



Ministry of  
**JUSTICE**

# **Confidence in the criminal justice system:**

## **What lies beneath?**

**Dominic Smith**

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## Abstract

Raising public confidence in the criminal justice system (CJS) is one of the Government's key Public Service Agreement (PSA) targets, and is measured through responses given to the British Crime Survey (BCS). This research used focus groups to draw out the key issues people considered when responding to the BCS confidence question. Face-to-face interviews via an omnibus survey of 2,000 people were used to examine the extent to which the focus group findings might be generalisable to the population as a whole.

Findings suggest most people perceive the CJS as being made up of the police and the courts. People's confidence in the CJS reflected their consideration of agencies at both a national and local level. Confidence as measured by the BCS tended to be more positive after people had been asked to consider their views about the CJS. Findings suggest that public confidence in the CJS, as measured by the BCS, could be improved by (a) implementing initiatives aimed at informing the public about positive aspects of police and court performance, and (b) asking people for their estimate of overall confidence after they had first considered their views about the CJS.

## Acknowledgements

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## Implications

- The term 'criminal justice system' (CJS) leads most people to think of the police and/or the courts. Activities to improve public confidence in the CJS should focus on the police and courts, as these agencies have the highest profile amongst the public, but also to raise public awareness of the other CJS agencies. Messages should address common misperceptions using clear, simple statements that explain how the system works.
- Public information concerning the CJS should focus on the key areas of sentencing, improvements in services to victims, and citizen-focused policing. CJS activity should seek to improve community engagement by addressing local concerns, and to engage staff by highlighting and sharing CJS successes.
- As people think about their confidence in the CJS both nationally and locally, consideration should be given to including specific local targets in any future Government target on public confidence. Development of policy, target setting and monitoring from the national perspective should align closely with local management and delivery.
- Repositioning the general confidence question contained within the British Crime Survey (BCS) such that it falls after questions concerning perceptions of the police and/or the courts is likely to elicit a more considered response.

## Executive summary

### Context

This report presents findings from focus groups and an omnibus survey designed to identify factors people consider when answering the question: *'How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?'* This question is contained within the British Crime Survey (BCS), the responses to which are used to monitor performance against one of the Government's Public Service Agreement (PSA) targets.

The study investigated whether when assessing their confidence, people considered the CJS as a national system, local system, or a combination of the two. It also sought to identify what people understood by the term 'criminal justice system'. The work aimed to provide policy makers with a better idea of what the CJS general confidence question is actually measuring, and to identify options that might improve public confidence as measured by the BCS.

### Methodology

A series of focus groups were conducted in Local Criminal Justice Board (LCJB) areas to identify the key issues people think about when answering questions on their confidence in the CJS. People were asked: what factors made up their level of confidence, what was understood by the term 'criminal justice system', whether they thought about their confidence in the CJS nationally or locally. Findings from the focus groups were used to construct a module of questions that were inserted into a national omnibus survey (sample of approximately 2,000 people using random location quota sampling<sup>1</sup>), to see if these themes were common amongst the general population.

### Key findings from the omnibus survey:

- Confidence ratings differed as a consequence of where the general confidence question was placed in the omnibus survey. Confidence rose seven percentage points (a statistically significant increase) when the BCS confidence question appeared at the end of a series of questions about the CJS compared to when it was asked at the beginning.
- The majority of people questioned in the omnibus survey (71%) thought about confidence in terms of both national and local issues.
- Only four per cent of people questioned in the survey were able to identify five criminal justice agencies that made up the CJS.
- People's view of the CJS was predominantly comprised of their perceptions of the police and the courts.

### Conclusions

The evidence collected suggests that people are more likely to respond positively to a question about confidence in the CJS once they have been asked to think about specific factors that make up their views on confidence. The implication is that moving the general confidence question contained in the BCS from the beginning where it is currently placed, to the end of the section of confidence questions may significantly improve confidence ratings. However, this result may have been due to a repetition effect and therefore needs to be tested with a more representative sample.

The current general confidence question led most people (71%) to consider a combination of national and local issues. As there is a national confidence target as well as LCJBs being set their own individual targets, results suggest there may be value in including a separate national and local confidence question within the BCS.

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1 Locations of the sampling points were randomly selected, and within each sampling point quota limits were set.

The criminal justice system was viewed by most people as being made up of the police and the courts. The majority of people who took part in the omnibus survey identified factors connected with these two agencies in determining their level of confidence. Initiatives to improve public confidence might usefully be directed towards these two agencies.

Because the omnibus survey questioned a relatively small non-random sample of people, care needs to be taken when generalising the findings to the population as a whole. However, notwithstanding the limitations of the omnibus survey design, the findings do provide evidence of potentially useful directions for policy development and performance measurement in this area.



# 1. Context

Raising public confidence in the criminal justice system (CJS) is one of the Government’s key Public Service Agreement (PSA) targets. *“Confidence in the CJS is important for maintaining public support for the rule of law. It is key to ensuring the public play their role in the process as witnesses or jurors. Levels of public confidence also provide a measure of the quality of the services provided by the criminal justice agencies, and is a test of whether the improvements made to the CJS are being recognised.”* (Chapman et al, 2002)

The level of public confidence in the CJS is currently measured by responses given to the seven confidence questions contained within the British Crime Survey (BCS). The BCS is a national rolling annual survey covering approximately 47,000 interviewees aged 16 and over. Results from the BCS are used to develop and monitor a number of Home Office and CJS policies.

The confidence questions contained in the BCS are analysed to monitor progress against the PSA2 – to increase public confidence in the CJS across England and Wales. Although there are seven confidence questions, the main measure is based on the question: *‘How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?’* (For the purposes of this report this will be referred to as the general confidence question.) From a baseline figure of 39 per cent for the year ending March 2003, the target is to achieve a statistically significant increase (at the 95% level)<sup>2</sup> to an estimated 40 per cent by the year ending March 2008. Each Local Criminal Justice Board (LCJB) has been set a CJS target to improve public confidence in the CJS (as measured by the general confidence measure) in their area.

Responses to the confidence questions are measured by a four-point Likert scale, the responses being: very confident, fairly confident, not very confident, not at all confident. The level of public confidence is defined as the proportion of people who say that they are ‘very’ or ‘fairly’ confident that the CJS is effective in bringing people who commit crimes to justice.

Table 1 shows that good progress has been made toward meeting the target. Three years after the baseline (year ending March 2003) was set, the level of confidence in the CJS across England and Wales has risen by almost six percentage points to 44 per cent (year ending March 2006).

*Table 1 BCS responses to the general confidence question*

Year ending March	Percentage very/fairly confident
2003	39
2004	41*
2005	43*
2006	44*

\* Indicates that the year ending figure is statistically higher from the year ending March 2003 figure at the 95% level.  
Source: Allen *et al* (2006).

## Aims of the research

This research focused on the main PSA2 confidence question contained in the BCS and was designed to address two central aims:

1. To understand the process by which people form their opinion in answering the general confidence question so as to gain a better understanding of what it is actually measuring. Understanding more about what factors are being considered when people are asked the general confidence question would

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2 Tests at the 95 per cent level of statistical significance are the level at which there is a one in twenty probability that the results are due to chance alone and not a genuine difference.

help provide policy with key information on what is being measured. This would allow initiatives to be developed to address these points, with the ultimate aim of increasing public confidence. In addition, it would give an indication on whether or not the general confidence question remained the best measure for determining people's confidence in the CJS.

2. To identify what people understand by the term 'Confidence in the criminal justice system'. For example, are people describing their confidence in the CJS at a national or at a local level? Page, Wake and Ames (2004) conducted a MORI survey with a sample of 2,001 people to examine public confidence in the CJS. Two of the questions asked people how confident they were in the CJS in their local area and nationally. The study found that people were generally more confident about the way crime was dealt with locally (63%) than nationally (47%). The general confidence question in the BCS does not explicitly state whether people should be considering the CJS nationally or locally when responding.

## Research questions

The research sought to look at the key terms within the general confidence question and examine what factors and/or associations people made when asked the question: *How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?* The following five research questions were posed:

### Question 1:

***What factors do people think about when deciding how confident they are in the criminal justice system?***

The central aim of the research was to identify what factors immediately come to mind when people are asked the general confidence question. Confidence within the bounds of the CJS was defined by Southgate and Grosvenor (2000) as *"a belief that the powers of the law will be used without fear or favour at all stages of the criminal justice process, from policing to imprisonment with the courts in between. More fundamentally, it means a feeling that one is safe from crime and interference in the street and in one's home"*.

However, the findings of Page, Wake and Ames (2004) suggested that people's confidence covered a wide range of issues, which included 'promptness and efficiency of the system', 'effectiveness in the system in dealing with violent disorder', and 'whether the system created a society that made people feel safe'. The question for this research was therefore whether people thought of one particular issue or whether there were a number of factors that contributed to their feelings of confidence in the CJS.

### Question 2:

***When people think about how confident they are, do they think about the CJS in their local area or at a national level (or both)?***

Within the BCS, the general confidence question does not explicitly state whether people should be thinking in terms of their local area or nationally (England and Wales). As LCJBs have been set local confidence targets, in order for them to develop initiatives to improve confidence in the CJS, they need to understand whether people are thinking about the CJS locally, nationally or a combination of the two. The aim was to identify the relative proportions of people who apply their confidence of the CJS at these different levels to inform whether there was a need for a separate national and local confidence question in the BCS.

### Question 3:

***When the term 'criminal justice system' is mentioned what particular agencies do people think about?***

Southgate and Grosvenor (2000) found that there was *"only a vague public understanding of the term 'criminal justice system'; it can mean either the system of criminal law or the agencies which enforce it. These agencies are not always seen to be linked"*. The research aimed to explore whether people envisaged the criminal justice system as a series of different agencies, or whether it was seen as a specific agency working towards a single goal.

**Question 4:**

***What factors or measures do people think would have a positive impact on their level of confidence in the CJS?***

The aim was to identify what people thought would improve their levels of confidence in the CJS.

**Question 5:**

***Are people's levels of confidence affected if they are first asked a series of questions that examine what factors contribute to their confidence in the CJS?***

The research examined whether there was any change in how people rate their level of confidence when asked the general confidence question at the beginning of a section of questions on the CJS compared to their rating when they are asked the same question again at the end of the section. The intention was to see whether or not getting individuals to consider factors relating to their confidence in the CJS had any effect on their confidence rating.

When determining the ordering of questions in a survey, the conditioning effect of earlier questions should be considered (Gorden, 1987). 'Funnelling' is a term used to describe a sequence of questions where people answer the broad questions at the start, followed by more specific questions. Alternatively, 'inverted funnelling' is where the broader question is placed at the end of the module of questions, with the early questions asking about the range of issues involved. The current general confidence question is placed at the beginning of the 'confidence in the CJS' section of the BCS questionnaire.

Roberts and Hough (2002) found that when people were provided with more meaningful information about a subject area, they were likely to provide a more considered response. If this research were to show that by allowing people to think about the factors that contribute to their level of confidence, a more considered opinion would be provided when answering the general confidence question, then there would be grounds for discussion with officials on where the general confidence question is best placed within the BCS.

## 2. Methodology

The project adopted a two-phased approach:

### i) Qualitative data collection: focus groups

The first phase of the research involved conducting six focus groups to draw out the key themes that participants considered when thinking about confidence in the CJS. Levels of public confidence across LCJB areas vary. Bearing this in mind, LCJBs were divided into three groups according to whether the year ending March 2005 general confidence figure was statistically significantly (at the 95% level)<sup>3</sup> higher (West Mercia), lower (Humberside) or the same as the national average (South Yorkshire) (see Appendix 2). Within each of these three groups, one LCJB was selected. Two focus groups were conducted in each of the selected LCJBs, making a total of six focus groups. A pilot focus group was conducted in Nottinghamshire.

Focus group participants were sampled to include age group and gender mix, as these would be the focus of the analyses (See Table 2 for sample breakdown). Recruitment of participants was conducted with the assistance of the LCJB Performance and Communication Officers who made use of their local contacts within the community. To be consistent with the BCS methodology, the focus groups excluded people aged under 16.

*Table 2 Sample breakdown of focus group participants*

	Number of participants		
	Males	Females	Total
Aged 16 to under 45	13	12	25
Aged 45 and over	9	15	24
Total	22	27	49

The focus groups were run with a group facilitator and assistant moderator. A coding matrix was devised so that facilitators could log the responses to each of the questions in a way that facilitated easy recording of relevant data. The focus groups were conducted to determine the range of interpretations of the general confidence question and these responses were used to feed into the development of questions for a quantitative survey.

### ii) Quantitative data collection: omnibus survey

To establish the extent to which views elicited from the focus groups might be generalised, it was determined that a much larger sample taken from an omnibus survey<sup>4</sup> would be used. The key findings from the focus groups were drawn together and developed into a module of questions that were then inserted into an omnibus survey (see Appendix 1 for a copy of these questions). The survey was conducted by the British Market Research Bureau (BMRB) during the third week of March 2006.

The omnibus survey was conducted face to face with a sample of approximately 2,000 persons aged 16 years or over across England and Wales<sup>5</sup>. The sample of people chosen was obtained using 'random location quota sampling'. The locations of the sampling points were randomly selected, and had an average size of 300 households. Within each location, quota limits were set. To reduce the risk of interviewer bias, people responding to the omnibus survey were allowed a free response to the question, which was then

3 Tests at the 95 per cent level of statistical significance are the level at which there is a one in twenty probability that the results are due to chance alone and not a genuine difference.

4 An omnibus survey is a method of quantitative market research on a number of subjects, which is collected during the same interview.

5 The original omnibus survey sample included Scotland, but for these analyses it was excluded to keep in line with the PSA2 confidence target, which covers England and Wales.

coded into pre-determined categories. The exceptions were the general confidence question, which was measured by a four-point Likert scale and the question asking whether people assessed their level of confidence of the CJS (nationally/locally/combination of the two).

The sample size allowed the detection of systematic differences in the interpretation of the confidence questions. The SPSS statistical package was used to explore and describe the omnibus survey data in terms of key characteristics with regard to age and gender. Age-group analyses looked at persons aged: '16-44' and '45 and over'. These age groups were chosen as research conducted by Lovbakke (2003) found that the younger age group had higher levels of confidence in the CJS than the older age group. Bivariate analysis was used to gain further insight into the differences between these groups.

Caution needs to be taken in regarding the results from the omnibus survey as being representative of the general population. The omnibus survey used a relatively small sample of people through quota sampling. This means there may be some bias in the results reflecting those interviewed rather than the general population.

### 3. Results and Conclusions

Notwithstanding the limitations of the omnibus survey sample design (random location quota sampling), there are a number of findings from the omnibus survey that may be indicative of the views of the general population. The quantitative findings from the omnibus survey with supplementary data from the qualitative focus groups are presented against each of the key research questions.

#### Statistical significance

Any differences reported in the text for the omnibus survey are statistically significant at the 95 per cent level<sup>6</sup>.

#### Question 1:

**What factors do people think about when deciding how confident they are in the criminal justice system?**

#### Key findings:

- **'Consistency of sentences passed', 'criminal justice agency (CJA) contact with victims and witnesses', 'whether the offender is caught' and 'police visibility' were identified as the main factors people thought about when assessing their level of confidence in the CJS.**
- **A higher proportion of people aged 45 and over identified 'consistency of sentencing', 'police visibility' and 'prison effectiveness' as factors affecting their confidence compared to those aged under 45. A higher proportion of those under 45 identified CJA contact with victims and witnesses**
- **Almost four fifths of people considered either one or two factors when assessing their level of confidence in the CJS. The majority of factors identified were associated with the police and the courts.**

Table 3 provides a description of the factors (freely reported) that came to mind when people were asked to consider how confident they were in the CJS. Overall, the four main responses were: 'Consistency of sentences passed' (33%), 'criminal justice agency (CJA) contact with victims and witnesses' (25%), 'whether the offender is caught' (24%) and 'police visibility' (23%).

*Table 3 Factors people thought about when deciding how confident they were in the criminal justice system*

Factor(s) considered	Proportion of respondents (percentages)				
	Total	Sex		Age group	
		Males	Females	under 45	45 & over
Consistency in sentencing	33	32	34	30	35*
Criminal justice agency contact with victims and witnesses	25	27	24	26	24*
Whether the offender is caught	24	24	24	25	23
Police visibility	23	23	22	19	26*
Prison effectiveness	17	16	17	14	19*
Whether the criminal justice system was perceived as fair to all	16	16	17	16	16
Personal experience	13	15	12	15	12
Court case length	12	11	13	12	12
Other peoples' views	8	8	7	8	8

<sup>6</sup> Tests at the 95 per cent level of statistical significance are the level at which there is a one in twenty probability that the results are due to chance alone and not a genuine difference.

Media	5	4	6	6	5
Lenient sentencing	4	4	4	3	5
Other**	17	18	16	17	17

\* Value for 45 & over age group higher than under 45 age group figure (Chi-squared test, p<0.05).  
 \*\* Where subject responses accounted for less than one per cent of the sample.

The findings from the focus groups were consistent with the omnibus survey findings with regard to ‘CJA contact with victims and witnesses’. The frequency of contact people had with these agencies (mainly the police and the courts) was seen as a key factor in their level of confidence. However, the majority of focus group participants who had some experience of dealing with the police or the courts said they had received a low level of contact, which had made them feel abandoned by the CJS. People responding to the omnibus survey aged 45 and over were more likely than those aged under 45 to mention ‘consistency of sentence passed’, ‘police visibility’ and ‘prison effectiveness’ as factors that would have an effect when assessing their level of confidence in the CJS.

The factor of ‘police visibility’ being considered more by the older age group in the omnibus survey was consistent with the findings of the focus groups, where people in the 45 and over age group were generally of the opinion that the number of police officers seen on the streets was less compared to twenty years ago. People commented that the only time that the police appeared was after an incident had taken place. One person used the phrase: *“the police have become a faceless mask”*, to illustrate how they were less able to identify with police officers locally and the perception that they were being removed from the streets to undertake more bureaucratic tasks such as form filling.

‘Consistency in sentencing’ of cases between courts was frequently mentioned by focus group participants aged 45 and over as having an effect on their level of confidence. People provided some examples of cases in the media where an offender found guilty of an offence in one area had received a different sentence or length of sentence compared to an offender found guilty of the same offence in another area.

The omnibus survey findings on prison effectiveness being more likely to be reported by the 45 and over age group were consistent with the focus group findings. The responses of this age group generally indicated that they believed that prison had become a softer option over time and frequently mentioned that in the past prisons had been regarded as a tough regime. In contrast, the current image portrayed through the media was of prison now being an easy option (quote: *“prisons have become a holiday camp”*).

Table 4 provides a breakdown by age and gender for the number of factors people reported when assessing their confidence in the CJS. Almost four fifths of people considered either one or two factors when assessing their level of confidence. An analysis of the total sample that identified two or more factors showed that nearly two thirds of these combinations related to the police and courts.

**Table 4 Number of factors people considered when assessing their level of confidence in the criminal justice system**

Factors considered	Proportion of respondents (percentages)				
	Total	Sex		Age group	
		Males	Females	under 45	45 & over
1	48	46	48	49	45
2	30	30	29	28	31
3	14	13	13	14	13
4	6	6	6	5	6
5 or more	2	5	5	4	6

**Question 2:**

**When people think about how confident they are, do they think about the CJS in their local area or at a national level (or both)?**

**Key findings:**

- People were more likely to rate their confidence levels based on a combination of their perceptions of the CJS at a local and national level (71%) than either just locally or nationally.

*Table 5 Proportion of people who considered their confidence in the criminal justice system at the local area or nationally*

Confidence considered	Proportion of respondents (percentages)				
	Total	Sex		Age group	
		Males	Females	under 45	45 & over
Locally	20	25	17	17	23
Nationally	9	8	9	10	7
Locally and Nationally	71	67	74	73	70

Table 5 shows that the majority of people applied a combination of perceptions of the CJS at both a national and local level (71%) when considering how confident they were. The BCS confidence question does not make a distinction as to whether people should be thinking about the CJS nationally or locally. As there are national and local confidence targets, these findings suggest the need to have a separate national and local confidence question within the BCS, so that an accurate measure of people's perceptions can be obtained. This would allow the impact that LCJB initiatives are having on confidence in the local CJS to be monitored.

**Question 3:**

**When the term 'criminal justice system' is mentioned what particular agencies do people think about?**

**Key findings:**

- Almost three quarters of people identified the police and almost two thirds identified the courts as being one of the agencies that made up the criminal justice system.
- When asked to identify agencies that formed the criminal justice system, on average people identified two agencies with the most frequent combination being the police and the courts.
- Only four per cent of people were able to identify five CJS agencies.

*Table 6 Proportion of people who identified each of the main criminal justice agencies*

Criminal justice agency	Percentage
Police	74
Courts*	64
Crown Prosecution Service	24
Prisons	17
Probation	15
Other**	19

\* Includes magistrates' and/or the Crown Court.

\*\* Where each category response was less than 10 per cent.

Table 6 shows the proportion of people who mentioned each of the CJS agencies (each person was asked to freely report as many of the agencies as possible). The police were identified by almost three quarters of the people who took part in the omnibus survey (74%), with the courts identified by almost two thirds of people

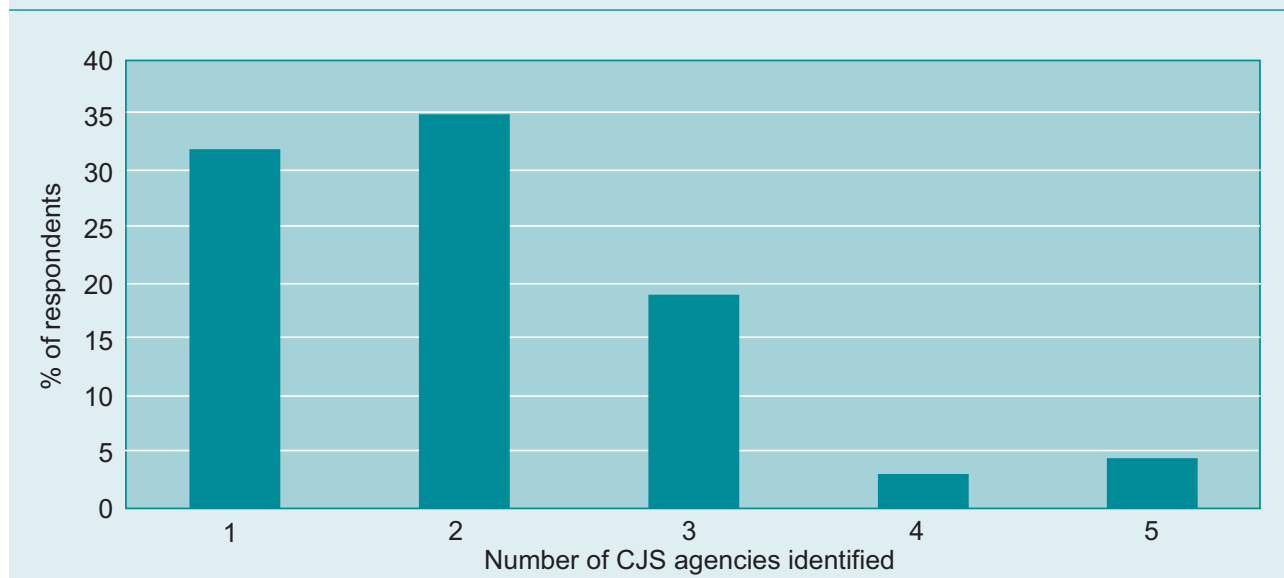


(64%). These findings were similar to the focus group findings, where three quarters of participants identified the police and just over three fifths mentioned the courts as agencies within the CJS. For the majority of focus group participants the police were seen as the primary agency because it was people’s first point of contact with the CJS.

The evidence from the omnibus survey and focus groups is consistent with the findings of Southgate and Grosvenor (2000) who found that there was “*only a vague public understanding of the term ‘criminal justice system’*”. The omnibus survey findings suggested that most people have a fixed view of the CJS, which is predominantly that of the police and the courts. Furthermore, it was found that knowledge of these agencies had mainly come from the media.

Figure 1 shows the proportion of people from the omnibus survey who identified the number of different criminal justice agencies they thought made up the CJS. The most frequent number of agencies identified by people was two (35% of responses) and within this the combination the ‘police’ and the ‘courts’ accounted for 68 per cent of responses. This finding supports the focus groups where people viewed the CJS as being predominantly made up of the police and the courts, in which it was perceived that the police undertook the task of arresting the offenders, and the courts’ duty was to determine guilt/innocence and pass the appropriate sentence.

*Figure 1 Number of criminal justice agencies people identified as making up the criminal justice system*



**Question 4:**

***What factors or measures did people think would have a positive impact on their level of confidence in the CJS?***

**Key findings:**

- **‘More police on the streets’, ‘tougher sentencing’, ‘offenders serving the full sentence’, and ‘consistency in sentencing’ were identified as the main factors that would improve people’s levels of confidence in the CJS.**
- **A higher proportion of people aged 45 and over identified ‘more police on the streets’ and ‘consistency in sentencing’ as factors which would improve their level of confidence than people aged under 45.**

Table 7 shows the measures people felt would have a positive effect on their confidence in the CJS (people were allowed a free response and were able to identify as many factors as they wished). ‘More police on the streets’ was expressed by just over three fifths of people (61%). People aged 45 and over were more likely to identify this measure than those aged under 45 years. A similar difference between these age groups was also found for ‘consistency in sentencing’.

*Table 7 Proportion of people who identified measures that they thought would improve their individual confidence*

	Proportion of respondents (percentages)				
	Total	Sex		Age group	
		Males	Females	under 45	45 & over
More police on the streets	61	60	62	58	65*
Tougher sentencing	44	45	43	43	47
Offenders serving full sentence	31	30	33	31	33
Consistency in sentencing	27	28	26	24	30*
Better family and school discipline	19	18	20	19	20
Tougher prison regime	15	13	16	15	15
More community officers/wardens	13	12	14	13	14
Court system more in favour of victims	12	12	12	12	13
Better role models	11	10	11	10	11
Greater contact with victim and witnesses	6	6	7	6	7
Other**	19	19	18	20	17

\* Value for 45 & over age group higher than under 45 age group figure (Chi-squared test,  $p < 0.05$ ).

\*\* Where subject responses accounted for less than one per cent of the sample.

Research by Allen (2006) found that there was evidence to suggest a link between police visibility and people's perceptions of safety. Over four fifths of BCS respondents felt that seeing more police officers on foot patrol would make them feel safer. Caution must be exercised in assuming people's perceptions of what would increase their confidence would actually increase their confidence e.g. it cannot be assumed that putting more police on the streets would in reality improve people's confidence.

For 'tougher sentencing', the majority of focus group participants in the 45 and over age group highlighted that high profile cases portrayed in the media had made them feel that sentences handed down by the courts to offenders were softer than they had been in the past. It should be noted that these are retrospective thoughts, as the research did not seek to examine changes in views over time. This perception is in spite of the fact that the Criminal Statistics (RDS 1996 and 2006) showed that the proportion of offenders being sentenced to immediate custody for indictable offences<sup>6</sup> at all courts had increased from 20 per cent in 1995 to 25 per cent in 2005.

For 'consistency in sentencing', the omnibus survey results suggest that people are not aware of the efforts made by the CJS to address this issue. The Sentencing Guidelines Council, was set up under the Criminal Justice Act 2003, with the aim of promoting consistency in sentencing. The Council considers advice from the Sentencing Advisory Panel and, after further consultation, produces sentencing guidelines for the courts. The outcome of this approach is reflected in Criminal Statistics (RDS 2006), which showed for each of the main offence groups there was little variation between the average custodial sentence length for each of the regions. These findings support the need to develop better strategies of informing the public about the work of the Sentencing Guidelines Council and performance of the CJS that could convey confidence-building messages.

<sup>6</sup> Indictable offences include indictable only and triable-either-way offences. 'Indictable only' are the most serious breaches of the criminal law and must be dealt with at the Crown Court. 'Triable-either-way offences may be tried either at the Crown Court or at a magistrates' court.

**Question 5:**

**Are people’s levels of confidence affected if they are first asked a series of questions that examine what factors contribute to their confidence in the CJS?**

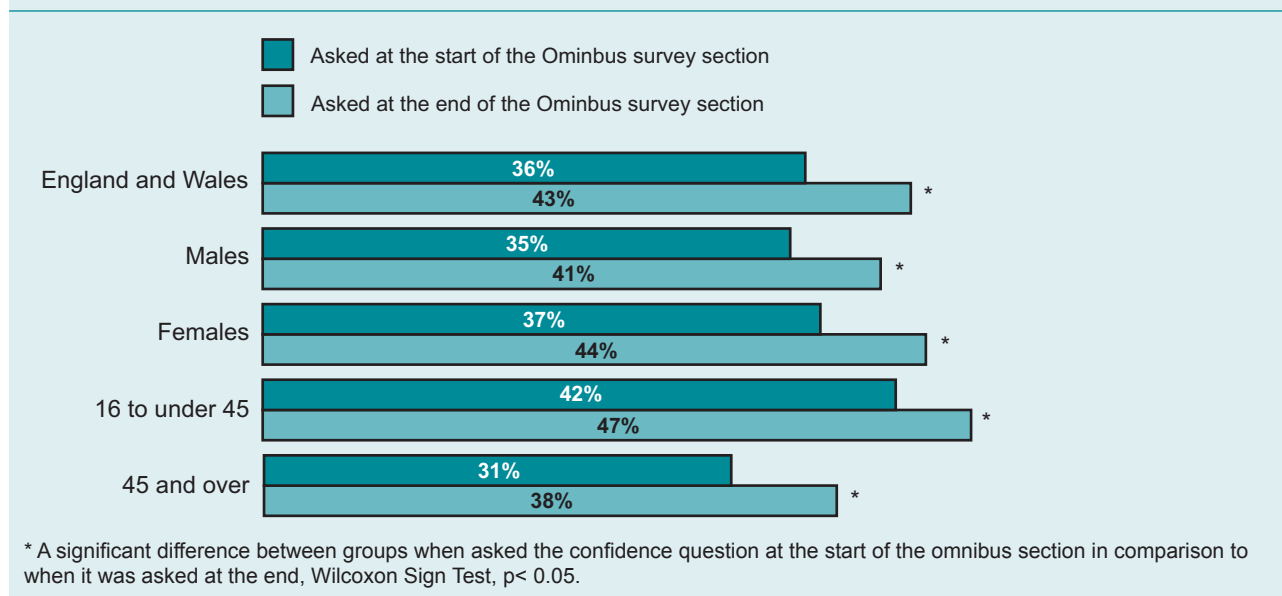
**Key findings:**

- People expressed a higher level of confidence in the CJS after they had answered questions that examined what factors contributed to their level of confidence (the total sample showed a rise of seven percentage points). These changes occurred across gender and age.
- People aged 16 to under 45 expressed a higher<sup>7</sup> level of confidence in the CJS than those aged 45 and over, which is consistent with Lovbakke (2003).

Figure 2 shows people’s responses to the general confidence question for both occasions it was asked i.e. firstly at the beginning of the survey section and then again at the end of the survey section on confidence in the CJS. In between these questions, people were asked a series of questions around the factors and associations they made when thinking about how confident they were.

People were more confident in the CJS when they were asked the general confidence question at the end of the section on confidence (43% very or fairly confident) in the omnibus survey compared to when they were asked it at the start (36% very or fairly confident); a difference of seven percentage points. A similar increase was found across gender and age groups.

*Figure 2 Proportion of people who were very or fairly confident that the criminal justice system is effective in bringing offenders to justice*



The evidence suggests that people’s level of confidence in the CJS rises after they have had an opportunity to think about what factors made up their confidence. This supports the findings of Roberts and Hough (2002) where people provided a more considered response having been given more information about the subject matter prior to answering the main question. This would suggest the use of the inverted funnelling approach to the questions on confidence in the CJS contained in the BCS, which would allow the specific questions about the CJS agencies to be asked first followed by the broader question on general confidence.

Alternatively, these findings may have been the result of a ‘repetition effect’ as the general confidence question was asked at the beginning and end of the omnibus survey and this possibility will need to be examined.

7 A significant difference between the under 45 and 45 and over age group when asked the confidence question at the start of the section (1) and the end of the section (2), Mann Whitney Test, p< 0.05.

## 4. Implications

The evidence from this research suggests a more considered measure of confidence was achieved once people had a chance to think about what factors contributed to their feelings of confidence in the CJS. The current general confidence question contained in the BCS is asked at the start of the section on confidence in the CJS. This approach follows the ‘funnelling sequence’ (Gorden, 1987) in which the broad question is asked at the start of the section, followed by the more specific questions. The findings from this research provide an argument for using the ‘inverted funnelling sequence’. Placing the general confidence measure at the end of the section, thereby moving from specific questions about the CJS to the general one, may allow people to give a more considered response.

This analysis further showed that approximately seven out of ten people rated their confidence based on a combination of perceptions of the CJS nationally and in their local area. This finding suggests that a question on confidence in the CJS needs to be explicit about whether people are expected to respond in regard to the local or the national CJS. As there is a national confidence target as well as LCJBs being set individual targets to improve confidence, this research would suggest the potential value of separate local and national confidence questions in order to get a true measure of confidence at each level. This would allow each LCJB initiative to be monitored and give an indication of how much of an impact they were having on local confidence.

The criminal justice system was felt by most people as consisting of the police and the courts. These findings may account for why the majority of people identified factors connected with these two agencies in determining their level of confidence. This evidence suggests that initiatives to improve people’s confidence should be directed towards these two agencies, but also that more effort be made to increase public awareness of the other agencies involved in the CJS.

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, the development of Neighbourhood Policing to promote police visibility, and comparison data over time, that will help reduce the perception gap people have about the CJS.

## 5. Knowledge gaps

In order to see if the evidence presented in this report is consistent over time and across similar studies, follow-up work would need to be conducted. Consideration should also be given to whether follow-up studies should be conducted on larger and more representative samples so that additional variables such as race and other demographics factors could be analysed.

If a decision were made to re-position the general confidence question within the BCS, the risk of any potential movement of the general confidence question would need to be fully examined as it would limit any comparison with historical trends. The issue of a repetition effect accounting for the changes in people's responses to the general confidence question would also need to be examined.

The evidence from the omnibus survey suggests that the police and the courts were the two key agencies that people identified as making up the CJS and that these agencies were most influential when considering their level of confidence. This suggests the need for further examination of where people get their information from on these two agencies.

Evidence from the focus groups suggested there were differences in the aspects of the CJS that people thought of locally and nationally. 'Personal experience' and 'police visibility' tended to be thought of locally, whereas external factors such as 'cases portrayed in the media' and 'prison effectiveness' (whether it stopped people re-offending on release) tended to be thought of nationally. These findings were based on a small sample size and need to be further examined on a more representative sample before they could be said to reflect the views of the general population.

The evidence from this research suggests that there may be a disparity between people's perceptions and reality. This suggests a need to better inform the public about work to promote police visibility and current sentencing practices at court. Previous research by Chapman et al. (2002) found that by providing factual information about sentencing practices (as well as crime rates) to people had a positive impact on their knowledge and upon some aspects of their confidence in the CJS.

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## Appendix 1

Copy of the questions on confidence in the CJS submitted by RDS – Office for Criminal Justice Reform that was inserted into the BMRB omnibus survey.

### Question 1

Question and the four available answers to be given to the respondent (one response required)

***How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?***

- Very confident
- Fairly confident
- Not very confident
- Not at all confident

### Question 2

Question and the three available answers to be given to the respondent (one response required)

***When you say you are (question 1 response) confident are you thinking about things?***

- Nationally
- Locally
- Both (nationally and locally)

### Question 3

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***When you said you were (question 1 response) confident what factors did you think about when coming to this answer?***

### Question 4

Question to be given to the respondent, and the response noted down

***From the response(s) you gave in the previous question, which factor impacts on your confidence the most?***

### Question 5

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***Are there any particular crimes that impact on your confidence in the criminal justice system?***

### Question 6

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***When the term 'criminal justice system' is mentioned what particular agencies or organizations do you think about?***

## **FILTER QUESTIONS (questions 7 to 10 dependent on answers given to question 6)**

If the 'police' were mentioned in question 6

### Question 7

Question as well as the three available answers to be given to the respondent (one response required)

***You mentioned the police as one of the criminal justice agencies. Do you think about them?***

- Nationally
- Locally
- Both (nationally and locally)

Follow on from question 7

#### **Question 8**

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

If the 'Courts' were mentioned in question 6

#### **Question 9**

Question as well as the three available answers to be given to the respondent

***You mentioned the Courts as one of the criminal justice agencies. Do you think about them?***

- Nationally
- Locally
- Both (nationally and locally)

Follow on from question 9

#### **Question 10**

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***What factors influence your confidence in the courts?***

BACK TO MAIN SAMPLE

#### **Question 11**

Question and responses to be given to the respondent, AND multiple answers can be given

***When thinking about your confidence in the criminal justice system, what sources provide you personally with the most information?***

#### **Question 12**

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***What crimes do you see as a problem in your local area?***

#### **Question 13**

Question to be given to the respondent, but not the responses (the responses are to be noted down by the interviewer, **AND** multiple answers can be given)

***What factors or measures would improve your confidence in the criminal justice system?***

#### **Question 14**

Question as well as the four available answers to be given to the respondent

***Having responded to these questions, how confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?***

- Very confident
- Fairly confident
- Not very confident
- Not at all confident

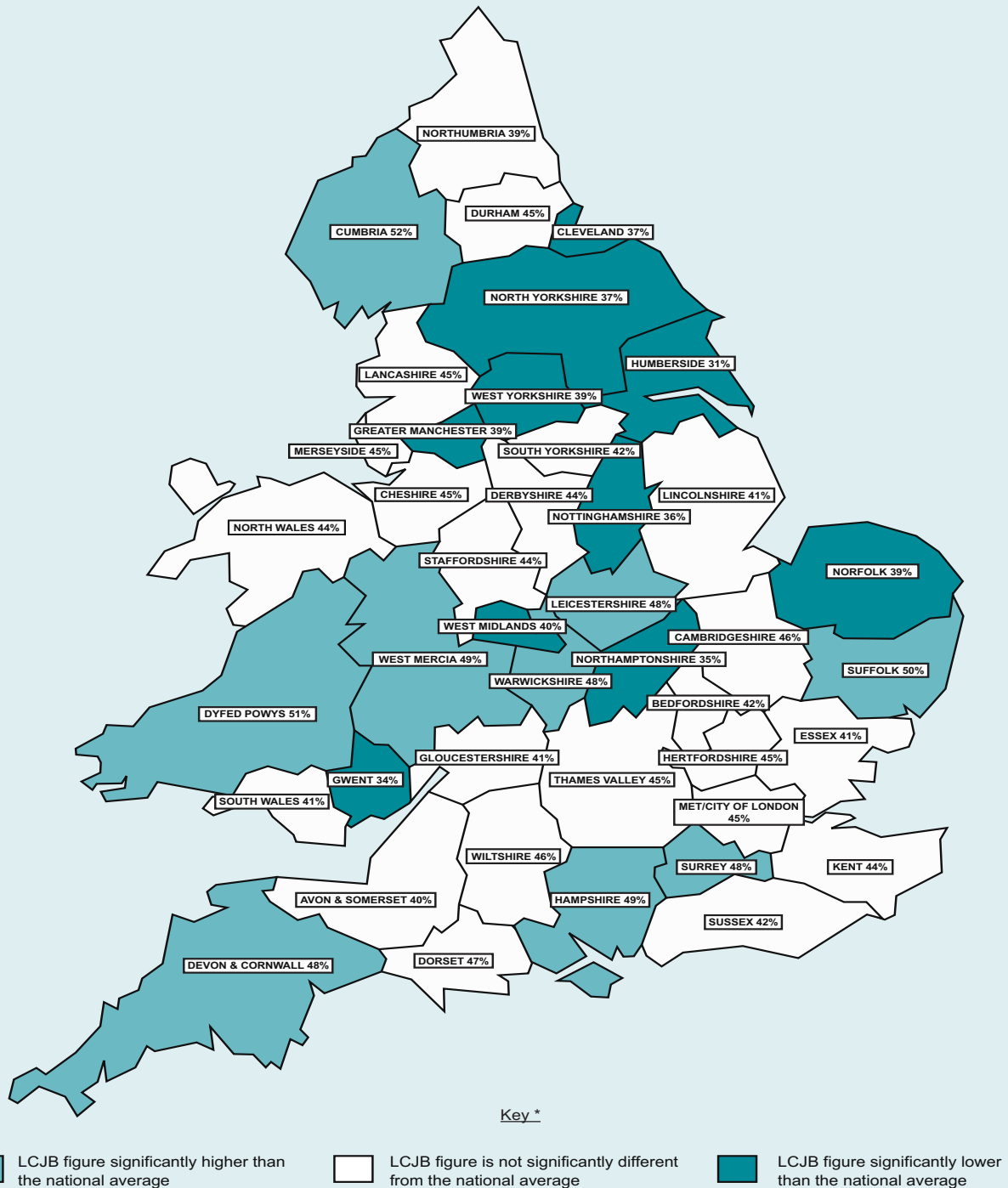


## Appendix 2

### Local Criminal Justice Board general confidence figures, 2004/05

England and Wales national average = 43%

Percentage very or fairly confident that the criminal justice system is effective in bringing people who commit crimes to justice



\* Tests at the 95 per cent level of statistical significance are the level at which there is a one in twenty probability that the results are due to chance alone and not a genuine difference.

Source: Allen *et al* (2006)

**Ministry of Justice Research Series 7/07**

This report presents the findings from an omnibus survey and focus groups designed to identify the factors that people consider when answering the question: *'How confident are you that the criminal justice system is effective in bringing people who commit crimes to justice?'* This question is contained in the British Crime Survey, the responses to which are used to monitor performance against one of the Government's Public Service agreement targets

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Point of contact [research@justice.gsi.gov.uk](mailto:research@justice.gsi.gov.uk)