Confidence in justice: an international review

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Improving public confidence in criminal justice has emerged as a priority in many western nations. This review has examined the state of public confidence in justice around the world, drawing upon representative public opinion surveys. It has also examined initiatives that have been launched to improve public trust in the justice system as a whole, or specific branches such as the police or the courts, in different countries.

Key points

- Confidence is measured in a number of different ways: by asking the public to express a level of confidence or trust in the system as a whole, or to rate the performance of criminal justice professionals and/or branches or agencies in the criminal justice system.

- Most people in developed countries have little accurate knowledge about the function of the criminal justice system. This is particularly true for the court system.

- Across a range of countries, performance ratings and levels of public confidence are much better for the police than other branches of the justice system. In part, this reflects increased public familiarity with the police.

- The public is more critical of the courts than any other branch of criminal justice, probably reflecting low levels of knowledge.

- Limited public knowledge of criminal justice creates unrealistic expectations and this undermines confidence in criminal justice agencies across developed countries.

- Across developed countries, news media coverage of wrongful convictions, failed prosecutions, and lenient sentencing contribute to low levels of public confidence in criminal justice.

- The British public has much more confidence in the official response to crime at the local level; this suggests that news media coverage of the ‘national’ response to crime plays an important role in affecting public opinion.

This review examined the international research literature on public confidence in justice. In locating findings, it drew upon published and many unpublished surveys exploring the issues of confidence and trust in criminal justice in English and French over the past 15 years (1988–2003). A systematic search of electronic social science databases was conducted using keywords such as ‘confidence’, ‘trust’ and ‘public opinion and justice’. This search also aimed to uncover initiatives that had been launched to promote public confidence. Additional searches were conducted using an independent library system. The review located ‘grey literature’ through networks of academic and government researchers.
Level of public confidence in British justice

In taking stock of public confidence in British justice, the research has drawn largely on a MORI survey commissioned by the Home Office and conducted in 2003. Other survey material, including the British Crime Survey, can also shed light on the issues.

The MORI survey asked the following question: ‘Overall how satisfied are you with the way crime is dealt with?’

This question was asked both about the area in which respondents lived and the country as a whole. The response options included: very satisfied, fairly satisfied, neutral, fairly dissatisfied or very dissatisfied.

At the local level

In response to this general question on crime in their area, the proportion of people reporting that they were satisfied (56%) was significantly higher than the proportion reporting that they were dissatisfied (27%). A further 12% were neutral and 5% had no opinion.

The ‘net confidence score’ (calculated by subtracting the percent dissatisfied from the percent satisfied) is 29.

At the national level

This positive response did not emerge when respondents were asked how satisfied they were at the national level. Only 34% of respondents were satisfied and 15% were neutral. 48% said they were dissatisfied (a net confidence score of -14).

This very marked finding has important implications about the measurement of confidence. Whatever levels of knowledge people may have about justice, it can be assumed that they know more about the system locally than across the country as a whole. Any attempt to measure public confidence has to take levels of knowledge into account, and findings have to be interpreted in the light of the fact that people are content to provide ratings on organisations about which they know very little. It suggests the importance of making distinctions between the local and national levels.

This critical distinction has not generally been made in other countries, where the public has simply been asked how much trust or confidence they have in the criminal justice system.

Perceptions of trends

In relation to whether the response to crime has been improving or deteriorating in Britain, respondents were asked: ‘In your view, when you think about the way crime has been dealt with over the last few years, would you say that the way it is being dealt with has been getting better, worse or staying the same?’.

Respondents were more likely to be negative than positive – 16% believed matters had improved, but fully 39% thought the response was getting worse. They were then asked:

‘Do you think the way crime is being dealt with will improve, get worse or stay the same over the next few years?’.

Public projections of the future were also more likely to be pessimistic than optimistic – 22% expected things to improve, while 42% predicted matters would worsen.

These findings might suggest that levels of confidence in the legal system have declined in recent years. Equally however, this public pessimism could reflect a ‘steady state’. In the absence of annual polls using consistent measures it is hard to come to a definitive conclusion. Nevertheless, there seems more cause for optimism than pessimism. A decade ago, a MORI poll found that only 29% of the sample agreed: ‘you can have confidence in the legal system’; over half the sample disagreed.

Confidence in different parts of the criminal justice system

Respondents in the MORI survey were asked how much confidence they had that different branches of the criminal justice system were doing a good job. Table 1 shows that the public has most confidence in the police, least in the courts and prisons.

The finding that the police – and especially local police – come top of the list is consistent with other surveys such as the British Crime Survey. So too is the finding that courts and sentencers come at the bottom of the list.

That prisons also appear near the bottom of the list is less consistent with earlier surveys. It could be that persistent reports of prison over-crowding and related problems has undermined confidence in prisons somewhat.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Confidence in parts of the criminal justice system in England and Wales</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very or fairly confident</td>
</tr>
<tr>
<td>Local police</td>
<td>76</td>
</tr>
<tr>
<td>Police in England and Wales</td>
<td>73</td>
</tr>
<tr>
<td>Probation service</td>
<td>59</td>
</tr>
<tr>
<td>Crown Prosecution Service</td>
<td>57</td>
</tr>
<tr>
<td>Magistrates</td>
<td>55</td>
</tr>
<tr>
<td>Judges</td>
<td>54</td>
</tr>
<tr>
<td>Courts</td>
<td>51</td>
</tr>
<tr>
<td>Prisons</td>
<td>48</td>
</tr>
<tr>
<td>Youth courts</td>
<td>46</td>
</tr>
</tbody>
</table>

Source: MORI (2003)
International trends

The problem of low public confidence exists in all developed nations in which polls have been conducted, as the following examples illustrate:

- Over half a sample of Belgians expressed dissatisfaction with the current functioning of the criminal justice system, while almost 60% stated that they lacked confidence in the judiciary. Barely half the sample agreed that the decisions taken by courts were ‘just’ (Pammenter et al., 2004).
- In Canada, only 5% of the polled public expressed ‘a great deal of confidence’ in the criminal justice system (Compas Research, 2002).
- In the US, 29% of respondents expressed a great deal or quite a lot of confidence in the criminal justice system (Sourcebook of Criminal Justice Statistics, 2003). Levels of confidence were much higher for almost all other public institutions such as banks, churches, the health care system, or the media.

The same trend regarding different agencies found in Britain emerges across all western nations. Ratings of the police are always more positive than ratings of other branches of criminal justice. Confidence in the courts tends to be lowest.

One explanation for this concerns the mandate of different agencies: the police are associated with crime control and the arrest of offenders. Courts are often seen as being too concerned with the rights of accused persons and offenders.

Black and minority ethnic groups

Respondents from minority ethnic groups in some countries tend to express less confidence than others in the criminal justice system. The gap is generally widest in relation to the police.

For example, in the US when asked how much confidence they had in the criminal justice system, 24% of white American respondents but 38% of black Americans responded ‘none’ or ‘very little’. Almost two-thirds (65%) of white Americans but only 43% of black respondents had a great deal or a lot of confidence in the police.

Findings from the British Crime Survey however, show that in England and Wales, black and minority ethnic groups express higher levels of confidence than white groups in most aspects of the criminal justice system. The exception to this finding is that black and minority ethnic groups were less confident that the criminal justice system respects the rights of people accused of committing a crime and treats them fairly (Pepper and Lovbakke, 2004). This suggests than minority perceptions of justice are more positive in England and Wales than in the US.

Role of public perceptions

Public perceptions of justice obviously influence levels of trust in the justice system. Several factors have been identified as lowering levels of public trust and confidence in criminal justice. People across developed countries tend to regard the justice system as insulated from the public, who have no input into its workings. The court system is considered by many to be complex, hard to use and slow. Courts are thought to discriminate against visible minority defendants, and juries are often regarded as unrepresentative of their communities; jurors are treated with insufficient respect.

Further perceived shortcomings that often emerge from surveys around the world about the criminal process are:

- lack of accountability of court system
- unfair and unpredictable judicial process
- lack of opportunities for public participation in the justice system
- inept customer relations with the public
- lack of judicial independence
- high cost of access to justice
- inefficient processing of cases
- judicial isolation (judges out of touch with what ‘ordinary people’ think)
- biased treatment of offenders by courts and prisons
- poor treatment of victims, who are seen to be excluded from the criminal process.

The extent to which these perceived shortcomings are accurate will vary, of course, from jurisdiction to jurisdiction. Different countries will need to strike their own balance between substantive reforms to address these issues and programmes to correct inaccurate public perceptions. However, the consistency of patterns of perception across developed countries suggest the possibility, at least, that public perceptions are formed by factors quite distant from the operation of justice itself. The most obvious such factor appears to be media coverage of crime and justice.

The media, crime and justice

A great deal of research has now accumulated on media coverage of crime and justice. News values stories that arouse human interest, ones that involve conflict, and ones that evoke an emotional response from readers, such as anger or concern. Crime and justice provide a rich harvest of newsworthy stories – even if there is a great deal of selectivity in the process. The literature reveals that several features of media coverage of crime are likely to have a negative impact on public confidence.

Media coverage of crime tends to:

- emphasise violent and sexual crimes, especially serious incidents
- emphasise street crime – a very small proportion of all recorded crime – and burglary
- limit coverage of statistical trends to place individual incidents in context
- focus on the steepest increases in crime rates, where trends are reported.
These features are likely to encourage public perceptions that crime problems are worsening in terms of both seriousness and volume, and this perception will in turn undermine confidence in the criminal justice system.

With respect to criminal justice, news media coverage focuses on the aspects listed below.

**Focus of media coverage of criminal justice:**
- failures of the system, for example in relation to detection or prosecution of offenders
- sentences that seem excessively lenient (or tough) suggesting that sentencers are out of touch and unrepresentative of the community
- positive images of prison setting that give the impression that prison life is relatively easy
- crimes by offenders with extensive criminal histories, suggesting to the public that contact with the justice system fails to deter, or rehabilitate offenders
- coverage of victims who have been badly treated by the system.

This coverage tends to suggest either that the framework of justice is failing, or that criminal justice professionals such as the Crown Prosecution Service are not doing their job properly. These features are likely to undermine public confidence in the structure of justice as well as the integrity and professionalism of criminal justice professionals.

### Responding to low levels of public confidence

Most developed countries have conducted surveys of the public to measure performance ratings and confidence levels with respect to the criminal justice system. Many have undertaken some initiative in response to low levels of public confidence in justice.

Most often, these initiatives have focused on public confidence in the courts – where confidence tends to be lowest. One popular initiative to increase confidence has been to mount a high-profile national or international conference to draw political and public attention to the issue.

A number of jurisdictions have launched ‘outreach’ programmes, in which members of the judiciary or the legal profession participate in community meetings to explain the criminal process to members of the public. The Nevada Trial Lawyers’ Association conducts a People’s Law Program to educate the public about legal issues. In Utah, the Public Outreach Committee (composed of members of the court system and Bar) coordinates and sponsors a number of public forums.

To date, these initiatives have not been formally evaluated. Indeed demonstrating the effectiveness of such programmes, especially those that are intended to have a long-term impact, will always be methodologically challenging. Of course, this does not lessen the need for such initiatives.