which reflects the wide variety of functions and agencies that the system encompasses, and the difference in the way the system relates to different communities. The findings also underline the importance of paying close attention to the indicator used to capture confidence. There is a need to explore the likelihood that the different kinds of confidence, captured by different indicators, may all impact differently on behaviour.

**4.2.7** The findings briefly discussed here do not indicate that being part of a particular demographic grouping *directly* affects the likelihood that someone will be confident in the CJS. Rather they indicate that demographic and socioeconomic differences can contribute to the creation of a different set of conditions, under which people decide whether or not they are confident. There is a need to understand the conditions on which demographic factors have an influence.

## **Underlying values and beliefs**

**4.2.8** This section discusses the importance for confidence of people’s beliefs about the state of society and communities, their ideas about the constitution of justice and how they expect the CJS to function.

**4.2.9** In their analysis of the Metropolitan Police Public Attitudes Survey, Jackson and Bradford (2007) distinguished between the instrumental and expressive factors underpinning confidence. Expressive factors are concerns about the way society is heading, including a sense that social cohesion and community efficacy are reduced and that general disorder is increasing. Jackson and Bradford used two models to analyse data on confidence in the police: one instrumental and one expressive. The instrumental model was constructed from indices of perception of the crime problem and worry about crime. The expressive model was constructed from indices of social cohesion, community efficacy and disorder.

**4.2.10** Jackson and Bradford’s research found that once the kind of community concerns included in the expressive model were taken into account, the impact of perceptions of the crime problem was no longer significant, and the impact of worry about crime was greatly reduced (Jackson and Bradford, 2007). This echoes findings from an earlier study which found that ‘instrumental worries about personal safety were not, in fact, the driver of public confidence in policing. Feeling that one’s local community lacked cohesion, social trust and informal social control was much more important’ (Jackson and Sunshine, 2007: 226).

**4.2.11** The link between a broad sense of social decline and confidence has not been explored in depth by other studies of confidence. Smith (2007) found that 19% of respondents to a

survey said that their confidence in the CJS would increase if discipline was better in schools or families, which might indicate the existence of this kind of broad concern about a decline in standards, but this was not picked up by Smith’s analysis. Meanwhile, research by Public Knowledge found that 79% of respondents agreed that ‘levels of crime are increasing across the country’, indicating that the view that things are somehow getting worse is quite widespread. Qualitative research offers an opportunity to explore this underlying belief more thoroughly, but unfortunately this opportunity does not appear to have been capitalised on in the literature. Only the research by NOP World (2003) suggests a link between a perceived breakdown in social values and confidence (2003: 28), describing a sense of a decline which is not being responded to (2003: 36).

**4.2.12** The lack of qualitative data exploring the ideas underpinning Jackson and Bradford’s expressive model is a significant gap in the confidence research. However, qualitative research does explore the issue of underlying values by discussing what justice means to respondents. In focus group discussions, Addison (2006: 60) found that respondents’ conceptions of justice were linked to notions of punishment, making offenders pay and ‘getting offenders back’. One respondent suggested that ‘They should be made to work for what they want’ (Ibid: 66) which seems to reflect deeply held beliefs about acceptable modes of living.

**4.2.13** Beliefs about the nature of justice can be seen as shaping people’s expectations of the CJS and are then likely to influence confidence. If people do not expect the CJS to reflect their own understandings of justice, or behave in the way they think it should, or if high expectations of the CJS are shown by experience to be misguided, then they are less likely to be confident in it.

**4.2.14** Expectations are highlighted by Addison (2006: 24) as a key ‘driver’ of confidence, and she argues that failure to meet public expectations damages confidence. In market research terms a shortfall between expectations and experience can reduce satisfaction. However, when addressing the issue of confidence in the CJS it may be more useful to think of the generic term expectations as covering two levels of expectation: normative expectations (that is what one thinks the CJS *should* do) and anticipative expectations (that is what one thinks the CJS *will* do). In the absence of direct experience or complete knowledge of the CJS, the comparison between one’s anticipative expectations (for example of typical sentences) and one’s normative expectations will influence satisfaction. The distinction between indirect perceptions and direct experience is an important one for confidence research, particularly in the light of the well-documented knowledge gap (Hutton, 2005 ; Allen, 2004).

**4.2.15** Normative expectations about the nature of justice and the way in which the CJS functions form an important part of the conditions underpinning confidence. However, the expectations emerging from the research are varied and sometimes incompatible. Opinion Leader Research (2005) found that respondents saw the CJS within the context of a much wider system of state apparatus which exists to be supportive of individuals and communities, whilst respondents to Addison (2006) viewed the role of the CJS more in terms of the extent to which it could control crime and criminal individuals. Addison describes this as indicating a ‘patriarchal view of authority’ (Ibid: 24), with regulation seen as appropriately provided by outside agencies rather than from within communities themselves.

**4.2.16** More specific data about expectations in terms of the results produced and services provided by the CJS will be discussed later on in this report. However it is an unfortunate characteristic of the existing research that it does not probe more on the important issue of how individuals understand the role of the CJS and of individual agencies within it. For example work by Public Knowledge (2006) found that of 150 respondents who had had experience of the CJS 43% had become more negative and 15% more positive in their views. However, although verbatim comments like the police ‘did their job’ or the courts ‘did not do their job’ were recorded, readers of the research are left none the wiser about what exactly respondents thought those jobs were.

## **Information**

**4.2.17** The impact of information sources on confidence is of real interest to policymakers and practitioners who seek to increase confidence in the CJS through the use of marketing and educational materials aimed at members of the public. Findings from the existing research literature identify 5 key information sources: personal experience, word of mouth, media, official information and environmental indicators.

**4.2.18** Existing data clearly reveals that personal experience has the potential to have a profound influence on confidence: Public Knowledge (2006) found that 43% of respondents who had had personal experience of the CJS had become more negative as a result; Smith (2007) found that 13% of respondents thought about their own personal experience when deciding whether or not they were confident; Devon and Cornwall Constabulary (2007) found that having been a victim or a witness was associated with lower confidence and having been a juror or defendant with higher confidence; Allen et al (2005) found that contact with the system meant people were less likely to be confident; Allen et al (2006) found that one of the factors most predictive of being confident was not having been a victim in the previous 12 months; Mirrlees-Black (2001) found that contact with the system as victim, witness or juror lowered confidence; Jackson, Bradford and Hohl (2007) and Bradford and Jackson (2007) observed that contact with the police in the last 12 months was linked to lower confidence in the police; Benesh and Howell (2001) found that experience of the courts had a polarising effect on confidence and Page et al (2004) found that one of the predictors of lower confidence was having been a victim of crime.

**4.2.19** It is interesting to note the polarising effect identified by Benesh and Howell (2001) who suggest that the nature of personal experience is key in determining the likely effect on confidence. Referring specifically to people’s experiences of court they argue that the impact of experience on confidence depends upon the amount of stake a person has in the process and the amount of control they have. This attempt to introduce a more nuanced conceptualisation of experience sets a useful example for other confidence research, although the other quantitative studies reviewed here have not tended to follow this.

**4.2.20** Jackson, Bradford and Hohl (2007: 8) note a difference between having initiated contact with the police oneself (three times more likely to rate local police as poor or very poor) and having been subject to police-initiated contact (twice as likely). Devon and Cornwall’s (2007) findings seem to contradict the pattern described by Benesh and Howell (2001), as defendants’ experiences make them more positive, despite their high stake in the process and low level of control. However, this result reflects the different indicators of confidence used in the two studies. It is not perhaps be surprising that defendants who have

found themselves in court think that the CJS is ‘effective at bringing offenders to justice’ (the measure used by Devon and Cornwall), but do not necessarily ‘approve ... of the job the ... courts are doing?’ (the measure used by Benesh and Howell). This reinforces the importance of paying close attention to how confidence is measured, and what the different indicators capture in reality.

**4.2.21** Qualitative findings reveal that personal experience is frequently referred to by respondents. Opinion Leader Research (2005: 23) argues that whilst good practice can increase confidence ‘one negative experience will far outweigh any other experiences they subsequently have within the system’ (Ibid: 21). Addison (2006) finds that young people’s experiences of being moved on by the police have had a powerful influence on their attitudes to the whole CJS. Addison’s findings reinforce the importance of expectations in determining confidence. The mismatch between normative expectations and subsequent experience of the CJS can lead to a downgrading in anticipative expectations and therefore in confidence. Although it is not widely discussed in the confidence-specific literature, Tyler’s (2001) emphasis on the importance of criminal justice procedures as opposed to outcomes is a useful way of thinking about the way in which experience affects people.

**4.2.22** Research findings suggest that, for many people, what other people tell them about the CJS is viewed as the next best thing to personal experience. Public Knowledge (2006) found that respondents had most trust in the experiences of friends and family than the media and official information when it came to getting information about the CJS. Opinion Leader Research (2005) also found that word of mouth was a powerful influence on those with little or no direct experience (2005: 21). Smith (2007) found that 8% of respondents said they thought about ‘other people’s views’ when deciding whether or not they were confident. The nature of ‘word of mouth’, the way in which it creates and circulates knowledge, is not explored in depth in the existing confidence research and this is a significant gap. However the transmission of information by word of mouth, which meant that people’s understandings of the world came from the people around them, is claimed to have been reduced by contemporary social change, including more mobile populations and atomised social relations. Pratt (2007: 66-67) suggests that the media have tended to fill this gap.

**4.2.23** The effect that the media have on people’s views about the scale and nature of the crime problem, and what should be done about it, has been much discussed in academic and policy literature. It is argued that crime reporting approaches crime from a very personalized perspective, focussing on the persona of the victim to the detriment of the provision of balanced information about the wider context within which crimes take place, including crime statistics (Pratt, 2007; Roberts et al, 2003, Roberts and Hough, 2002; Allen, 2004). It has also been noted that there has been a quantitative increase in the volume of crime stories in the media (Pratt, 2007: 69) and that this has been accompanied by a qualitative shift in the focus of such stories, with an increasing focus on violent and sexual crimes (Pratt, 2007: 69). As a result, the media are held responsible by many criminal justice professionals and commentators for, amongst other things, increasing the fear of crime, distorting people’s perceptions of the prevalence of all types of crime, but particularly of violent and sexual crime, and damaging public understandings of sentencing by focusing disproportionately on atypical cases (Pratt, 2007; Roberts et al, 2003; Dowds and Ahrendt, 1995, Hough, 2003; Allen, 2004; Roberts and Hough, 2002).

**4.2.24** The media portrayal of crime can influence not just attitudes towards crime and the CJS specifically, but can also help to mould that broad sense of social decline that is mentioned above as forming part of the underlying beliefs contributing to confidence levels. Some academic criminologists have analysed this process using the theoretical construct of ‘signal crime’:

a signal crime is an incident that, because of how it is interpreted, functions as a warning signal to people about the distribution of risk throughout social space...people interpret and define incidents as indicators about the range of dangers that exist in contemporary life and that might potentially assail them (Innes, 2004: 15)

**4.2.25** What ‘signal crimes’ do is allow ‘diffuse yet pervasive public anxieties about the management of an array of risks and threats [to] become attuned to and channelled through particular problems at particular points in time’ (Innes, 2004: 18) Signal crimes have ‘a disproportionate effect on fear of crime through their semiotic properties’ (Jackson, 2004: 950).

**4.2.26** The findings from the current knowledge-base on public confidence are not conclusive on the extent to which the media influence confidence, and are particularly vague on *how* this might happen. Quantitative research on confidence which draws on covert explanations offers no information about the relationship between the media and confidence. Meanwhile, using overt explanations, Smith (2007) found that 5% of respondents freely reported thinking about the media when deciding whether or not they were confident. However this figure is of limited use in understanding the impact of the media on other respondents who reported particular concerns but did not report how they formed their opinion on these. The 5% figure seems in fact to represent the proportion of respondents who are self-aware about media influence, and repeats earlier findings by Page (2004) that 5% of respondents freely reported thinking that a less hysterical and more impartial media would help convince them that crime was being dealt with more effectively. Whilst it is interesting to note that some respondents are aware of the power of the media in shaping their opinions this data is of limited utility in determining how this matter might be addressed. Findings by Public Knowledge (2006) that 45% of respondents agreed that the media ‘paint a negative picture of the CJS’ is similarly interesting without being particularly useful.

**4.2.27** Some qualitative research (Addison, 2006; NOP World, 2003) deliberately raised the issue of the media with respondents, making it difficult to determine whether they would have raised this spontaneously. Addison (2006) found that respondents were aware of the tendency of the media to sensationalise stories, however older people still mentioned using local and national newspapers as well as the TV and radio to get information about crime. The young people’s focus group also mentioned getting information from the media, and Addison (2006: 55) highlights their suggestion that prisons were ‘like a holiday camp’, as something they had learned in this way. NOP World (2003) raises the issue of ‘signal crimes’ - discussed above - in its discussion of the impact of the media. The diaries respondents were asked to keep include press cuttings which respondents have annotated, highlighting the link between the media coverage and their fears. However, although the authors make some bold claims about the impact of the media, the way the research evidence is presented makes it difficult to verify whether their claims are in fact valid.

**4.2.28** The impact of the media on confidence remains unclear as it has not been addressed in a focused way through the research. Undoubtedly the media will have an impact, and it is

likely that this impact will resemble some of the arguments presented above. However, as Skogan and Maxfield noted, discerning the media effect is a difficult task:

In one way or another, the bulk of the population is exposed to [the same] messages. When almost everyone receives virtually the same message, studies of individual differences in media consumption and fear cannot reveal its consequences. (Skogan and Maxfield, 1981 cited by Ditton et al, 2004: 599)

**4.2.29** So, whilst based on wider research findings and academic arguments it is reasonable to assume that the media play a substantial role in shaping the conditions under which people can become confident, understanding this role is likely to be challenging. Quantitative data alone will be inadequate to this task. Drawing on both quantitative and qualitative findings, Ditton et al (2004) found that studying the relationship between the media and fear of crime required sensitivity to the way in which the consumer interprets the content. Media audiences are thus seen as ‘interpretive communities’, which are defined as ‘forms of cultural agency to which individuals are socialized and that generate discursive strategies for making sense of the institutions with which individuals interact on a regular basis’ (Jensen, 1991 cited by Ditton et al, 2004: 607). Understanding the conditions under which confidence is possible may require attention to the different interpretive approaches made by different people to the same information. This could be of particular utility to those devising public information strategies.

**4.2.30** A key method currently adopted to address the matter of providing accurate information to the public, is using official information exercises to communicate directly with the public. Research carried out by the Home Office found that providing factual information about the CJS in various formats led to higher levels of knowledge, decreased fear of crime and increased confidence that the system is effective at bringing offenders to justice (Chapman et al, 2002: 35). However, the research was not able to show that confidence had increased solely as a result of increased knowledge.

**4.2.31** Further Home Office research (Salisbury, 2004) aimed to see if there was a causal relationship between increased knowledge and increased confidence, by using a control group. 845 BCS respondents were given a follow-up visit around 2 weeks after doing the original survey. Around 75% of these people had been given a booklet containing factual information about the CJS, the remaining 25% were given no further information. The follow-up visit repeated some of the questions from the BCS to see if respondents’ views had changed. The research found that both the group who had received the booklet and the control group increased in confidence that the CJS was effective at bringing offenders to justice, meeting the needs of victims and dealing with cases promptly and efficiently. Increases in confidence could not therefore be attributed solely to receiving the booklet (Salisbury, 2004: 11). However, confidence that the CJS was effective at bringing offenders to justice did not increase as much amongst the control group, and the increase was not statistically significant (although it was approaching significance). This research was a useful experiment; however the small size of the control sample meant that findings were somewhat tentative.

**4.2.32** Concrete evidence that increased knowledge is causally related to increased confidence remains elusive. It should be noted that research following this experimental format will always face difficulty in isolating the knowledge effect from the effect of simply being involved in the research; will struggle to account for the long-term prospects for a retention of knowledge/confidence; and will not necessarily provide insight into how to

persuade people to access this kind of information rather than other kinds. Of particular importance to this point are findings such as those from Public Knowledge (2006), who found that 36% of respondents said they did not trust official statistics, and qualitative data collected by NOP World (2003) highlighting the lack of trust in official information.

**4.2.33** A further source of information to which people are regularly exposed is the environmental cues within their neighbourhood which can give signals about the level of criminality, the state of their community and the impact that the CJS is able to make on these. Taylor has labelled these signals ‘incivility indicators’ which are defined as ‘social and physical conditions in a neighbourhood that are viewed as troublesome and potentially threatening by its residents and users of its public spaces’ (Taylor, 1999 cited in Jackson, 2004: 948). Examples of such indicators include drunkenness, disorder and graffiti, which are then read as evidence of a loss of control by the authorities and the general public over their community, and come to symbolize a decline in common values about acceptable ways to behave, which may in turn fuel fear of crime. Jackson (2004: 960) argues that ‘physical incivilities can create a sense that the neighbourhood is not ‘owned’ by people and authorities, and that social order has been disrupted by certain people who lack acceptable values and a sense of respect’.

**4.2.34** Qualitative research by Addison (2006), NOP World (2003) and Beaufort Research (2004) suggested that people do respond to the kinds of cues described above, and use them to make assessments about the prevalence of low-level crime, which they then use to assess whether or not the CJS authorities are addressing the matter adequately. In the quantitative research the impact of observed ‘incivilities’ is examined by Jackson and Bradford (2007) and Jackson and Sunshine (2007). Jackson and Bradford (2007: 10) found that perceptions of disorder in the local area were a key predictor of confidence in the effectiveness, fairness and community engagement of the police. However, Jackson and Sunshine found that disorder did not influence public confidence in policing and that people thought about policing ‘in ways less to do with disorder and more to do with the values and norms that sustain social life’ (2007: 230). Strategies to reduce disorder may influence confidence in policing but this is because they communicate to the public that ‘the police share their concerns [and] are a strong and active symbol of the morals and values that underpin community life’ (Ibid: 230). Environmental cues appear to have the potential to affect people’s assessments of the CJS but further research may be needed to fully understand the connections between these cues and confidence.

## **Summary of conditions**

**4.2.35** This section has discussed research findings on the various factors which contribute to the conditions under which people decide whether or not they are confident. It has been suggested that demographic factors have an indirect impact on confidence by influencing these conditions. The conditions are made up of underlying beliefs and values, including people’s beliefs about the state of society, their understandings of justice and what they expect from the CJS.

**4.2.36** The issue of expectations has emerged as particularly important, and it has been suggested that this idea can comprise of two-levels: normative and anticipative. Normative expectations form part of the conditions of confidence because they are what the public think the CJS should do. Anticipative expectations are actually a part of confidence itself, because

they are what the public think the CJS *will* do. Low confidence will result if anticipative expectations are lower than normative expectations. That is if people think the CJS should do something but believe that it does not. People use information from various sources to determine whether or not the CJS does what they think it should. These expectations are being continually renegotiated in the light of new information, although normative expectations are less mutable than anticipative expectations. If anticipative expectations are low but then information is received about CJS action which exceeds these expectations, expectations may then be increased, as will confidence. However raised expectations can also be damaged by subsequent events.

**4.2.37** The next section explores what have been called the objects of confidence. That is the results produced by CJS action, the services provided by CJS agencies, and the underlying principles in which the public expect to be able to have confidence. The objects of confidence are, in effect, the normative expectations of the public. They are what the public think the CJS *should* do. Confidence in these different aspects of the CJS contributes to overall confidence.

### **4.3 Objects**

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**4.3.1** There are a number of issues (or objects) which emerge from the existing research which are particularly salient for the public. Promoting confidence in these individual components of CJS business is, according to the existing knowledge about confidence, an important step towards promoting confidence in the system as a whole. These objects have been divided into three categories, summarised in Table 5 (on page 26 below).

#### **Principles**

**4.3.2** The public have certain normative expectations regarding the operating principles of the CJS. These include expectations of the types of crime the system should focus on, the balance it should strike between victim and offender rights, the form and severity of punishments it should mete out, and the fairness of the system to all groups in society.

**4.3.3** The issue of sentencing is repeatedly highlighted in the current knowledge-base as key to public confidence. Page et al (2004) found that 14% of their respondents said more severe sentencing would help convince them that the CJS was dealing with crime effectively. Holme (2006) found that when asked what one single thing would improve their confidence, 42% of respondents spontaneously wrote harsher/more consistent sentencing, or words to that effect. Smith (2007) found that when asked in a free text box to identify the factors that would improve their confidence 44% mentioned tougher sentencing and 27% more consistent sentencing. In the street survey carried out by Public Knowledge (2006) 228 people said they were not confident, and when probed on why they said this, 37% of these said sentences were too lenient. The link between confidence and sentencing appears to be supported by existing data.

**4.3.4** However, it is important to note that sentencing is a very prominent part of CJS activity. The handing down of the sentence is an important symbol of justice being enacted on offenders, so perhaps it is unsurprising that it is foremost in people’s minds when they are asked to justify their survey responses. The use of overt explanations in linking sentencing to confidence should therefore be treated with some caution. Covert explanations, showing that

people who disapprove of sentencing trends are less likely to be confident would offer more reliable evidence of a link between sentencing and confidence. Analysis of the BCS by Mirrlees-Black (2001) found that of the 19% of respondents who thought sentencing was about right 68% were confident in the CJS, whereas of the 49% who thought it was much too lenient only 32% were confident. This certainly indicates that satisfaction with sentencing increases the likelihood that someone will respond positively to the general confidence question. However, it is equally important to note that 32% of those who were satisfied with sentencing were *not* confident in the CJS and 32% of those who were not satisfied with sentencing *were* confident.

Principles	
<b>Aspects of the principles of the CJS which are of particular concern to the public</b>	Justice being done through punishment Balance between victim and offender rights Emphasis on particular crimes Fairness of system to all
Functions	
<b>Roles that the CJS is expected to fulfil and the manner in which it is expected to conduct its business</b>	Being there - Response times, Visibility Apprehending offenders - Detection rates, Taking action Customer service - Front-line encounters, Keeping victims and witnesses informed, Cultural awareness Dealing with offenders – Changing behaviour, Incapacitation, Deterrence
Results	
<b>Social problems which are of particular concern to the public, and are perceived as resulting from CJS action or inaction</b>	Crime levels Personal safety Violent crime Youth crime Reoffending and persistent offenders State of local environment

Table 5: Objects of confidence<sup>3</sup>

<sup>3</sup> It should be noted that, although for convenience these objects (expectations) have been divided into three categories, there is also significant overlap between the categories, and an ambiguity about ends (results) and means (functions), with issues of justice actually straddling both ends and means in many ways. Some expectations about the services the CJS should provide (means) are likely to reflect lay perceptions of what works in achieving the results (ends) they desire, whilst expectations about the nature of justice may also reflect lay perceptions about expedient means, with what is considered to be *right* also being perceived on another level to be *effective*. For example lay preferences for ensuring that punishment is severe may reflect a lay understanding of the way that deterrence works. Ultimately severe punishments may be desired because members of the public believe that they will be effective in reducing crime. As Zimring and Johnson note: ‘publics in many countries believe that crime is committed *because* punishments are insufficiently severe’ (2006: 271). The interrelationships between expectations of principles, functions and results will be explored throughout this section.

**4.3.5** There appear to be a significant number of people for whom sentencing is not the key issue in determining their confidence. If we consider the use of overt explanations linking confidence to sentencing we should note that 63% of those in the Public Knowledge (2006) research who were not confident in the CJS did *not* spontaneously mention lenient sentencing as a reason for this. Furthermore, only 4% of Smith’s (2007) respondents said that they thought about lenient sentencing when deciding if they were confident, and of the respondents to Holme (2006) whose confidence had decreased over the previous 12 months only 16% said that this was due to lenient sentencing. Over half of Holme’s sample did NOT include stronger sentencing in their top five priorities for the CJS. Evidence on sentencing then is not as clear cut as top-line research findings may initially suggest.

**4.3.6** Qualitative research could provide a useful arena for exploring this issue, but this opportunity has not been fully taken up in the existing literature. NOP World (2003) reports that some respondents said that lenient or inconsistent sentencing reduced their orientation towards reporting crime. However, there is no exploration of what it is about the inadequacies of sentencing that inhibits people from reporting incidents, nor is there an indication as to whether such an explanation (for not reporting) is genuine or, perhaps a cover used when someone does not want to report for other reasons. Addison (2006) explores respondents’ understandings of justice and finds that they identify justice with punishment, making offenders pay and ‘getting them back’ (young people). These understandings are said to contribute to low confidence, as respondents contrast their own understandings of justice with what they see as lenient sentences and luxurious prison conditions. It is also well-documented that people tend to have poor levels of knowledge about typical sentences, with a tendency to think that sentencing is more lenient than it actually is (Hutton, 2005; St. Amand and Zamble, 2001). However, although sentencing is repeatedly mentioned as a ‘driver’ of confidence, the literature lacks a more detailed probing of what underpins people’s normative expectations on sentencing. Is it simply a sense that sentencing should be a fair retaliation administered by the state for harm to an individual or individuals, or is it a belief that stronger sentences will produce particular outcomes, deterring potential offenders and therefore reducing crime?

**4.3.7** The perception that sentencing should be at least partially about retaliating against harm, or otherwise balancing harm to the victim with harm to the offender, is notable, if not explicitly noted, in the confidence literature. Smith (2007) found that 12% of respondents mentioned that if the court system was ‘more in favour of victims’ it would improve their confidence. A focus group respondent succinctly describes the problem as ‘my damage will be very big, but their damage will be very little’ (Addison, 2006: 60). NOP World (2003) finds that respondents hold ‘dogooders’ responsible for protecting the rights of offenders at the expense of the rights of the victims, and that there is a widespread feeling that the balance has swung too far in favour of criminals. Recent policy rhetoric has picked up on this theme, promising to ‘rebalance [the] criminal justice system in favour of the victim and the law-abiding majority’ (Home Office, 2006: 4). It is therefore unfortunate that the issue of balance has not been explored in more depth in the confidence literature.

**4.3.8** The idea of getting a correct balance also applies to what people think about the improper or disproportionate use of CJS resources on certain crimes. Normative expectations of the proper role of the CJS leads to people thinking that the system should be prioritising certain kinds of offences, and there is resentment when otherwise ‘law-abiding’ citizens find themselves falling foul of the CJS. NOP World (2003) found that resources used catching people for motoring offences were perceived by some as directed at the wrong people (Ibid:

94). Similarly, Beaufort Research (2004) found that respondents said they would be more confident in the CJS if the number of speed cameras were reduced.

**4.3.9** The resentment generated by the direction of regulation at the wrong kind of people reflects lay perspectives on what counts as really bad crime, as opposed to criminal behaviour carried out by respectable people. This perspective may also be at work when people cite the disproportionate nature of some sentencing as damaging their confidence. Public Knowledge (2006) found that 6% of respondents who were not confident in the CJS blamed disproportionate sentencing for their lack of confidence. Smith (2007) found that 27% of respondents said that more proportionate sentencing would increase their confidence.

**4.3.10** Thinking about the balance between victim and offender rights entails thinking about what one considers to be fair in the context of criminal justice. The principle of all groups receiving equal treatment before the law has been found to be an important issue for many people in their overall evaluations of the system or agencies within the system. Smith (2007) found that 16% of respondents spontaneously reported thinking about whether the CJS is fair to all when deciding whether or not they were confident. In the US, Benesh and Howell (2001) found that amongst non-users of the courts, believing that they would, were they to need to attend court, receive equal treatment to others affected people’s confidence. Whilst Tyler (2001) found that people’s evaluations of the police ‘are strongly influenced by whether or not they believe that the police and courts treat people with respect, dignity, and fairness and do not harass them or subject them to rude or racist treatment’ (Tyler, 2001: 219). However, Jackson, Bradford and Hohl (2007) and Jackson and Sunshine (2007) found that although perceived fairness was a predictor of confidence in the police it was less important than whether the police were perceived as effective and engaging well with the community. This might however again be at least partially to do with the indicators of confidence chosen. Jackson, Bradford and Hohl (2007) and Jackson and Sunshine (2007) asked people whether they thought the police were doing a good job. Tyler (2001) meanwhile used a ten item scale incorporating a wide range of functions of the police and courts, and Benesh and Howell (2001) asked about whether people approved ‘of the job the courts are doing’. This emphasises the importance of attention to the indicator used to capture ‘confidence’, and recognition that different indicators can capture quite different public sentiments.

**4.3.11** So, whilst the equality of the system is something that people expect from the CJS, it may not be the most salient issue they think about when deciding if they are confident, perhaps because it is to an extent taken for granted, particularly by certain groups. On a less positive note some of the qualitative findings suggest that there may in fact be a backlash against the forces of equality, which are branded as a ‘PC culture’ and seen as tying the hands of the police in particular (NOP World, 2003). Images and ideas associated with fairness may therefore be seen in some quarters as inhibiting effectiveness.

**4.3.12** This section has described some of the important issues for confidence in terms of the overall principles of the CJS. Existing research indicates that the public expect the CJS to focus on particular kinds of crime, and often resent the direction of resources towards crime committed by otherwise law-abiding people (e.g. speeding). They also resent any perceived inconsistency or disproportion in sentencing, although they gauge disproportion based on their own assessment of the seriousness of a crime. They expect criminals to be punished and they have their own ideas about what constitutes the most serious forms of criminality. They expect the balance between victim and offender rights to be very much in favour of the

victim, and resent cases where the harm to the victim appears to far exceed the harm subsequently visited on the offender. In fact the idea of an imbalance in justice seems to be a particularly apt way to describe the everyday reactions of outrage to perceived lenient sentencing. However, despite the desire to see a CJS which is balanced in favour of the victim, there is still a strong desire to ensure that the system is fair to all. The next section examines some of the functions carried out by the CJS which are of particular importance to the public.

## **Functions**

**4.3.13** Existing research reveals that there are some functions carried out by agencies of the CJS, and some attributes of the way that they carry these functions out, which are of particular importance to the public. These can be sub-divided into four key factors of importance, which reflect the expectations that members of the public have of the CJS. These are:

- They expect it to be there when it is needed, this could mean both being there as a visible and reassuring presence and being there quickly when there has been an incident.
- They expect it to apprehend wrong doers by taking action when crimes are reported and by detecting crimes.
- They expect it to provide a good standard of customer service through polite, sensitive and professional front-line encounters, by keeping victims and witnesses informed about what is happening with their cases and by being aware of important differences in culture.
- They expect it to ‘deal with’ offenders by passing sentences that will deter crime, incapacitate offenders and change their behaviour.

### ***Being there***

**4.3.14** The importance of the CJS being there when you need it was identified by Addison (2006). The idea of ‘being there’ captures two functions of the CJS: visibility and response times. Increasing the visible patrolling presence of the police has been a policy commitment of the current government, and has received significant attention from academic researchers (For example see Fielding and Innes, 2006; Innes, 2005; Johnston, 2005). The use of overt explanations for confidence provides evidence that seems to strongly support the conviction underpinning the policy of increasing visibility. Smith (2007) found that 23% of respondents said they thought about police visibility when deciding whether or not they were confident, whilst 61% said that they would be more confident if there were more police on the streets and 13% said they would be more confident if there were more community officers and wardens. Page et al (2004) found that 27% of respondents would feel more confident that crime was being dealt with effectively if there was an increased police presence. Holme (2006) found that police visibility was a top 5 priority to improve confidence amongst 72% of respondents (from a list of 17 options) and that 22% spontaneously identified increased police presence as the one thing that would most improve their confidence. Qualitative Research by Addison (2006: 39), NOP World (2003: 53) and Beaufort Research (2004: 33 and 41) reinforced the fact that police visibility is a salient issue in the minds of the public.

**4.3.15** However, covert explanations have not shown a clear link between police visibility and confidence. It is therefore important to remember that asking people to give a spontaneous (overt) account of what would make them more confident in the CJS may result in the most obvious things that the CJS does coming out top despite the fact that what people *say* will make them more confident is not guaranteed to do so. Police visibility is essentially the technical terminology for a policy initiative intended to utilise the popular image of the ‘Bobby on the Beat’, which has powerful cultural and historical associations. When people say that seeing more police on the streets would make them more confident, they are fixing on an enduring symbol of law and order, however the symbol is not just enduring but also obvious. The extent to which simply seeing more police patrolling on foot would *in reality* contribute to increased confidence remains unclear, for there is always a possibility that a sudden increase in police visibility may indicate the imminence of crime.

**4.3.16** So, whilst a key strength of overt explanations is that they do not attempt to squeeze respondents into pre-coded categories, a significant weakness is that they can require respondents to, in effect, analyse themselves, and be instantly self-aware about why they hold certain attitudes. This is not always realistic, and, in the case of confidence research, an over-reliance on respondents’ instant self-awareness may be resulting in the repetition of what are quite obvious findings. However, these obvious findings can then become absorbed into policy and practice, establishing themselves more permanently as things that the CJS *should* do. An example of this is that asking respondents to agree or disagree that the police ‘provides a visible patrolling presence’ is one question in an index used to measure police effectiveness by Jackson and Sunshine (2007), Jackson and Bradford (2007) and Jackson, Bradford and Hohl (2007), indicating that the act of *being visible* is now considered to be a key component of police work.

**4.3.17** Lay perceptions of effectiveness may indeed be based upon the reasoning that if the police are out and about on the streets then they will be more effective at fighting crime, but this lay perception has now been incorporated into official police strategy. It appears to have been reasoned that if people *think* that police visibility increases effectiveness then the police must reassure the public that they are effective by visibly patrolling, rather than by being effective. What this reveals is perhaps a growing awareness by politicians, and within the CJS, that what the CJS is *seen* to be doing has a significant communicative role in society. A term coined by Ditton and Innes (2005 cited by Fielding and Innes, 2006: 130) to capture the policy resulting from this awareness is ‘perceptual intervention’. The logic of perceptual intervention suggests that ‘if it is accepted that policing should undertake to not only make people “objectively” safer but also improve their “subjective” feelings of security, then all policing interventions need to reflect this and attend to the impact upon public perceptions that they may have’ (Fielding and Innes, 2006: 130)

**4.3.18** The other key aspect of ‘being there’ is the time it takes for the police to respond to calls from members of the public. The importance of response times is likely to be a concern mainly for people who have found it necessary to call on the police, because they will have experience of waiting for the police to arrive. This issue is not really addressed in literature drawing on quantitative data. Only Public Knowledge (2006) has anything to say about response times, finding that of the respondents who had had an experience of the CJS which had changed their view of the system (either positively or negatively) 10% said this was because the police took too long to arrive or did not come. Qualitative research elicited some anecdotes and comments on the police response, with one respondent lamenting that ‘You call

the police and they never come straight away’ (Beaufort Research, 2004: 31). Opinion Leader Research found that Asian women victims of domestic violence did not always feel that response times were acceptable (2005: 19, 25). NOP World (2003) found that slow response times undermined people’s sympathy for the police (55) and contributed to negative perceptions (73). Addison (2006) explored the idea of the police being there when needed in the context of a comparison to good service provided by a breakdown company, who arrived promptly and took control of a difficult situation (48) something which respondents felt to be an important aspect of police work (45).

**4.3.19** Being there when needed is seen by members of the public as a key part of what the CJS should do. It involves both being a visible presence and responding quickly. Responsibility for both of these roles generally falls on the police. The inevitable trade off between maintaining a visible patrolling presence on foot and responding quickly to emergencies is not addressed in confidence research, nor is the extent to which a preference for police visibility represents a lay belief that more police ‘on the beat’ will make the CJS more effective. With a preference for increased visibility now having been absorbed into police practice in the form of Neighbourhood policing, such that official measures of the effectiveness of policing now incorporate measures of public perceptions of visibility, the line between reassurance and effectiveness has become blurred, to the extent that being reassuring is now considered an integral part of being effective.

#### ***Doing something***

**4.3.20** Whilst the existence of a visible patrolling presence is arguably important to the public, it also seems to be important that the CJS acts when an offence has been committed. In particular it is expected that when an offence is committed action will be taken to apprehend the offender and that once an offender has been apprehended some kind of sanction will follow. If the CJS is seen as failing to take action it can lead to dissatisfaction and a loss of confidence.

**4.3.21** Smith (2007) found that 24% of respondents thought about whether or not the offender was caught when deciding whether or not they were confident. Page et al (2004) found that confidence that the CJS was effective at bringing offenders to justice was a key predictor of whether or not someone would be confident in the way crime was dealt with. Mirrlees-Black (2001) found that of the 9% of respondents who thought the police were doing a poor job, only 16% were confident that the CJS was effective at bringing offenders to justice, whilst of the 53% of respondents who thought the police were doing a good job 58% were confident that the CJS was effective at bringing offenders to justice. If we assume that a key part of the police ‘doing a good job’ involves apprehending offenders, it is clear that having confidence in this aspect of CJS work makes it much more likely that one will be confident in the system overall.

**4.3.22** However, it is also interesting to note that the matter of detecting crime, although undoubtedly a factor in people’s judgments about the CJS, was often of relatively marginal salience. For example Page et al (2004) found that only 6% of respondents said that more detections would increase their confidence in the way crime was dealt with. Whilst Public Knowledge (2006) found that only 5% of respondents who were not confident in the CJS said this was because serious criminals did not get caught, and of respondents whose judgment of the CJS had been changed by their personal experience only 15% said this was because no-one was charged (which could mean either the offender was not caught or that when someone

was caught they were not charged). Perhaps correspondingly there is relatively little discussion in any of the qualitative research about the ability of the CJS to detect crime and apprehend offenders. Addison (2006) found that respondents felt the ability of the police to detect crimes was hampered by the use of resources on catching people for motoring offences. NOP World (2003) found that a lack of belief in the CJS’s capacity to catch offenders is one of the low-level barriers to people reporting crime (73).

**4.3.23** Interestingly what emerges from the research as being perhaps just as important to people as detections is the very fact of *taking action* when a crime has happened. Public Knowledge (2006) found that amongst respondents who have had personal experience of the CJS that has changed their judgments of the system 16% said the police were no help/not interested and 6% said the crime was not followed up. Holme (2006) found that of respondents who have become less confident in the previous 12 months, 7% said this was because of lack of police action.

**4.3.24** Qualitative research lends support to the argument that seeing the CJS taking action is important for public confidence. Addison (2006) found that amongst those who had had personal experience of the CJS a major cause of disappointment was a lack of action. NOP World (2003) found that the police seeming to be blasé about petty crime and failing to follow up on complaints in a satisfactory manner undermines people's confidence (Ibid: 55, 73). Similar frustrations were apparent in research carried out by Beaufort Research (2004) and Opinion Leader Research (2005). As one respondent said poignantly ‘The police never helps you, never helps you’ (Opinion Leader Research, 2005: 25). These findings suggest that it is important to the public that the agencies of the CJS are seen to respond when something has happened. This corresponds with findings by Jackson and Sunshine (2007: 214) that ‘people look to agents of social control to channel group outrage, defend group values and re-establish moral norms’. *Not* acting, or seeming reluctant to act because, for example, it is unlikely the perpetrator could be traced, is a communicative act in itself. It signals that there is no outlet for outrage, that group values cannot be defended and that moral norms are irreparably damaged.

#### ***Providing a service***

**4.3.25** The importance of the CJS being seen to take action to help people can be linked to the importance of the CJS providing good customer service. Several factors arise in the literature which can be captured under the heading of good customer service. These are the nature of front-line interactions, the level of awareness of cultural differences demonstrated by CJS staff, and whether or not victims and witnesses are kept informed about their case. Qualitative data provides evidence that the nature of people’s interactions with front-line CJS staff can have an impact on their overall confidence in the system. NOP World (2003: 73) found that negative firsthand experience of police, including instances where the police were insensitive or disrespectful, undermined confidence. Opinion Leader Research (2005) noted the importance of the way CJS staff behave in front-line interactions. This was particularly important to respondents in the focus groups made up of asylum seekers, members of travelling communities and Asian female domestic violence victims (Ibid: 19, 28, 30). Key attributes of front-line behaviour identified as important were being helpful, respectful and non-threatening. Respondents also informed researchers that the CJS sometimes lacked sensitivity to cultural and religious differences (Ibid: 20, 29, 31). This lack of awareness was responsible for low satisfaction amongst Asian women victims of domestic violence, especially those whose English was not good (Ibid: 24). Beaufort Research (2004) identified

the use of accessible, non-technical language as being important to all ethnic groups (Ibid: 40) and found that young people were unhappy with the attitudes displayed towards them by police officers (Ibid: 42). BME respondents said that one of their biggest problems was making themselves understood by staff (Ibid: 40). Some respondents also suggested that an increase in the number of visible BME staff within the CJS would improve their confidence (Ibid: 41).

**4.3.26** Benesh and Howell (2001) found that the courtesy of court staff (either expected or experienced) was the strongest predictive variable for confidence in the courts amongst both users and non-users. They argue that 'if people feel they are being treated with respect, they are more likely to come away from their experience with a positive evaluation' (Benesh and Howell, 2001: 210). This reflects the theory of procedural justice advanced by Tyler, and described by Sherman as suggesting that 'the emotional consequences of how justice officials speak to suspects, defendants, and offenders [is] more important for compliance than the content of the decisions officials make...every judge and police officer is a sales agent for legal compliance, and many of them have a poor sales record' (Sherman, 2003: 14). Benesh and Howell applied this theory beyond defendants to all court users and found support for Tyler's contention that 'process considerations are more influential than outcomes in determining citizen evaluations of institutions' (1990 cited by Benesh and Howell, 2001: 210). They conclude that:

Going to court is an intimidating experience for the average citizen, and a little courtesy and friendliness goes a long way to ease anxiety. It may seem unreasonable to have less confidence in the courts just because you were treated rudely by an employee. However, people do indeed react to these personal touches. (Benesh and Howell, 2001: 211)

**4.3.27** Tyler himself (2001: 219) also finds support for his own theory in data from a Chicago study, which suggests that residents are very concerned about how the police treat people, and that their evaluations of the police 'are strongly influenced by whether or not they believe that the police and courts treat people with respect, dignity, and fairness and do not harass them or subject them to rude or racist treatment'. Another study found that people's assessments of the quality of treatment people receive at the hands of the police dominated their overall evaluation of the police (Ibid: 221).

**4.3.28** Jackson and Sunshine (2007) also draw on Tyler's theory, predicting that: 'procedural justice is a significant driver of identification with the police: one way in which the police communicate the values that they espouse is through the dignity and fairness with which they treat people' (Jackson and Sunshine, 2007: 214). In fact, they found that 'procedural justice: a sense of the fairness of police procedures' was a strong predictor of variance in social identification with the values of the police (Ibid: 227):

Social identity theory...predicts that people judge the authority of a group largely on the basis of whether they embody the values and morals of that group. This was consistent with our data: we found that the public wanted to identify with the morals and values that the police embody, and wanted the police to actively express the morals and values of the community' (Ibid, 2007: 228)

**4.3.29** Social identification with the values of the police is gained through the sense that the police embody certain morals and values, as indicated in their interactions with members of the public. Jackson and Sunshine suggest that identifying with the police will have a positive impact on confidence in the police.

**4.3.30** In a sense then, helpful, polite and sensitive front-line interactions are not just an expectation of the public, but also act as an information source contributing to the conditions under which individuals can become confident. Interactions between members of the public and CJS staff act in a communicative fashion, passing on signals both about the values underpinning the CJS, and about whether it can meet public expectations. Disrespectful or culturally insensitive front-line staff might communicate that the CJS is not there to help or does not treat all people equally. Similarly the desire of victims and witnesses to be kept informed about progress on their case (identified as important by Opinion Leader Research, 2005, Beaufort Research, 2004 and Smith, 2007) might indicate two things: (1) an expectation that as customers of the CJS good service requires that they be kept informed, (2) failing to maintain good contact with victims and witnesses might seem to sideline their role in the process of justice, perhaps communicating that justice is something that happens largely without them. This is likely to have the effect of leaving victims and witnesses feeling less satisfied in their experiences of the CJS, therefore lowering their confidence.

**4.3.31** The service provision issues discussed here reveal that there is an overlap between the conditions for confidence and the objects of confidence, and that they cannot be separated into two entirely separate types of factor. Making the distinction was a matter of analytical expediency but it is important to acknowledge that a failure by the CJS to meet service expectations is in itself a communicative act.

#### ***Dealing with offenders***

**4.3.32** The importance of sentencing to public confidence has already been discussed above in the context of people’s expectations of justice. Specifically it was noted that people sought to be confident that the CJS balances the rights of victims with the rights of offenders and that offenders are punished for what they have done. However, another element to people’s expectations of sentencing is that sentencing should in some way ‘deal with’ offenders. However, the confidence research does not facilitate the separation of the different functions of sentencing. For example Smith (2007) found that 17% of people thought about ‘prison effectiveness’ when deciding whether or not they were confident. Effectiveness at what, exactly, is not discussed. Mirrlees-Black (2001) found that 74% of respondents made a large underestimate of the percentage of people convicted of burglary who will receive a custodial sentence. Of these 74% only 42% were confident in the CJS. Of the 15% of people who gave an accurate estimate of the percentage of burglars receiving a custodial sentence, 59% were confident. These findings also highlight that there is likely to be a relationship between the accuracy of a person’s knowledge of the CJS and the likelihood that they will be confident. Mirrlees-Black also found that people’s perceptions of whether or not judges were ‘out of touch’ was associated with levels of confidence, but again the meaning of ‘out of touch’ is left unclear. These findings, whilst indicating the connection between perceptions of sentencing and confidence, do not help to determine what people expect from sentencing, nor how these expectations affect confidence.

**4.3.33** Public Knowledge (2006) found that 27% of respondents thought that deterring offenders was the most important aim of sentencing, 17% thought it was protecting the public and 6% thought it was changing the offender’s behaviour. However within the confidence-specific quantitative research there is little exploration of the relationship between people’s beliefs about what sentencing should be achieving and what it is achieving, and their level of confidence in the CJS. Qualitative research does shed some light on this issue. Beaufort Research (2004) found that people assessed Youth Offending Teams on the basis of whether

or not they changed offender’s behaviour. Addison (2006) found that respondents felt that changing people’s behaviour was something that the CJS should try and do but that people felt prison was not effective at doing this. Older respondents felt that an ‘effective’ form of justice was locking people up so that they were unable to offend (incapacitation) whilst young respondents felt that knowing the punishment was harsher might deter offenders. NOP World (2003) found that respondents felt prison was ineffective because it was too easy. The idea of the ‘dogooder’ was invoked to support suggestions that the idea of rehabilitation was making sentences softer, resulting in a reduction in the deterrent effect.

**4.3.34** ‘Rethinking Crime and Punishment’ was an initiative set up to support research into public attitudes towards sentencing, especially attitudes towards alternatives to prison. The findings emerging from the project offer a useful supplement to the confidence-specific research. A key finding was that the public are ‘much less punitive than is often thought to be the case’ (Allen, 2004: 56), however they have lost confidence in criminal justice and seek ‘a simple and robust solution’ (Ibid: 56). Despite their loss of confidence they are open to alternatives to prison, like community sentences. The evidence gathered by the Rethink project suggests that attitudes to sentencing may be malleable within the context of strong narratives of sentencing experiences which reflect people’s values, for example stories about offenders working hard and paying back (Ibid: 63). This does not have to mean prison, and in fact, as Roberts and Hough (2002: 5) note: ‘prison is simply the most familiar punishment in the public mind’.

**4.3.35** Through their exploration of children’s discourse on punishment, Sparks and his colleagues offer useful insights into the fact that much of how people think about punishment (and presumably therefore also how they think about crime and justice) is likely to be culturally embedded (See Sparks et al, 1999, 2000, 2002 and Smith et al, 2000). Their research revealed that the children often employed ‘stock expressions’ like ‘just desserts’ or ‘teach a lesson’ to support their arguments in debates. Whilst this research is about children, there is no reason to assume that adult discourses of punishment and justice simply shrug off the imprint of these familiar images. It is therefore important to be wary about the extent to which expressions in surveys reflect dominant discourses, which, like the idea of prison as a ‘real’ punishment, have, through their deep cultural embeddedness, become ‘obvious’.

**4.3.36** That offenders will be ‘dealt with’ emerges from the confidence research as a key expectation that the public have. However, the meaning of what it is to ‘deal with’ offenders is not illuminated by the confidence-specific research, and it is necessary to look to the wider body of literature in order to better understand this issue. There we find that public attitudes to sentencing reflect culturally embedded ideas about what should happen to wrong-doers. Increasing confidence in sentencing then will not be as simple as making sentences longer or harder, making the use of prison more common and informing the public that this has been done. It is about understanding the cultural symbolism of sentencing, and how symbolism is relayed through the stories or narratives emerging from sentencing policy.

## **Results**

**4.3.37** Existing research reveals that public perceptions of the results produced by CJS activity are important for confidence. In particular: crime levels, personal safety, violent crime, youth crime, re-offending, persistent offenders and the state of people’s local environment have been singled out in the research as factors likely to influence confidence.

These results are the key normative expectations that the public have of what the CJS should be achieving through its actions. However, it is interesting to note that the literature has far less to say about the importance of outcomes to confidence than it has to say about the importance of functions or procedures of the CJS. It seems that what the CJS does and how it does it is more important for confidence than the end results achieved.

**4.3.38** People’s perceptions of what is happening to the level of crime in society and what is actually happening are notoriously divergent. However perceptions of the crime level, and particularly whether it is going up or down, have been found to be associated with confidence in the CJS. Allen et al (2006) found that one of the factors most predictive of being confident was if respondents perceived that crime had not got worse over the previous 2 years. Mirrlees-Black (2001) found that of the 33% of people who perceived there had been a lot more crime over the previous 2 years only 35% were confident in the CJS, but of the 6% who thought that crime had fallen 57% were confident. Meanwhile Holme (2006) found that 7% of respondents whose confidence had decreased over the previous year said this was due to increasing crime, and Page et al (2004) found that 20% of respondents would be more confident that crime was being dealt with effectively if crime was reduced.

**4.3.39** Clearly controlling, and preferably reducing, the level of crime is something that people think the CJS should do. The difficulty is however that the public are often unaware of the official crime figures. Public Knowledge (2006) found that 79% of their respondents agreed that ‘levels of crime are increasing across the country’ but only 56% thought it was rising in their local area. This raises interesting questions about the information people base their judgments about crime levels on. Jackson and Bradford (2007) constructed an index of perceptions of the crime problem using a number of questions which asked respondents if certain kinds of crime, for example ‘car crime’ or ‘knife crime’ were a major, minor or no problem in their area. They found that responses on this index were a predictor of confidence in the police, but that perceptions of the crime problem were less important than worry about crime (Ibid: 7).

**4.3.40** Perceptions of worsening crime are important then, but worry about, or fear of crime, may potentially be more important. The measurement of the fear of crime is a historically controversial methodological issue (See for example Lupton and Tulloch, 1999; Grimshaw, 2004 and Jackson, 2004). Like capturing confidence, capturing fear in a way that is accurate and meaningful can be a significant challenge. Unfortunately the research by Public Knowledge demonstrates all too clearly how raw statistics on worry can be misrepresented by a change in the syntax of a sentence: 61% of their respondents agreed that ‘being a victim of crime is worrying’, but this was reported as ‘61% of respondents are worried about being a victim of crime’. Finding the prospect of being a victim ‘worrying’ is not the same as actively and regularly worrying about it. This is a distinction that Farrall et al (2006) seek to make in their proposals for new ways of measuring fear.

**4.3.41** The relationship between the fear of crime and confidence in the CJS is difficult to pinpoint, perhaps precisely because of the methodological difficulties associated with measuring both. Whilst the two things are likely to be related, they are *not* interchangeable. However, there are lessons to be learned for confidence research from recent innovations in the measurement of fear of crime. In particular, the concern to ensure that the research indicators accurately capture a specific social phenomenon which has substantial repercussions in people’s day to day lives should be noted. Farrall et al (2004) seek to capture

not simply if people worry about crime, but also the intensity and frequency of their worry, with a view to identifying those individuals whose lives are significantly affected by fear. They are also able to identify those people who, using old ‘expressive’ measures of the fear of crime would count as fearful, but who in reality are likely to have been expressing the view that crime is a problem, albeit one that does not have a strong psychological impact on their day to day lives. In confidence research the equivalent might be those people who, using the existing measure, are not confident but who still recognise the legitimacy and authority of the CJS and will engage with the system if required. Their *behaviour* is confident, but their expressed attitudes are not, suggesting a more general kind of disapproval of the system.

**4.3.42** One kind of crime which might be expected to cause significant concern to the public is violent crime. It is interesting to note that Public Knowledge (2006) found that although only 79% of respondents thought that crime generally was rising, 88% thought that violent crime was going up. This response could be a manifestation of the kind of expressive responses identified by Jackson (2004), reflecting both that people find violence disturbing, and that there is a sense that society generally has become a more violent and dangerous place. In fact, the confidence-specific research had little to say about violence specifically.

**4.3.43** Qualitative research carried out by NOP World singled out the ‘escalation of the youth problem’ as a driver of confidence (2003: 37), whilst Public Knowledge (2006) found that 77% of respondents agree that ‘there are more young offenders these days’. However there is little other evidence in the confidence research literature to support NOP World’s claims of a relationship between public perceptions of youth crime and public confidence. It is possible however that the perception that young people are engaged with more criminal activity than they were in the past might form a part of people’s general assessments of the state of society. In this case the outcome that it is hoped the CJS will produce is broader than reduced youth crime, it is more about how people feel about the state of society, and their community in particular. Page et al (2004) found that one of the predictive factors of confidence was confidence ‘that the CJS is creating a society where people feel safe’. This effectively charges the CJS with the responsibility of moulding the kind of society we live in.

**4.3.44** Jackson and Bradford (2007) found that perceptions of disorder in their local area were a key predictor of people’s confidence in the police (10). This suggests that having the perception that we live in a society where people are respectful of each other and of their environment, can have a positive impact on people’s confidence in CJS agencies, because these agencies are assigned the responsibility for ensuring that society is so. However, Jackson and Sunshine (2007) found that acting to reduce disorder communicates to people that the police share their values and are acting to reinforce them. It is not reducing disorder itself that drives confidence in the police, they say, but the fact that the police are seen to be acting to tackle disorder (Ibid: 230). Again here we get a sense that it is not outcomes themselves that are of the most importance in determining confidence, but rather public perceptions that action is being taken with a view to achieving their desired outcomes. Action has communicative as well as substantive value.

**4.3.45** Another public concern which has the potential to encompass this idea of communicative actions is the issue of re-offending. Reducing re-offending is a key government priority, in particular targeting those offenders who cause the most misery for local communities. The desired outcome of reduced re-offending is not a focus of any of the confidence-specific research. However, Holme (2006) found that ‘targeting persistent

offenders’ was chosen as a top 5 priority to increase confidence in the CJS by 61% of respondents. Perhaps, the idea that some people will offend over and over again is something people find particularly offensive. Certainly it communicates a failure by the system to incapacitate, deter or change offenders.

## **Summary of objects**

**4.3.46** This section has discussed research findings on the various aspects of the criminal justice system in which members of the public seeks to have confidence, in order to have confidence in the whole system. These have been called the ‘objects’ of confidence. They can be divided up into the principles of the CJS, its functions or actions and the results achieved. In other words being confident in the CJS entails being confident that the CJS is, does or achieves certain things. In particular this section has noted the importance of what the CJS does and is seen to be doing. The actions of the agencies and personnel of the CJS may have communicative qualities which are potentially far more reassuring to the public than information about crime statistics or the likelihood of becoming a victim. What the CJS is seen to be doing may, in effect, influence people’s beliefs about the principles of the CJS and the results it is achieving.

## **4.4 Recommendations for action from the existing knowledge-base**

**4.4.1** Not all of the confidence-specific research reports make specific recommendations for action, although in many of the reports solutions are implied in the presentation of the research findings. Solutions to increase confidence can be divided into two categories: changes to substantive policy and practice and changes to communications policy and practice. The most common solutions are summarised in Table 6 (on page 39 below).

**4.4.2** It is striking that given the range of research findings discussed only ten basic recommendations for action have been made. Furthermore, only four of these recommendations have been made in more than one study and by far the most commonly invoked action to increase confidence revolves around correcting public perceptions of the CJS, rather than changing the way the CJS operates. As this is the key recommendation emerging from confidence research it is briefly examined here.

**4.4.3** The need to educate, inform, influence, or otherwise change the way the public think about criminal justice, is frequently invoked throughout the confidence literature. However there is often a lack of detail provided about *how* to go about doing this. For example:

there is a need to better inform the public about the relative severity of current sentencing practices (Allen et al, 2006)

Consideration should be given to develop a strategy with LCJBs in order to tackle the misconceptions that people have in how the CJS works, by developing confidence building messages that highlight sentencing consistency and severity (Smith, 2007)

The CJS need to ‘fight back’ and respond to some of the negative perceptions that are held by some, often with no direct experience of the service at all. Advertising the good work that the CJS does ... perhaps through building a strategic relationship with a local media supplier, could help to promote positive stories in response to the ‘hearsay’ that dominates’ (Opinion Leader Research, 2005)

Action	Recommended by...
<b>Changes to policy/practice</b>	
Change sentencing policy	Public Knowledge (2006)
Increase police visibility	Public Knowledge (2006)
Improve front-line service	Opinion Leader Research (2005), Addison (2006), Jackson and Sunshine (2007)
Make local services responsive to local priorities	NOP World (2003)
Focus on low-level crime and ASB	NOP World (2003)
Improve cultural sensitivity	Opinion Leader Research (2005)
Emphasise and facilitate communal responsibility and power to prevent crime	Addison (2006)
<b>Changes to communications</b>	
Tackle misperceptions by educating the public	Allen et al (2006), Smith (2007)
Improve CJS engagement with individuals and communities	Jackson and Sunshine (2007) Opinion Leader Research (2005)
Market CJS and its initiatives more effectively	Page et al (2004), Smith (2007), NOP World (2003), Opinion Leader Research (2005)

Table 6: Recommendations from the existing knowledge-base

**4.4.4** This lack of detail leaves practitioners with the difficult task of implementing public education exercises without a clear idea of the direction or format that the information presented should take. Approaching confidence through the provision of information is at the heart of the ‘social marketing’ model for confidence research and policy identified in Turner et al et al (2006: 22). This model is based on the assumption that low confidence is often a matter of public misperceptions, as implied by the confidence strategy outlined in the Government’s Strategic Plan for Criminal Justice (OCJR, 2004: 22).

**4.4.5** The term social marketing describes ‘the use of marketing principles and techniques to influence a target audience to voluntarily accept, reject, modify or abandon a behaviour for the benefit of individuals, groups or society as a whole’ (Kotler et al, 2002: 5). As the dominant conceptualisation of confidence currently stands, initiatives to improve confidence are not aimed at altering behaviour, but rather altering an attitude, and an attitude which is rather vaguely defined at that. This brings into question whether the techniques of social marketing can be effectively borrowed in order to increase confidence. Kotler et al (2002: 10) go on to describe social marketing as ‘selling a behaviour’ in a social ‘market place’ where the competition is ‘the current or preferred behaviour of the target market’. In order to do this social marketers need to increase the perceived benefits of the behaviour and decrease the perceived costs (Ibid: 52).

**4.4.6** If the techniques of social marketing are to be successfully borrowed by the CJS it is clear that there is a need to adopt a much more focussed approach to confidence. In particular, there is a need to stop talking about confidence as if it were an end in its own right and start talking about it as a means to a (socially beneficial) end. The focus then should be on the outcomes the CJS hopes to achieve. Currently, the link between expressions of confidence

and behavioural outcomes has been inadequately explored in the literature, resulting in the repeated assertions that there is a need to improve public knowledge without accompanying insights into *how* to do this in an ethical and sustainable manner. Furthermore, as this review should make clear, the true complexity of confidence goes beyond misperception, and if information exercises are to improve confidence, they need to be based on a much clearer understanding of both the conditions underpinning confidence, and how these contribute to the creation of a set of often contradictory, and perpetually renegotiated normative expectations of the CJS. Existing academic research does provide useful insight into the complexity of public attitudes towards crime and justice, and there is a need for public confidence research to draw upon these more nuanced understandings of the nature of public opinion and the processes underpinning opinion formation.

## **5. Conclusion**

**5.1.1** This final part of this review draws out some of the key findings from the literature review, including identifying important gaps in existing knowledge, and suggests ways to take these findings forwards into research which will seek to develop a more nuanced understanding of confidence, whilst also having a sharp focus on producing useful knowledge for the development of strategy.

### **5.2 *Suggestions for future research***

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#### **Focus on desired outcomes**

##### ***Develop indicators which are focussed on desired outcomes***

**5.2.1** In order to draw successfully on the techniques of social marketing (see p39 above) the definition and operationalisation of the concept of ‘public confidence’ needs to be refocused around the outcomes that it is hoped to produce. It may then be found that some of the currently used survey indicators for confidence may not be adequate. The range of research findings from the current knowledge-base on public confidence, which are described in this review, reveal that ‘confidence in the CJS’ is a complex and multi-faceted phenomenon. Although aspects of this phenomenon are indeed captured by some of the measures used in existing studies, such that it can be said that there is a ‘body of knowledge’ about confidence, no one study can claim to have captured confidence as a whole. Furthermore, it is clear that the different aspects of confidence in the CJS captured using different indicators in different studies will each have different consequences for the way people behave and their wider attitudes.

**5.2.2** If confidence, as an attitude producing specified socially beneficial outcomes, is to be promoted, there is a real need for research which will contribute to the development of an indicator (or indicators) for confidence which is more focussed on those desired outcomes. Lessons might be learned from the techniques applied by Farrall et al (see p36 above) to the measurement of the fear of crime. Focussing on the desired behaviour outcomes might also enable the techniques from social marketing to be more successfully applied to confidence, if and where appropriate in the light of research.

#### **Qualitative Research**

##### ***Fully utilise the potential of qualitative research***

**5.2.3** Whilst quantitative research instruments do have a place in furthering understandings of confidence, the existing body of knowledge is lacking in robust and focussed qualitative research which specifically explores confidence. The data emerging from existing research strongly indicates a need to use qualitative research to explore the conditions which underpin confidence. An issue which is particularly ripe for exploration in this way is the idea of ‘interpretive communities’ invoked by Ditton et al (2004) and described above (see p22

above). Individuals are socialized within these communities, which furnish them with the ‘discursive strategies’ that they use to make sense of the world around them (Jensen, 1991 cited by Ditton et al, 2004: 607). It would be difficult to explore these ideas adequately using quantitative research alone.

## **Dominant discourses**

### ***Be sensitive to the significance of dominant discourses in structuring the way people think about criminal justice***

**5.2.4** Identifying ‘drivers’ of confidence through surveys which use overt questioning, is a research approach which relies upon respondents to summarise accurately and instantly their own responses to the world around them. Research which takes the results produced in this way at face value lacks sensitivity towards the power of culturally embedded dominant narratives (or ‘discursive strategies’), which may be channelling people’s survey responses through the medium of a pre-existing vocabulary of crime and justice. These discourses have however been explored in the wider criminal justice literature and useful contributions from Sparks et al (1999, 2000, 2002) (see p34 above) could be used to further explore the extent to which expressions of attitudes about criminal justice have been shaped by culturally embedded discursive conventions. Allen (2004) offers an example of how these ideas are beginning to be applied in a practical sense. He points out the importance of social psychology which finds that people need to be shown ‘viable alternatives’ in order to change their minds. The idea of the ‘viable alternative’ has also been raised by Sparks et al when they argue that trying to encourage alternative ways of thinking about punishment may need to start providing ‘replacement discourses’ (2002: 117).

## **Importance of Actions**

### ***Explore the importance of CJS actions, as opposed to results, in securing confidence***

**5.2.5** It was noted in the previous chapter that existing confidence research reveals that people seem to focus much more on the actions of the CJS than the results produced when they think about whether or not they are confident (see p37 above). Jackson and Sunshine (2007) note that police action to tackle disorder increases confidence in the police not because it reduced disorder but because it reassures people that the police are reinforcing the values of the community (see p24 above). Similarly it has been noted that other actions by the CJS have the potential to communicate messages about the CJS. Actions in this way become a form of information about whether or not the CJS is upholding the values of society.

**5.2.6** Tyler (2001) has argued that the fairness of criminal justice procedures may just as important as the outcomes produced in securing public satisfaction. However, current strategy to reassure the public includes, amongst other things, a commitment to provide the public with accurate crime figures in order to make them aware of the fact that becoming a victim of crime is quite unlikely. However, the results or outcomes produced by the CJS may be much harder to grasp in an aggregated and abstract statistical form than stories about CJS actions. Certainly part of the strong influence of the media over public opinion is held to be due to the power of personalized stories, as opposed to depersonalized statistics (see p21 above). It would seem then to be a fruitful line of enquiry to explore further the communicative role

played by CJS actions. What messages about justice and the state of society are communicated by what the CJS *does*, as opposed to what it achieves? And what impact do these messages have on the way people behave in relation to the CJS?

## **Lay reasoning**

### ***Understand the role that lay reasoning plays in determining underlying values and beliefs***

**5.2.7** There is a need to explore the reasoning processes followed by members of the public when they decide what kind of things they expect from the CJS. As noted above (p29) people’s perspective on what the CJS should be doing, for example providing a visible patrolling presence may be underpinned by their perceptions of what is effective in preventing offending. The role of lay strategies for understanding the CJS in determining their level of confidence should therefore be considered.

## **5.3 Concluding Remarks**

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**5.3.1** This literature review has revealed that although it can be said that there is a ‘knowledge-base’ on public confidence, the information making up that knowledge-base may not always be well-suited to the purpose of developing sensible strategies to increase public confidence in the CJS. In fact there is a disquieting ambiguity about the meaning of the concept of public confidence, and the outcomes it is hoped to produce. This review has highlighted some of the key problems created by this ambiguity and has suggested some fruitful lines of future enquiry in order to begin to produce a more sophisticated, outcomes-focussed account of what it means to be confident, and the values and beliefs underpinning the process of becoming confident.

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