The Public And The Justice System:
Attitudes, Drivers and Behaviour
A Literature Review

Crime and Justice

The Scottish Government

social research

THE PUBLIC AND THE JUSTICE SYSTEM:
ATTITUDES, DRIVERS AND BEHAVIOUR
A LITERATURE REVIEW

Carole Wilson
Scottish Government Social Research

Scottish Government Social Research
2012

The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

ACKNOWLEDGEMENTS

Table of Contents

EXECUTIVE SUMMARY

This literature review aims to address a gap in our knowledge base around what the public think and feel about the justice system and why, and what consequences this has for the system itself.

It thus seeks to inform policy and practice by exploring the evidence as to what public attitudes to the justice system are, what drives them, what relationship there is between such attitudes and people's behaviour, and what works in regards to improving or maximising public attitudes. Specifically, the review aims to provide an evidence base for the Reassuring the Public programme's focus on the outcome 'high levels of public confidence in justice processes and institutions'.

The review involved searching a range of online databases using a comprehensive list of search terms, recording relevant sources in a spreadsheet. Sources were prioritised according to relevance, and 178 were read, and analysed by topic area to form the basis of this report.

Attitudes to the justice system

It was found that people's attitudes to the justice system and its constituent parts are complex, with varying levels of confidence in different aspects of performance (e.g. that the system 'provides a good standard of service for victims of crime', or 'deals with cases promptly and efficiently'). There has, however, been an increase in the percentage of Scottish Crime and Justice Survey respondents who are confident in a range of aspects of CJS and police performance over the past 3 survey sweeps, which may develop into a trend.

Evidence shows that across western jurisdictions, people tend to be more confident in police than in other parts of the system like courts.

Attitudes to sentencing are complex and cannot be captured in general questions about the leniency of courts.

There is not enough evidence on attitudes to civil justice to ascertain any trends.

Drivers of attitudes

The review identified ten potential drivers of attitudes to the justice system which have been examined by the literature. These are:

➢ **Direct (and vicarious) contact with the justice system** – There is strong evidence that judgements about the procedural justice of the justice system (whether the police, for example, were fair, respectful, neutral and let you have your say) influences satisfaction with contact, confidence, and perceived legitimacy of the system (police, or courts). The outcomes of such contact are also related to subsequent attitudes, but not as strongly as perceived procedural justice. In terms of vicarious experience, based on the little research there is on this, it seems likely that the experiences of people's social networks and those

they identify with can be relevant to people's evaluations of the justice system, in terms of both process, and outcomes.

➢ **Perceptions of neighbourhood and anti-social behaviour (ASB)** – Evidence shows a relationship between people's perceptions of local ASB and neighbourhood cohesion, and their attitudes towards the police. However, it may be that attitudes towards the police may reassure people about their neighbourhood conditions, and not the other way around.

➢ **Visibility and accessibility of police** – Evidence shows that visibility and accessibility of police in the local area increases confidence in the local police.

➢ **Communication from police** – Communication from the police that meets people's desires from such communication can increase positive attitudes, as it conveys police engagement with the community (though has a smaller effect than direct contact).

➢ **Wider social and political context** – The correlation between trust and confidence in justice agencies, and trust and confidence in government and other public institutions suggests there is a common source of attitudes, which is beyond the realm of justice. The different historical relationships between populations and their public institutions, both as a whole, and for specific groups within societies, is also relevant.

➢ **Media use** – This is a direct, yet small, driver. The media is a source of information where people do not have personal or vicarious experience to draw on, but people choose what media sources to consume, and contest messages that do not match their existing attitudes and experience,

➢ **Experience of crime** - Being a victim has a small direct effect on attitudes to the justice system, but having contact with the system as a result of such victimhood has a bigger effect (see above).

➢ **Demographics** - Attitudes to the justice system (police are most frequently studied in this regard) do vary by demographics, but to a small extent, and this may be due in large part to the diverse experiences different groups have with the system.

➢ **Knowledge about the justice system and crime** - While there are correlations between knowledge and attitudes, the evidence currently does not show a clear or large relationship. Possible mediating factors are the sources of information, trust in those sources, and levels of interest in information.

➢ **Sentencing attitudes and preferences** - Evidence shows people have nuanced sentencing preferences based on severity and circumstances of crime. We also know people underestimate sentencing practice, and this correlates with negative views about judges. The size and strength of the relationship between this has to date not been tested.

We can see from this evidence that the most important drivers of people's attitudes to the justice system, especially the police, are personal experiences. This includes

direct contact with the system, seeing or hearing from the police, experience and perceptions of the local neighbourhood, and stories about the experiences of other people. Within these experiences it is crucial that people feel that the justice system - as represented by people such as the police - values and cares about individuals and the community, behaves fairly, respectfully, neutrally and takes seriously the things that matter to people.

For parts of the justice system that are not as visible to the public as the police, such as sentencing, fewer people have direct or vicarious personal experience to inform their attitudes. In these circumstances inferences are made from available information, which may include media sources. The effect of such media use on people's attitudes depends on which media sources are used, and the degree to which information aligns with people's existing attitudes and experiences.

The evidence is stronger in some areas than others. There are notable gaps in the evidence on attitudes to particular parts of the system, i.e. while people's attitudes to the police have been examined in-depth, attitudes to the courts, and to the civil system have to date not been examined as thoroughly. Further research and analysis of existing data in this area would give a much clearer picture as to whether the same factors (e.g. perceived procedural justice, communication such as newsletters) influence attitudes to the courts as attitudes to the police.

Similarly, while many studies examine people's attitudes to sentencing, to date none have fully explored the size and strength of the relationship between attitudes to sentencing and attitudes to the justice system.

Finally, in many areas there is a distinct lack of Scottish evidence, for example on police communication, and views of minority groups, and while studies from England and Wales may be comparable, this is not necessarily the case, and more research would be required to test findings from other jurisdictions in a Scottish context.

Effect on Cooperation and Compliance

Research shows that experiencing procedural justice leads to more cooperative behaviour when the public interact with legal authorities. It also suggests that positive attitudes may lead to more reporting of crime, and more law abiding behaviour in general, though this may be a more modest relationship.

What Works

Four broad types of activity have been found to improve public attitudes.

Direct Contact – improving contacts in line with the tenets of procedural justice theory. This focus on procedural justice can be enacted both through system processes (for example processes around information provision to system users) and through system cultures (for example around how professionals are trained and expected to behave).

Visibility and Engagement – including police visibility and direct engagement with the public. There is some disagreement in the literature as to the relative importance of simple visibility of police officers to the community, and actual interaction and

engagement between officers and the community. This may reflect differences in the needs and expectations of different communities.

Improving Neighbourhood Conditions – literature on what works in regards to community policing, and dealing with ASB, identifies making physical improvements to an area, dealing with ASB and signal crimes, and dealing with things that concern local people (i.e. acting on findings from engagement activity) as activities that both reduce concern about crime and local cohesion, and improve confidence in the police.

Written Communication – including newsletters, emails, etc. It is crucial that the source, purpose, and content of any communication with the public are thought though with the specific needs and concerns of the audience in mind if it is to have a positive impact.

This evidence on what works is overwhelmingly focused on the police. There are some studies showing that procedural justice theory holds for courts as it does for police, but there appears to have been no attempt to date to explore the possible link between courts and local communities, and the effect of communication from or about courts on attitudes to courts and the justice system. This is a fertile area for research and experimentation in the future.

Conclusions

The key message from the evidence base is that people's personal experience of the justice system and of their local area is the most importance influence on their attitudes to the justice system. Factors such as knowledge about the system, and the media, do not have the straightforward large influence that may be expected. The evidence shows that building responsive relationships with individuals and communities can improve attitudes to the justice system, and by doing so may also improve people's engagement with the justice system.

A wide range of literature has been reviewed here, and future research and analysis in this area should take this evidence into account when considering how to influence and measure public attitudes to the justice system.

It should be noted that there are some topics that this review has not covered, either due to lack of evidence or analysis (e.g. on attitudes to civil justice), or due to the topic being related, but marginal, to the main focus on public attitudes (and so literature such as that on fear of crime was not examined).

This literature review has taken a comprehensive look at the evidence on what people think about the justice system, what influences those attitudes, how this impacts on people's behaviour in terms of cooperation and compliance, and how attitudes can be improved. This evidence has direct and practical relevance both for justice policy, and for practitioners throughout the justice system. We have seen that public attitudes are not entirely within the control of the justice system itself and those working within it, but we have also seen that it is within the power of policy and practitioners to improve people's experiences with the justice system, and their attitudes towards it in terms of confidence, trust, and perceived legitimacy.

INTRODUCTION

1.1 People in Scotland can have contact with the justice system throughout their lives in a wide range of ways, from interacting with police on the street, to being called for jury duty, to going through divorce proceedings in a court. The justice system also features heavily in the media, both factually in news coverage, and fictionally in film and TV drama. It would be easy to assume, therefore, both that people know a lot about the justice system, and that people's attitudes to the justice system are easily accessible and well understood. This, however, is not the case.

1.2 This report explores the available research evidence on public attitudes to the justice system, focusing specifically on what drives people's attitudes, and what works to improve such attitudes. There are two principal reasons for focusing on this topic.

1.3 Firstly, despite the aforementioned high profile of the justice system, there are widely held misconceptions about what the public think and feel about the justice system and why. If these misconceptions are held by policymakers and politicians, there is a risk that this will skew public policy in regards to the justice system. That is, decision makers may make decisions based on incorrect information, which could work against intended policy outcomes.

1.4 Secondly, an accurate understanding of what people think of the justice system and why is the first step to taking effective action to improve the justice system in such a way that will lead to improved attitudes, experiences, and behaviour[1]. This report will therefore also explore the evidence around what works best to improve public attitudes.

1.5 In particular, this review will provide an evidence base for the Scottish Government's justice change programmes, especially the Reassuring the Public Programme. This programme focuses on two outcomes – low levels of fear, alarm and distress, and high levels of public confidence in justice processes and institutions. This review will inform work around the latter outcome, and separate analytical projects will focus on the former. The review will also be informative for other current justice policy developments, such as the Making Justice Work programme and the creation of single Scottish police and fire services.

1.6 At this time of considerable financial strain for the public sector, it is vital that policy is based on sound research evidence to ensure that resources are invested in activities that are likely to bring about the desired outcomes, in this case high levels of public confidence, and also the national outcome of 'We live our lives safe from crime, disorder and danger'. To this end, this review focuses on four questions:

---

[1] It is possible that improved attitudes to the justice system could lead to reduced fear of crime. This review, however, did not specifically examine fear of crime, as there is a large and separate body of literature on this which is not directly tied to attitudes to the justice system.

> - What do we know about what public attitudes to the justice system are particularly in Scotland?
> - What drives public attitudes to the justice system?
> - What effect do public attitudes to the justice system have on people's behaviour, both in terms of co-operation with authorities, and law abiding behaviour?
> - What activities have been demonstrated to improve public attitudes to the justice system?

1.7 The principal audience for this report are analysts, policymakers and practitioners in the area of justice. It is designed to be both a comprehensive and accessible account of a wide range of evidence which can be used to inform policy, practice and the design and direction of future research.

What do we mean by the justice system?

1.8 'The justice system' is a broad term which potentially takes in all the organisations, individuals and processes involved in monitoring and enforcing the rule of law. In practice, the vast majority of research studies reviewed for this report focus on the police, or the criminal courts (usually sentencing). This is at least in part due to the fact that these are the most visible aspects of the justice system to most people. Unfortunately, research into public attitudes to aspects of the civil justice system is close to non existent (see Moorhead et al 2008), so while it has been included in this review, it will not appear often in the findings outlined below[2].

What do we mean by the public?

1.9 It is important to remember that 'the public' is not a cohesive group with uniform views and experiences (see Roberts & Hough 2005c; Feilzer 2007). Most research acknowledges this, and attempts to explore differences within populations, and explore reasons for these differences. Reflecting this, the aim of this review of research literature is to explore the range of attitudes held and the drivers behind these attitudes, rather than attempt to define what 'the public' as a whole think.

---

[2] The Scottish Crime and Justice Survey does collect some quantitative data on civil justice, but in line with the survey's primary purpose to provide a victimisation survey that captures a measure of the prevalence of crime in Scotland, this focuses on experiences of those with civil justice problems, and not on general public attitudes. Likewise, the Scottish Court Service conduct a user survey, but again this is conducted only with people visiting courts, not the wider public, and by and large focuses on operational issues such as catering and other court building facilities.

What do we mean by attitudes?

1.10   The word 'attitudes' in the title of this report is something of a catch all, as this report will review findings from studies which examine a range of types of attitude, such as confidence, trust, and support, which are each often defined differently from study to study. It is worth, however, taking some time to outline some general definitions at this point, to ensure clarity in the findings outlined below:

1.11   **Attitude:** 'an internal state that is 'expressed by evaluating a particular entity with some degree of favour or disfavour'' (Stalans, 2002: p.16). The key factor here is than an attitude by definition has an evaluative dimension.

1.12   **Satisfaction:** This term is most often used in relation to direct experience with the justice system, as in whether users of the system, such as victims of crime, are satisfied, i.e. happy or content, with various aspects of their experience (for example, victim of crime surveys carried out by police forces in England and Wales consist of a series of questions on satisfaction with aspects of the experience such as police response time, the way they were treated, and actions taken[3]).

1.13   **Confidence:** This is a more general kind of attitude, in that it is held by everyone, regardless of experience. There are various levels of confidence described in the social science literature. Some studies use 'confidence in the justice system' or 'confidence in the police' as a general measure of attitudes, whereas others use confidence more specifically, such as the Scottish Crime and Justice Survey which breaks confidence in the police down into confidence in local police force's ability to undertake specific aspects of their work such as 'ability to investigate incidents after they occur' and 'ability to solve crimes' (Scottish Government Social Research 2011). Roberts and Stalans (1997) describe confidence as a 'multidimensional concept' which includes confidence in all the different aspects of the functions of the police. Others have identified different levels of confidence which should be distinguished, such as:

> *'confidence in the integrity and fairness of the system, on the one hand, and confidence in its effectiveness, on the other. It is also useful to distinguish between someone's expectations that they personally will receive effective and fair treatment from the system, and their belief that overall the system is effective and fair.'*
> Roberts & Hough 2005c: 31

1.14   Others distinguish between confidence at the local level, and at the national level, and we will see that patterns in confidence ratings, and drivers of such, differ across these two levels (Hough & Roberts 2004).

1.15   **Trust:** Clearly trust and confidence are closely related concepts. Bradford et al (2009) usefully explain trust as something you 'do' and confidence as

---

[3] See, for example, http://www.westmercia.police.uk/getinvolved/haveyoursay/victim-of-crime-survey.html

something you 'have'. They see confidence as an evaluation of how the justice system is performing, and trust as the personal relationship between a person and the system, related to specific experiences and behaviour (pages 142-143).

1.16 **Support:** Others still distinguish between different kinds of 'support' for the justice system or justice agencies such as the police (see Brown & Benedict 2002). Specific support focuses on particular agencies or people, whereas 'diffuse support' relates to an institution as a whole, such as 'the police' or 'the justice system', and does not necessarily relate to the performance of such institutions.

1.17 **Legitimacy:** A final type of attitude examined in the research literature is legitimacy, which is most often defined as the belief that an authority is entitled to make decisions and be obeyed (see Tyler 2010: 127). As such legitimacy is bound up with issues of compliance and consent. Some utilisations of the concept of legitimacy bundle together the perception that an authority is entitled to be obeyed with trust, confidence, or diffuse support. So, for example, in their study of the relevance of judicial independence to perceived legitimacy of the justice system, Buhlmann and Kunz use a survey question on confidence in the justice system as an indicator of perceived legitimacy, and trustworthiness (Buhlmann & Kunz 2011). Similarly, Murphy and Cherney describe the legitimacy questions in their survey of Australian residents thus:

> *The police legitimacy scale was constructed via five items. The measure was designed to assess feelings of respect and confidence in the police. In other words, the legitimacy scale was designed to measure the extent to which police are seen to have legitimate authority (e.g. I have confidence in the police)*
> *Murphy & Cherney 2011: 240*

1.18 This conflation of concepts has been challenged by the work of Gau, who found through extensive statistical analysis that 'obligation to obey' and 'trust' together did not in fact form a cohesive concept, legitimacy. She found instead that trust formed one facet of procedural justice, alongside quality of treatment and quality of decision making (see chapter 3).

1.19 We can see from the above discussion that the different kinds of attitude listed here are not synonymous. Evidence suggests that satisfaction with particular experiences contributes to trust, confidence and specific support, which in turn contributes to diffuse support for legal authorities and the belief that they are legitimate[4] (see, for example, Myhill & Bradford 2012).

1.20 This report includes reference to research covering all of these kinds of attitudes, and more, as long as the reference point is some aspect of the justice system. The report will be as specific as possible when outlining

---

[4] Chapter 3 will examine in more detail the drivers of satisfaction with an experience, and chapter 4 will look at the link between perceived legitimacy and people's cooperation and compliance behaviour.

findings as to which kind of attitude the study at hand was examining, so that any variance by attitude type or level is made clear.

1.21 This report will not, however, examine attitudes towards more general justice concepts, such as crime, fear of crime, feelings of safety and so on, except where these are identified in the literature as possible drivers of attitudes to the justice system.

Methodology

1.22 This report is the main output of a large scale literature review. This was not a systematic review, because the topic as defined was not specific enough to undertake a systematic review of evidence, but the review was nonetheless undertaken as systematically as possible.

1.23 A comprehensive list of search terms was drawn up, and used to search multiple online literature databases (see Appendix A for the search terms and databases used). Relevant citations (those to do with attitudes to the justice system) were transferred to a spreadsheet, and prioritised according to jurisdiction and relevance. The corresponding books and articles were sourced, beginning with Scottish and UK literature. The 458 entries in the spreadsheet were reprioritised as reading progressed, and 178 were read. Those left unread were studies focusing on non-UK jurisdictions which did not add to wider theory, and those which were not pieces of rigorous social research (i.e. thought pieces or those with flawed methodologies).

1.24 Studies which focused on the experiences of specific user groups such as victims, jury members, or offenders were included only where the study focused on the impact of such experiences on attitudes to the justice system or its constituent organisations. As the purpose of the review was to provide a broad account of the evidence on drivers of attitudes, the specific elements of the experiences of different user groups which do and do not lead to satisfaction were not included in this report, due to space constraints. It would be a worthwhile separate exercise to examine the specific factors related to satisfaction across the full range of justice system users.

1.25 Notes on the readings were coded by topic area, and this provided the structure for this report. References for the sources read can be found in the bibliography at the end of this report, and the full spreadsheet of references found in the literature search can be supplied on request.

Report Structure

1.26 The report will begin by examining patterns in public attitudes to the various parts of the justice system, both in Scotland and more widely. The main section of the report will seek to put these patterns into context by examining the evidence around what drives such attitudes. This section will examine the influence of socio-demographics, contact with the system, experience of local neighbourhoods and anti-social behaviour (ASB), knowledge about the justice system and crime, sentencing attitudes, media use, and wider social

and political contexts. The section will conclude with a summary of the key drivers of people's attitudes to the justice system.

1.27　The third section of the report will examine the evidence around the link between people's attitudes to the justice system, and their behaviour, and the fourth and final section will look at the evidence on ways to improve public attitudes to the justice system.

2   TRENDS IN ATTITUDES TO THE JUSTICE SYSTEM

Key findings

➢ In Scotland, as elsewhere, people's rating of different functions and different parts of the justice system vary, though confidence in all aspects of criminal justice system and police performance seems to have been increasing in recent years.

➢ The Scottish Crime and Justice Survey measures public attitudes to the justice system and the police across several indicators, but to date no analysis has been published which combines these indicators to provide an overall indicator, and there are no similar measures of attitudes to other parts of the justice system included in the survey.

➢ Evidence from England and Wales shows that people tend to be more confident in the police than other parts of the justice system, though for all parts of the system more people say they have confidence than those who say they do not.

➢ There is little Scottish evidence on people's views on the courts. In England and Wales and elsewhere it is often found that people view judges as out of touch, though views on their fairness and impartiality are more positive.

➢ Attitudes to sentencing are complex, and while the majority of people report that the courts are too lenient, the response to this short question does not accurately reflect the depth and range of views on this topic.

➢ There is not enough evidence on attitudes to the civil justice system to ascertain trends in this area.

2.1   Before discussing the various factors that may influence people's attitudes to the justice system and its composite parts, it is worth pausing to consider what the high-level trends and patterns are in attitudes to the justice system, both in Scotland and internationally. Scottish findings discussed here are mostly sourced from the Scottish Crime and Justice Survey (SCJS), and comparable findings are sourced from the British Crime Survey (BCS) which covers England and Wales, and other international surveys. Clearly these trends do not tell us much by themselves about why they are as they are, but they give context to the remaining sections of this report.

The Criminal Justice System

2.2   It is relatively rare for surveys to ask about perceptions of the criminal justice system as a whole, instead there tends to be a focus on its constituent parts, usually the police, courts or sentencing practice. One exception to this is the SCJS, which asks respondents about their confidence in six aspects of the criminal justice system (see Page et al 2010: 125 & Scottish Government Social Research 2011: 105). There is a wide range in the proportion of people who say they are confident across these specific aspects of the system, with a high proportion of people saying they are very or fairly confident that the criminal justice system makes sure that everyone has access to the criminal justice system, and a majority of people saying that

they are fairly or very confident that the justice system doesn't treat you differently depending on where you live, and that the system brings people who commit crime to justice. A lower proportion of people are very or fairly confident that the system provides a good standard of service for victims and witnesses, and deals with cases promptly and effectively. It should be noted that across all of these questions the survey has shown an increase in confidence over the past three years..

2.2.1 Unfortunately to date no analysis has been published which either combines these indicators to provide an overall indicator, or examines the relative importance of each of these questions to survey respondents' views of the system. These were new questions in 2008/09, so the findings cannot be traced any further back.

2.2.2 It is more common for surveys to ask people to rate their confidence in the different components of the justice system. The BCS and similar surveys in other countries routinely ask this question, and they find that people are most confident in the police, and tend to be least confident in courts (especially youth courts) and prisons (Bradford et al 2009; Roberts & Hough 2005c; Hough & Roberts 2004). In England and Wales the levels of confidence in the police have declined in recent years towards the lower levels of the other branches of the system, while rating of these other branches have remained steady (Hough & Roberts 2004). However, Hough & Roberts (2004) also point out that despite the lower rating for some branches, for every part of the criminal justice system the 'confidence balance' is positive, that is, a higher proportion of people say they are confident than not confident (Hough & Roberts 2004: 18).

The police

2.3 As with the criminal justice system as a whole, there is a tendency for surveys to focus on specific aspects of police performance when asking about confidence in the police. This is the case with the SCJS, which asks respondents about their confidence and rating of police performance across two sets of questions (see Page et al 2010 and Scottish Government Social Research 2011).

2.3.1 For the confidence questions which cover confidence in local police's ability to deal with incidents, solve crimes, respond quickly, catch criminals and prevent crime, there has been a small but significant increase in the public's confidence in the local police across all aspects compared with the previous survey years (Page et al 2010: 106; Scottish Government Social Research 2011: 91), and this was also true in England and Wales, as measured by the BCS (Scribbins et al 2010:14). Across the past three years the highest proportion of confidence was in police dealing with incidents as they occur (65% in 2010/11), and the lowest proportion of confidence was in police preventing crime (50% in 2010/11).

2.3.2 The police performance questions ask whether people agree with a range of statements, including whether local police would treat them with respect (a large majority agree), and whether local police listen to the concerns of local people (around half agree), though it is worth noting that (in 2009/10) a fifth neither agreed nor disagreed that the police listen to concerns of local people and a further fifth said they did not know whether they did or not. This suggests that some respondents may not have felt they had enough knowledge to provide an informed opinion on the police in the local area[5] (Page et al 2010: 108). The impact of knowledge levels on attitudes will be explored in the main section of this report. For full results of these questions see Page et al 2010 and Scottish Government Social Research 2011.

2.3.3 Within Scotland in 2009/10, Northern Constabulary had the highest percentage of public confidence in their force for the second year, and three of the eight police forces in Scotland (Grampian, Lothian & Borders and Strathclyde) reported an increase across all questions on public confidence in the SCJS, compared to 2008/09. Fife was the only force that reported no improvement across all questions (Scottish Government 2011). There was around 10% variance in percentage of respondents agreeing across the forces for each aspect of performance. Clearly we cannot tell, without further analysis of existing data[6], how far this variance is due to police performance or other factors such as the kinds of neighbourhood covered by each force, the varying demographics of the people living in different force areas, or some other factors. Again, the main section of the report will explore possible explanatory factors for varying confidence in local police.

2.3.4 Further comparison over time from previous Scottish crime surveys shows that the level of satisfaction with Scottish local policing remained high in the 1980s (while in England and Wales it decreased) and the level of satisfaction increased between 1988 and 1993, before declining between the 1993 and 1996 surveys (Hale & Uglow 2000, exact figures not given).

2.3.5 The International Crime Victimisation Survey (ICVS) has asked respondents in countries and cities across the world (including Scotland) periodically since 1989 whether or not they believe the police are doing a good job. In most countries it has been found that the percentage of the population who believe the police do a good job has remained stable or has increased over the years, and that the rank order of countries has not changed much over the time period covered. Scotland was ranked 9th in 2004/05 out of the 29 participating countries, just above Ireland and England and Wales, with 79% of respondents saying the police were doing a good or very good job, compared to an overall average of 70% (see van Dijk et al 2007). Analysis of other international surveys also find that the police are rated more highly in Western Europe generally, and the UK or Scotland specifically, than in other parts of

---

[5] Similarly, Myhill et al (2011) point out that a general issue with 'instrumental' survey questions about police performance can lead to a high proportion of neutral responses where people feel they do not have adequate personal experience to form a judgement (pages 120-121)
[6] As with Scottish attitudes to the criminal justice system, data exists which would allow analysis of confidence by various geographic differences, but to date no such analysis has been published.

the world, such as Latin America or Eastern Europe (see Ivcovic 2008; Fortete & Cesano 2009)[7].

2.3.6 A final point to make here is that the questions in these international surveys focused on general, or diffuse, support for the police when they asked for an overall evaluation of the police, whereas the SCJS asked people to rate specific aspects of performance. Brown & Benedict (2002), in their review of (mostly American) literature, found that several studies had found specific support for the police to be lower than diffuse support.

Courts and sentencing

2.4 The detailed questions reported in the SCJS on the police are not mirrored by equivalent questions about courts and judges[8]. Drawing on a MORI survey and the BCS, Roberts and Hough (2005) point out (as above) that rating of the courts tends to be lower than ratings of the police in England and Wales, and as with police, there is variance in the levels of confidence people have across different court functions (Roberts & Hough 2005c: 73). Roberts and Stalans (1997) also point out that those who are positive about the police also tend to be positive about the courts (Roberts & Stalans 1997: 141), and Hough and Roberts (2004) add an international perspective, concluding from their review of the literature that there are negative views of the courts around the world, with particularly negative views found in the United States (Hough & Roberts 2004: 82).

2.4.1 There are two aspects of criminal courts which research tends to focus on, and these are perceptions of judges, and of sentencing. In terms of views on judges, research in Scotland in 2002 found that a large majority of survey respondents said they felt that judges and sheriffs were generally out of touch with what ordinary people think (17% thought they were 'in touch'). The same research involved focus groups, in which these sentiments were reflected, especially in relation to the age and social background of sheriffs and judges (Anderson et al 2002 section 3.2, see also Hutton 2005). This finding is consistent with research in England and Wales, and elsewhere (see Roberts & Hough 2005c), though Hough and Roberts point out that ratings of fairness or impartiality of judges are more positive (page 54).

2.4.2 In terms of trends in attitudes towards sentencing, this is a complex area, which will be the subject of a separate section later in this report. At the moment it will suffice to say that when survey respondents are asked about the leniency of the courts, in Scotland and elsewhere, the vast majority say that the courts are too lenient (e.g. Anderson et al 2002 section 3.5), however, when people are asked what sentence they would impose in hypothetical cases, responses tend to match the severity of real courts (see below for details).

---

[7] It should be borne in mind that there are issues of comparability when comparing countries with different justice system, and there are also possible limitations to the ICVS, which uses unrepresentative samples for some Latin American and Eastern European countries.
[8] The questions contained in the SCJS are currently being revised, so this may change in future sweeps.

2.4.3 Some research has also looked at attitudes towards particular sentence types, such as prison sentences and community sentences. Findings tend to be mixed, depending on the aspect of the sentence type examined (for example Hough & Roberts describe people being confident in prison's ability to contain prisoners, but not in its ability to rehabilitate and reduce reoffending (2005: 54)), and the type of case involved (especially whether it is a first or repeat offence, and whether there is violence involved). There appears to be a dearth of research into the fine as a penalty, but findings on perceptions of prison and community sentences can be found in the box below.

Perceptions of sentence types

Perceptions of Prison

Several studies have found that the public admit to knowing very little about prisons (Hutton 2005, Anderson et al 2002, Roberts & Hough 2005a) and what is known is often not direct but from media and fictional sources (Anderson et al 2002)

Studies have found people to be more confident and supportive of prison's ability to incapacitate, protect the public and punish, than confident in its ability to rehabilitate (though both purposes are seen to be important) (Hutton 2005, Hough & Roberts 2004, Roberts & Hough 2005a).

Those who feel that prisons do not punish enough have been found to be more likely to say courts are too lenient (Roberts & Hough 2005a).

Perceptions of Community Sentences

The public have been found to know very little about the range of community sentences (Anderson et al 2002, Roberts 2002, Roberts & Stalans 2004, Stead et al 2002)

Studies have found people to be supportive of the use of community sentences for less serious crimes, particularly when they are seen to be providing rehabilitation, reparation and punishment. These criteria mean more to the public than statistics about their effectiveness (Scottish Government Social Research 2011, Roberts & Hough 2005b+c, Roberts & Stalans 2004, Hutton 2005, Anderson et al 2002, Stead et al 2002, Roberts 2002, Hough & Moxon 1985).

People have also, however, been found to be sceptical about community sentences' current ability to meet these criteria (Anderson et al 2002, Hutton 2005, Scottish Government Social Research 2011).

Civil justice

2.5 As stated in the introduction, there has been very little research into public attitudes towards civil courts and processes (see Moorhead et al 2008). What does exist either focuses specifically on the experiences of users of civil courts and processes (see Genn & Paterson 2001 for Scottish evidence), or does not distinguish between criminal and civil courts. Inasmuch as Genn and Paterson's 2001 Paths to Justice survey included questions on general attitudes to courts and judges, the findings echoed those outlined above on criminal courts - their respondents lacked confidence in the fairness of hearings and felt that the judiciary were remote and out of touch. They also felt that the courts served the interests of the wealthy, that lawyers charges were too high, and respondents were therefore put off by perceived costs of legal proceedings (pages 241-243).

2.5.1   The main finding, then, in regards to public attitudes to civil justice is that there are simply not enough studies on this topic to ascertain any trends or patterns. Likewise, there is very little evidence in regards to drivers of attitudes, and so more research is required if we are to know what people think of civil justice and why. The remainder of this report will therefore, by necessity, focus on the drivers of attitudes to the criminal justice system.

2.6   This section has examined general trends and patterns in attitudes towards the justice system, with the aim of giving a sense of what people think about the justice system and its constituent parts. Where possible it has outlined Scottish findings and looked at patterns across time and geography. We will now move on to examine in detail the evidence on what drives these attitudes – what factors, experiences and influences shape people's confidence, trust and support for the police, courts, and the justice system more generally.

3   DRIVERS OF ATTITUDES

Key Findings

➢ While some studies suggest that demographics or experience of victimisation influence people's attitudes to police, courts, and the justice system as a whole, evidence suggests that these are secondary to the influence of people's experience of the justice system, and the key issue is how experiences vary across different groups in society. More Scottish research into the relationship between different social identities, experiences with the system, and people's evaluation of those experiences would be useful.

➢ The majority of Scottish people have had some direct contact with the justice system, most commonly the police. Some groups are more likely to have contact, such as young people and victims of crime.

➢ Contact with the justice system has a clear relationship with attitudes to the justice system. Evidence shows that evaluation of the system's procedural justice is crucial to the nature of the impact contact has on attitudes. That is, people's evaluation of whether the system and its representatives behaved fairly, neutrally, respectfully, allowed everyone to have their say, and had trustworthy motives.

➢ Those feeling a contact was procedurally just are more likely to be satisfied with the contact and its outcomes, even when outcomes are not favourable (though more research is needed on the link between process and outcome evaluation).

➢ Negative experiences with the justice system have a bigger impact on attitudes than positive ones.

➢ Perceptions of anti social behaviour and social cohesion in the local area, and general satisfaction with the local area have been found to be related to attitudes to local police, suggesting that people may hold police responsible for the state of the community. One US study has suggested the relationship could be the other way round, with confidence in police reassuring people about their local area.

➢ There is consensus in the literature that visibility of police does improve attitudes to the local police, especially where this includes increased availability and accessibility of police officers.

➢ Police engagement and communication with the public using newsletters have been shown to have a small positive impact on attitudes to local police.

➢ Perceptions of local crime and national crime are different and driven by different factors. Neither, however, seem to be major drivers of attitudes towards the justice system.

➢ It appears that having more knowledge about the justice system may have a small positive impact on attitudes, but this may be mediated by the source of knowledge, level of engagement with justice information (both in terms of openness to it, and opportunity to ask questions about it), and the moral context of information.

➢ The public are not universally punitive, and have different sentencing preferences across different kinds of crimes, offenders and circumstances. The relationship between sentencing preferences, or perceptions of sentencing practice, and attitudes towards the courts and the justice system, have not been fully explored,

and more research is required to determine whether such a relationship exists, which direction it goes in, and the size of its influence.

➢ The media can be an important source of information for people, and can influence, but does not directly drive, people's attitudes to the justice system, both because the media itself is diverse and communicates a wide range of information and messages, and because people choose which media sources to consume and are happy to disregard messages that do not chime with their existing beliefs and experience.

➢ Public attitudes to the justice system are correlated with trust in other public institutions, and with levels of concern about social change. Attitudes will also depend in part on individual country or social group's history and their political and social context.

➢ The strongest drivers of public attitudes to the justice system seem to be those closest to the individual – personal experience of the justice system, and of the local neighbourhood. Other drivers, such as the media, may come into play when people do not have such direct experience.

Introduction

3.1 This section of the report identifies all the potential drivers of attitudes to the justice system examined in the literature review, and explores the extent to which each potential driver does in fact influence people's attitudes, and where possible the mechanism by which this happens.

Demographics

3.2 In social research, often the first port of call when trying to understand attitudes or experiences is to examine differences in such by demographics, i.e. variance across gender, age, ethnicity, and various measures of class and wealth. The topic in hand is no exception to this. Many surveys of attitudes to police, and courts, have looked at how more or less positive different groups are about the different parts of the justice system, and some have gone further and explored whether these differences are signs of a direct relationship between demographics and attitudes, or whether there are other mediating factors.

Gender

3.2.1 Starting, then, with gender, there are mixed findings both as to whether someone's gender influences their attitudes to the justice system and as to which gender is more positive about the system. The only Scottish study to consider this to date[9] found that women were more likely to be satisfied with police than men (Hale & Uglow 2000), and similarly the European Social Survey has found that women were more likely to say they trust the police than men (Kääriäinen, 2007). Evidence from the BCS is more mixed in terms of confidence in the criminal justice system as a whole – a slightly lower proportion of younger women than younger men (16-24) were confident that

---

[9] The SCJS collects demographic information, but analysis of attitudes by demographics has not, to date, been undertaken.

the CJS meets the needs of victims, but 7% more women than men aged 75 and over were confident in this (Walker 2004, page 5).

3.2.2 Further afield, a review of US evidence concluded that there is no consensus about the effects of gender on attitudes towards the police (Brown & Benedict 2002), and this can be seen across individual studies. For example, Gainey and Payne in the US found that gender was not related to perceptions of police performance (2009: 314); a Canadian study found that men had more negative views of the police than women (O'Conner 2008); and Brick et al's youth survey found that once other factors were controlled, there was no gender difference in attitudes to the police (2009). This point is crucial – we will see below that multivariate analyses often show that the apparent relationship between demographics and attitudes to police (or the courts/criminal justice system) is due in fact to mediating factors.

3.2.3 Similarly, Moorhead et al's review of evidence on attitudes to the courts (civil and criminal), found that some studies found gender to be related to satisfaction with courts, and others found it not to be (2008: 16), and a US study found the relationship to be complex, with white females more negative about courts than white males, while there was no gender difference amongst Black or Latino people (Sun & Wu 2006).

3.2.4 On balance, then, it is hard to determine whether an overall gender effect exists in public attitudes to the justice system, police, or courts. Further research using existing Scottish data, or generating new qualitative or quantitative data, would be useful to explore whether such a gender effect exists, and where it does, why such an effect exists.

Age

3.2.5 Turning now to age, Scottish data from the 1980s and 90s showed that satisfaction with the police increased with age (Hale & Uglow 2000), and this is echoed by findings of an international survey, findings in Canada, and a review of US research (see Jang et al 2010; O'Conner 2008; and Brown & Benedict 2002 respectively). Studies in both Canada and the USA have found that age has the strongest relationship with attitudes to the police of all the demographic variables (see O'Conner 2008 and Wu & Sun 2009).

3.2.6 In an effort to understand this finding, in 1982 a large number of interviews were undertaken with Scots between the ages of 16 and 21 in order to ascertain their experience with and views of the police and the wider justice system. It was found that 79% of interviewees had had at least one contact with police, the majority of which were 'of a trivial nature'. This high level of contact was due to the large amount of time this age group spent in public spaces (Dobash et al 1990: 313).

3.2.7 It was found that these contacts had a negative impact on young people's perceptions of the police, no matter whether they were victims, witnesses or accused. So, for example, of those with contact 43% described police behaviour as 'bad' and 11% said they were 'frightened' by their contact. Overall, 49% of those with contact were dissatisfied with their contact and

only 26% expressed satisfaction. Reasons for responses centred on perceived attitudes of and treatment by the police, e.g. level of politeness, rather than on the outcome of the contact (Ibid: 317). Flint et al have also found in interviews with young people in Scotland that they felt that the police could not protect them, but could harass them in public places[10] (see Flint 2007). This links in with the concept of procedural justice which will be explored in-depth later in this report. To date, similar research into older people's experiences and views of the police, or indeed any part of the justice system, has not been published.

3.2.8 Perhaps unexpectedly, then, the BCS finds the opposite trend in regards to attitudes to the criminal justice system as a whole, with younger people tending to be more confident than older people (Walker 2004, see also Butler and McFarlane's 2009 findings in Australia). And as with gender, Moorhead et al's review of attitudes to courts found mixed findings as to the relevance of age to satisfaction with courts.

3.2.9 We might have expected common trends in the effect of age across aspects of the justice system, but this does not appear to be the case. It appears, rather, that that the influence of age might depend on the part of the justice system asked about and/or the framing of the question. No study to date has explored the reasons for this.

Ethnicity

3.2.10 The third demographic category explored in many studies is ethnicity. This is one area where there are clear differences across countries, because of the different ethnic groups making up, for example, the USA compared to Scotland, and the different historical relationships between different ethnic groups within countries. So, there is a large body of evidence in the North America showing that ethnic minorities (generally Black, Latino, and in one study, White people) are generally markedly less positive about the justice system (usually police) than the ethnic majority population (see O'Conner 2008; Brown & Benedict 2002; McCluskey et al 2008).

3.2.11 This does not seem to be the case in Scotland, or in England and Wales. A Scottish survey in 1996 found that ethnic minority respondents were generally more positive about the police than white respondents (although they were less likely to say they would be willing to involve themselves after witnessing criminal acts) (Ditton 1999).

3.2.12 This trend has been reflected throughout the years in the findings of the BCS, which routinely show that people from ethnic minority groups to be more confident in all aspects of the criminal justice system than white people, with the exception of confidence that the system respects the rights of the accused and treats them fairly (Allen et al 2007; Walker 2004). Similarly, ethnic minority respondents tend to be more confident in the police than white respondents, with the exception of the mixed ethnic group (Jansson 2006;

---

[10] For more research on adversarial contact between young people and the police in Scotland, see the Edinburgh Study of Youth Transitions and Crime at http://www.law.ed.ac.uk/cls/esytc/

Jansson et al 2007). Clancy et al's 2000 analysis of BCS questions on confidence in various strands of the justice system found that the 'net satisfaction' (positive responses minus negative responses) with the police for ethnic minorities was almost half that of white respondents, though both were still in the positive. For all other strands of the system, except prisons, net satisfaction was higher among ethnic minorities than white respondents (2001: 83). It should be noted however that in England and Wales it is only in recent years that people from ethnic minority groups have tended to have more favourable views of the police. Previously, opinions in many ethnic minority groups tended to be less favourable (see Bradford 2011).

3.2.13 Again, evidence in relation to courts is less clear, with six studies finding ethnicity to be not independently associated with satisfaction and two finding it to be linked to judgements of procedural justice (see below) (Moorhead et al 2008: 16, see also Higgins et al 2009).

3.2.14 There are two main limitations to the analyses outlined above. Firstly, by grouping all ethnic minorities together, these analyses mask quite large differences in the views of different ethnic groups. For example, analyses of 2004/05 BCS findings by ethnic group found that levels of confidence that witnesses were treated well were higher among people from Asian and Chinese or Other minority ethnic groups than among White people, while Black people were less confident than White people on this issue (Allen et al 2007). Other demographic factors may be relevant here, such as wealth, as average wealth differs across ethnic groups.

3.2.15 Secondly, these studies only give some insight into whether, and not into *how* ethnicity is related to attitudes to the justice system. As with age and gender, some suggest that it is not ethnicity in itself, but the way it interacts with other factors which influences attitudes, such as experience, with levels and type of experiences with the justice system varying across ethnic groups. We will return to this after considering one final demographic factor.

Class

3.2.16 A handful of studies have considered the impact of factors that could be said to relate to class, such as education, financial status and deprivation. For example, the SCJS has found that those living in the 15% most deprived areas in Scotland were significantly more negative about their local police across several indicators than those living in the rest of Scotland (Page et al 2010; Scottish Government Social Research 2011 – though this could be due to these areas being generally more exposed to the police than other areas, see below for evidence on the impact of direct contact). Other studies, from outside the UK, have found negative relationships between wealth and attitudes (Butler & McFarlane 2009; Kääriäinen 2007), though findings in regards to level of education are mixed (see Jang et al 2010; Brown & Benedict 2002), and findings in regards to courts were also mixed (Moorhead 2008).

Summary

3.2.17 We have seen throughout this discussion of the relationship between demographic factors and attitudes to the justice system that it is difficult to disentangle demographics from other factors. Many studies, and especially those utilising more sophisticated statistical techniques, question the relevance of demographics in the light of analyses where demographics cease to be of statistical significance once other factors are included in analysis, especially those around personal experience of the police (for example, experience of stop and search), and perceptions of things like anti social behaviour and personal safety (Myhill & Beak 2008; Flatley et al 2010; Gainey & Payne 2009; Clancy et al 2001; Jansson et al 2007; Jansson 2006).

3.2.18 In other words, it appears that it is not being a woman, or a young person per se that influences a person's attitudes to police or courts, but rather the experiences that a person has, and the kinds of experiences people go through vary across different demographic groups.

3.2.19 It should be noted that there is a lack of complex analysis of the relationship between belonging to different social groups in Scotland and attitudes towards, and experiences with, the justice system. A small number of surveys have ascertained some patterns, but there is a need for more complex statistical, or more in-depth qualitative, research to explore the ways in which the relationships between various social groups and the Scottish justice system operate.

3.2.20 So, in summary, while some studies suggest that people's gender, age, ethnicity and levels of deprivation influence their attitudes to police, courts, and the justice system as a whole, evidence suggests that these are secondary to the influence of people's experience of the justice system. This has not been tested in Scotland. The following sections will turn to these more experiential and perceptual factors, beginning with an exploration of how and to what extent experience of crime may influence attitudes to the justice system.

Experience of crime

3.3 Some research studies have examined the impact that experience of crime (i.e. being a victim of crime) has on attitudes to the justice system. As with perceptions of crime, simple comparison of victim and non-victim attitudes show some (small) differences, but more complex analysis suggests that other factors are at play. So, in Scotland, surveys in the 1980s and 1990s found that victims of crime tended to be less satisfied with local policing than non-victims (Hale & Uglow 2000), and more recently the SCJS has found some small differences between victim and non-victims in confidence in different aspects of the criminal justice system, with victims less confident that the criminal justice system is effective in bringing people who commit crimes to justice (victims 47%; non-victims 58%) and that the system deals with cases promptly and efficiently (victims 38%; non-victims 43%) (Scottish Government Social Research 2011: 104), and there have been similar

findings in England and Wales and the US (see Jansson et al 2007 and Gainey & Payne 2009 respectively).

3.3.1 However, more complex statistical analysis shows that it is not the fact of victimhood itself which influences attitudes to the justice system, but the nature of the resulting contact with the system when the crime is reported. So, for example, Myhill and Beak have found that victimhood was not independently associated with confidence in the police, but perceptions of the standard of service received from the police were (2008: 9). Other studies do find a unique effect of victimisation, though it does tend to be small. So we find that by and large it is a mediating factor - contact with the justice system - which influences people's attitudes to the justice system, rather than the experience of being a victim per se. Clearly it is not just victims of crime who have contact with the justice system, and the next section of this report will examine the evidence on how and the extent to which contact with the system – whether as a victim, accused, witness, person stopped in the street, juror, and so on – influences attitudes to the justice system.

Prevalence of contact

3.4 Before we turn to evidence on direct experience of the justice system, It is worth considering how prevalent contact with the justice system is. The 2010/11 SCJS found that 70% of respondents who had heard of at least one criminal justice organisation had ever had contact with the police, 26% had had contact with the Scottish Court Service, 20% with the Crown Office and Procurator Fiscal Service; 19% with the judiciary, 10% with the Scottish Prison Service, and 8% with criminal justice social work. In contrast, 23% said they had never had any contact with the Scottish criminal justice system, (Scottish Government Social Research 2011: 101), a similar figure as in 2009/10 (25%, see Page et al 2010).

3.4.1 Of course rates of contact may vary across groups, and as we have seen, a 1990 study of young people's experience with police in Scotland found that 79% of Scottish youth had had contact with the police, partly due to the large amount of time they spent in public places. Very few of their respondents, however, had had contact with the courts, and even fewer with the prison service (Dobash et al 1990). And as we have seen above, victims of crime are more likely to have contact with the justice system, and certain groups are more likely to be victims, or repeat victims, than the public at large (such as young men).

3.4.2 Some have suggested that contact with the police has declined alongside crime and victimisation rates (Jokinen et al 2009, Bradford et al 2008), though as noted below the downward crime trend is not as clear cut in Scotland as it is in England and Wales.

Experience of the justice system

3.5 The evidence shows a clear relationship between direct experience of the justice system and attitudes towards it (Clancy et al 2001; Gau 2010), and many studies suggest that those who have had contact of some kind with the

police or courts are generally less likely to be confident than those with no contact (Bradford, Jackson & Stanko 2009; Bradford et al 2008; Skogan 2009; Walker 2004; Allen et al 2007; Sun & Wu 2006; Dobash et al 1990; Brown & Benedict 2002; Orr & West 2007).

3.5.1 There have also been differences identified within 'those with contact' as to what impact that contact is likely to have on attitudes such as confidence (Wu & Sun 2009). So, for example, Genn & Paterson found that those whose civil 'justiciable problems' had led to legal proceedings or adjudication were consequently less positive about the courts than those whose problems had not. It has also been found in the USA that litigants tend to be less positive about fair procedures, outcomes and respectful treatment in the courts (Sun & Wu 2006). On the criminal side:

- a Scottish study looking at young people's attitudes to the police found that all those who had contact with the police evaluated that contact negatively, but this was especially the case with those who had been suspects (Dobash et al 1990);

- evaluations of different aspects of the criminal justice system have been found to vary across different user groups (van de Walle 2009);

- people who have been stopped by the police while on foot are particularly negative about the police (Allen et al 2007);

- analyses of the BCS and other data in England and Wales has concluded that public initiated contact has led to more confidence than police initiated contact (Bradford et al 2008, see also Myhill & Bradford 2012 and Skogan 2006); and

- in the USA, it has been found that evaluations of police effectiveness are influenced by public initiated contacts, while evaluations of prevalence of police misconduct are influenced more by police initiated contacts (Miller & Davis 2008 - though we will see below that views on police fairness are more important to subsequent legitimacy judgements than views on police effectiveness, see for example Tyler & Fagan 2008).

3.5.2 Evidence shows that contact in itself does not reduce confidence, but rather that the key factor is how satisfied people are with that contact, with people who are satisfied more likely to have confidence in the police or courts, and those not satisfied with the contact less likely to be confident (Moorhead et al 2008; Myhill & Beak 2007; Bradford, Jackson & Stanko 2009). Thus it is quality of contact which is key (see Gau 2010).

3.5.3 So what factors influence judgements about the quality of contact, and thus shape satisfaction with individual instances of contact with the justice system? Table 1 on page 26 outlines the different aspects of contact with the justice system which have been found to influence people's evaluations of that contact (these factors are statistically significant in quantitative research, or the key messages from qualitative research).

Procedural Justice

3.6 It is notable that most of the factors related to satisfaction and confidence in Table 1 are to do with the behaviour and conduct of police and court personnel, and the messages that this sends to those in contact with them, rather than to do with the outcome of the contact, as may be expected. This reflects a large and growing body of evidence which suggests that the most influential aspect of an experience with the justice system in terms of subsequent attitudes to the system is a person's perceptions of the 'procedural justice' of that experience, in terms of four elements of fairness:

- **Having your say** – research shows that it is important that people feel that they have an opportunity to state their case during a legal process, whether this is to the police at the time of an incident, or in a criminal or civil court (see Tyler et al 2007; Tyler 2004; Bradford, Jackson & Stanko 2009; Moorhead et al 2008). This clearly links to the 'being taken seriously' theme in Table 1.

- **Neutrality** – there is also strong evidence that people are more likely to be satisfied with contact, and confident generally, when they perceive police and courts to be neutral in their procedures, their conduct and their decision making. In other words, when police and courts are seen to be fair in the sense of being unbiased, using consistent procedures and facts and not personal opinions. This in itself requires some degree of openness and transparency in procedures and decisions if it is to be 'seen' (see Tyler et al 2007; Tyler & Huo 2002; Tyler 2004; Bradford, Jackson & Stanko 2009; Moorhead et al 2008; Buckler et al 2007). In a similar vein, Buhlmann and Kunz found that demonstrated judicial independence had a positive impact on the development of public trust in the justice system (Buhlmann & Kunz 2011). This links to the 'fair and appropriate conduct' section of Table 1.

- **Treatment** – Thirdly, it is crucial that people feel like they have been treated with respect (see the 'respect' and also 'inconvenience' sections of Table 1), and this includes being treated politely and feeling that their rights have been respected, for example the right to complain (see Tyler et al 2007; Duffy et al 2008; Bradford et al 2008; Tyler & Huo 2002; Tyler 2009; Moorhead et al 2008; Tyler 2004). This is especially important in that treatment by police officers or other justice professionals sends messages to members of the public about their standing in the community, i.e. whether they are *worthy* of the respect of the community (see Bradford, Jackson & Stanko 2009; Bradford et al 2008; Tyler 2004)

- **Motive-based trust** – Finally, the perceived motives of police and courts is important, in that they are felt to have the interests of members of the public - and the community at large - at heart (Tyler et al 2007; Tyler & Huo 2002; Moorhead et al 2008; Bradford, Jackson & Stanko 2009).

Table 1: Aspects of experiences relevant to evaluation of contact with the justice system

Aspect of contact	Positive examples	Negative examples
Respect	➤ 'treated in a polite or friendly manner and/or offered assistance' by police (young people, Scotland, Dobash et al 1990) ➤ Speedy response; sympathetic treatment, reassurance and support; follow up contact (reporting ASB to police, Scotland, Flint et al 2007) ➤ Being treated fairly and decisions made fairly (police and courts, USA, Tyler 2001; Tyler & Huo 2002)	➤ 'discourteous, impolite, malicious, brusque, and, especially, aggressive behaviour' by police (Young people, Scotland, Dobash et al 1990) ➤ Reasons for dissatisfaction in order of prevalence: 'did not do enough'; 'were not interested'; 'no offender caught'; No information given; **impolite** (Victims of police, England and Wales van Dijk et al 2007)
Fair and appropriate conduct	➤ Police 'dealing with matters promptly, listening to those involved, following correct procedure and, in some sense, offering concrete help (even if this does not end in a 'result')' (crime victims, London, Bradford, Jackson & Stanko 2009) ➤ Being treated fairly and decisions made fairly (police and courts, USA, Tyler 2001; Tyler & Huo 2002) ➤ Prior information about what to expect at court; good conduct of court staff; support provided to witnesses; good facilities at court; accessibility of documents & procedures; perception of fairness of procedures (civil and criminal courts, Moorhead et al 2008)	➤ Public witnessing police misconduct (USA Brown & Benedict 2002) ➤ Inequality and unfair police traffic stop procedures (USA Engel 2005) ➤ Perceived unjustified police stop (those stopped, USA Gau 2010) ➤ Experience of or perceived police corruption (Gallup World Poll, Clausen et al 2010)
Being taken seriously	➤ 'being taken seriously' by police - most important factor (those in contact with police, London, Bradford et al 2008) ➤ Police 'dealing with matters promptly, listening to those involved, following correct procedure and, in some sense, offering concrete help (even if this does not end in a 'result')' (crime victims, London, Bradford, Jackson & Stanko 2009) ➤ having a say accurately and fairly (civil and criminal courts, Moorhead et al 2008)	➤ Reasons for dissatisfaction in order of prevalence: **'did not do enough'; 'were not interested'**; 'no offender caught'; No information given; impolite (Victims of police, England and Wales van Dijk et al 2007) ➤ Perceived long response time (USA Brown & Benedict 2002) ➤ Did not take it 'entirely' or 'at all' seriously (crime victims, England and Wales, Bradford, Jackson & Stanko 2009) ➤ not being given the opportunity by their 'own side's' lawyer to say everything they wanted (court witnesses, Moorhead et al 2008)
Inconvenience	➤ Police 'dealing with matters promptly, listening to those involved, following correct procedure and, in some sense, offering concrete help	➤ Perceived long response time (USA Brown & Benedict 2002)

	(even if this does not end in a 'result')' (crime victims, London, Bradford, Jackson & Stanko 2009) ➢ Speedy response; sympathetic treatment, reassurance and support; follow up contact (reporting ASB to police, Scotland, Flint et al 2007)	➢ Greater time spent waiting at court; inconvenient timing of court hearings; multiple attendances being required at court (civil and criminal court users, Moorhead et al 2008)
Outcome	➢ Positive outcome for user (civil court users, Moorhead et al 2008) ➢ Positive outcomes relevant but not the 'decisive force' (Tyler 2001)	➢ Reasons for dissatisfaction in order of prevalence: 'did not do enough'; 'were not interested'; **'no offender caught'**; No information given; impolite (Victims of police, England and Wales van Dijk et al 2007)

3.6.1 In terms of the means by which these four elements come to bear on actual experiences, Moorhead et al have suggested that the following 'process oriented factors' shape the evaluation of an individual court experience:

Factors Shaping Procedural Justice Judgements of a Court Experience

1. the expectations of, and information provided to, participants;

2. the quality of participation granted to participants (by which we mean in particular the extent to which, and process through which, participants are able to get their story out in a way that they view as accurate and fair);

3. the quality of treatment and, in particular, respect shown to the participant during their time at court;

4. issues of convenience and comfort (which may be themselves related to respect if inconvenience and discomfort is perceived as disrespectful treatment); and

5. judgments about court and tribunal personnel (what Tyler and Huo refer to as motive-based trust).

Moorhead et al 2008: 39-40

3.6.2 We would expect many of these to also hold true for contacts with the police, with the fourth point relating more to initial response time, than the convenience of court times.

3.6.3 The extent of the effect of these procedural justice judgements has been demonstrated by many and varying research studies. So, for example, Jackson and Sunshine found in their English study that of all the factors studied, procedural justice had the most impact on dissatisfaction with police effectiveness, in that it explained 35% of the variance in such dissatisfaction across the sample (2007: 227). Likewise Tyler's 1990 Chicago study found that a full 59% of variance in confidence in legal authorities was explained by judgments about the quality of police service and judgments about how fairly the police treat community residents (Tyler & Huo 2002: 197). All such studies find that procedural justice judgements influence attitudes to the legal authority more than outcomes or performance, though some find process to be far and away more influential (see the work of Tyler, Myhill & Bradford 2012), while others find performance to be nearly as important (See Hinds & Murphy 2007). For more on outcomes see below.

3.6.4 In terms of the exact nature of the influence of procedural justice on attitudes, a growing number of studies have found that perceiving procedural justice is associated with increased satisfaction with the legal authority in question, which in turn is associated with increased confidence, and increased perceived legitimacy of the authority. This chain of relationships has been supported by studies in the UK, US, and Australia, and by panel and

longitudinal studies[11] (see Murphy et al 2008; Gau 2010; Gau 2011; Hinds & Murphy 2007; Myhill & Bradford 2012; Tyler 2004; Tyler & Huo 2002).

3.6.5 This chain does not end with legitimacy, and chapter four of this report will look at the consequent impact of legitimacy on co operation and compliance with legal authorities.

3.6.6 While there is strong evidence that procedural justice impacts upon people's attitudes to the justice system, studies have found variance in its impact across different situations or social groups.

3.6.7 We have already seen that there are different patterns of attitudes across different kinds of justice user, which may well reflect the different expectations and relationships brought about by different situations, both on the part of the user and justice professionals. So, for example, Tyler (2010) found that procedural justice theory holds in prisons, but points out that 'The exact manner in which the elements of fair treatment are enacted depends on the setting and will vary depending whether that setting involves the courts, the police, or corrections' (page 130).

3.6.8 Similarly, studies which have examined the interaction between demographics, procedural justice, and willingness to cooperate with police, have found that ethnicity influences the strength of the link between procedural justice judgements and willingness to cooperate (see Murphy & Cherney 2011; Cherney & Murphy 2011). More on this in Chapter 4, but for now it is important to note that membership of particular social groups, especially minority groups, may well influence people's reactions to justice system experiences.

Asymmetry

3.7 Given this evidence that judgements about procedural justice are key to people's evaluations of their contact with the justice system, and the findings outlined at the start of this experience section that those who have had contact are often found to be less confident that those who have not, does this mean that the justice system is generally found by its users to not be procedurally fair? Once again, the evidence shows that the reality is more complex than this. In line with wider psychological literature (see Skogan 2006), research shows that negatively evaluated contacts with the justice system have a much larger impact on confidence than positively evaluated contacts (Bradford, Jackson & Stanko 2009; Bradford et al 2008; Tyler & Huo 2002; Myhill & Beak 2008; Skogan 2006). Negative contact are therefore not necessarily more common, but do have a bigger impact than positive ones. This is known as asymmetry.

3.7.1 There is some debate as to whether positively rated contacts have any impact at all on confidence in the justice system. Some studies have found that

---

[11] This chain is not always conceptualised in exactly the same way – for example some studies put satisfaction, confidence, and legitimacy in a different order, and some include trust. The link, however, from the perceived fairness of a specific experience up to more general positive attitudes, usually legitimacy, holds no matter how the intervening steps are conceptualised (see Gau 2011).

positively evaluated contacts have no impact on confidence levels (Skogan 2006), while others have found that they do have an impact, albeit a small one, especially in comparison to negatively evaluated contact (Bradford, Jackson & Stanko 2009; Bradford et al 2008, Tyler & Huo 2002).

3.7.2   Some studies also give a more nuanced picture. Myhill and Beak found in England and Wales that positively evaluated public initiated contact with police led to higher odds of being confident, but positively evaluated police-initiated contact made no difference to the odds of being confident (2008: 7). Similarly, Myhill and Bradford found that the effect of contact with the police as a victim was asymmetrical, as was police initiated contact (to the extent that satisfactory contacts had no statistical association with confidence), while non-victim self-initiated contacts were more symmetrical in the relative size of influence of positive and negative experiences on confidence (2012: 11-13). Finally, Bradford, Jackson & Stanko 2009 found in London that positively evaluated contacts can improve confidence in police fairness and community engagement, but not in police effectiveness (Bradford, Jackson & Stanko 2009, see also Bradford et al 2008).

Influence of attitudes on contact

3.8   Some also point to evidence that the relationship between attitudes and contact also goes the other way, with people's prior attitudes to the police or courts influencing how people interpret any contact they have with them (van de Walle 2009; Skogan 2006; Bradford, Jackson & Stanko 2009), and Skogan argues that the impact of prior attitudes on interpretation of direct experience is stronger and therefore more influential than the impact of experience on attitudes to the justice system.

3.8.1   Myhill and Bradford have recently examined this in England and Wales with panel data[12], and in line with previous US studies (see Tyler & Fagan 2008) they found an asymmetrical relationship between pre-existing confidence and satisfaction with contact with police, in that negative pre-existing views predicted dissatisfaction with an encounter with the police, but positive pre-existing views were not found to be related to positive evaluations of contact experiences. It should be noted, however, that despite this relationship between negative pre-existing views and dissatisfaction with contact, almost two thirds of those with pre-existing low confidence in their study were satisfied with their contact with the police as a victim (Myhill & Bradford 2012: 19-20).

3.8.2   Evidence also shows that direct contact with the justice system not only influences how positive or negative people are about the justice system, but actually changes the criteria by which people evaluate the justice system. So, for example, van de Walle cites research into attitudes to public services from the 1970s, which showed that evaluations based on recent experience are more pragmatic than the general, ideological or stereotypical evaluations of

---

[12] Panel data is when the same people are interviewed twice or more over a period of time, allowing examination of cause and effect, in this case especially where people have contact with the justice system between interviews.

those without recent experience (2009: 386). Likewise, Moorhead et al refer to research into views on courts which found that those with personal experience based their views more on 'process evaluations' – i.e. the detail of what happened, when and how in their specific experience – while those without direct experience based their views more on evaluations of perceived relative fair treatment of people by the courts across different groups (i.e. how far the courts are perceived to discriminate) (2008: 27).

Outcomes

3.9 The final aspect of experience with the justice system examined by the literature is the outcome of such experience. We have seen above that there is strong evidence suggesting that the most important aspect of contact with the justice system in terms of subsequent attitudes to the system, is judgements about the fairness of the process undertaken. This does not mean, however, that the outcome of contact is irrelevant to attitudes to the justice system, and indeed evaluations of outcome are generally found to be significantly related to attitudes to the justice system, though not as strongly as process (See Tyler & Huo 2002; Moorhead et al 2008; Tyler & Fagan 2008; Myhill & Bradford 2012). Myhill and Bradford explain it thus:

It would be disingenuous to suggest that victims, particularly those who experience violent or other serious offences, place no value on seeing an offender brought to justice. A criminal justice outcome alone, though, appears less likely to result in overall satisfaction than good interpersonal treatment and a tailored response.
Myhill & Bradford 2012: 20

3.9.1 Some argue that the procedural justice literature does not sufficiently explore the relationship between outcomes and process in peoples evaluations of their experience (see Tankebe 2009 and Moorhead et al 2008). Tankebe points to studies which have shown that the relative importance of fair procedures and favourability of outcome varies according to factors such as the level of hostility in a civil dispute (2009: 14-15). Moorhead et al identify two levels of complexity here. First, it can be difficult to disentangle how far judgements of procedural justice are shaped by the favourability of the outcome, and vice versa. Second, it can be difficult to define the 'favourability' of an outcome – even if a person has ostensibly 'won' a court case, for example, they may not necessarily be content with the outcome for reasons such as the levels of compensation, whether there has been an apology, and so on (2008: 19). On the other hand, where studies ask participants themselves to assess outcome favourability (as in Tyler & Fagan 2008), we again run into problems around whether process factors influenced this assessment.

3.9.2 There is a large social psychological literature on this topic[13], which was too large and complex to include in the scope of this review. A separate review of this literature would be required to fully explore the relationship between process and outcomes assessments.

---

[13] For example see Brockner et al (1997).

Vicarious Contact

3.10 Of course, direct personal experience is not the only source of information people have about individual contacts between members of the public and the justice system – people share their experiences with their friends and family, and read about the experiences of others in the media (which we will return to below). Such vicarious contact with the justice system is rarely explored in the literature, with the following exceptions:

- Brown and Benedict refer to research which showed that witnessing or having knowledge of police misconduct has significant negative impact on attitudes to the police (2002:551)

- A study in the USA showed that vicarious contacts significantly affected public attitudes to the police, though not as strongly as direct personal contact (Miller & Davis 2008)

- Also in the USA, it has been found that: "Being a crime victim *or having a family member as a crime victim* reduces the odds of being satisfied with police by approximately 34 percent. Even more significant, being harassed *or having a family member being harassed* by police substantially decreases the odds of satisfaction with police by 67 percent, controlling for all other individual indicators" (Wu & Sun 2009: 143, emphases added).

3.10.1 It stands to reason that vicarious contact will vary from person to person depending on their social network, and whose experiences they identify with. Vicarious experiences therefore may well vary across different social groups, for example across different ethnic groups.

3.10.2 This is once again an area which requires more research to determine the impact of vicarious contacts on attitudes towards the justice system. In particular, it would be useful to explore whether and to what extent vicarious contact influences attitudes to the justice system in Scotland, and how this varies across different social groups.

Perceptions of neighbourhood and Anti-Social Behaviour

3.11 The sections above have examined the influence of direct experience of crime, and of the justice system on confidence in police and courts. The remainder of this report will examine more indirect factors which influence attitudes to the justice system, beginning with the influence of people's perceptions of their own neighbourhood on their confidence in police[14]. Three kinds of neighbourhood factors have been found to be related to confidence in the local police:

1. **Perceptions or concern about anti social behaviour or disorder** – several studies have found that people who perceive

---

[14] The evidence in this section focuses on confidence in the police, not the courts. The one (Canadian) study that examined the impact of neighbourhood factors on confidence in the courts found the relationship to be not statistically significant (Sprott & Doob 2008: 354)

there to be high levels of ASB in their area, or are concerned about ASB in their area, are less likely to be confident in the police (Myhill & Beak 2008; Jackson et al 2009; Jackson & Bradford 2009; McCluskey et al 2008; Sprott & Doob 2008; Gainey & Payne 2009). Jackson et al have pointed out that the trend in confidence more closely matches perceptions of ASB than trends in actual crime rates in England and Wales (Jackson et al 2009:5), which echoes Sprott and Doob's assertion that while people may see ASB as a signal of crime rates more generally, crime and ASB rates are not in fact related (2008: 341-2).

2. **Perceptions of social cohesion in the local area** – Likewise, studies which have examined social cohesion and trust, that is, whether the people in the local area have shared values, morals, and identity, have found this to be significantly related to confidence in the police (Jackson et al 2009; Jackson & Bradford 2009; Jackson & Sunshine 2007; Maxon et al 2003)

3. **General satisfaction with the local area** – with those more satisfied with their area being more confident in the police (Mawby 2004; Sprott & Doob 2008; Wu & Sun 2008).

3.11.1 Taken together, these findings have been described as supporting the 'expressive model', defined thus:

The expressive perspective proposes that the police are viewed as representatives and guardians of the community. Individuals look to the police to strengthen moral structures. It follows that when signs of social breakdown are evident, the police will be judged accordingly, beyond and despite what is happening to crime…According to this perspective, more day-to-day concerns over anti-social behaviour, disorder and incivilities, signs of low community cohesion, and declines in moral authority move toward the foreground of public confidence in policing. In part this is because these things loom larger in most people's lives than do more serious crimes. People look on the police less as super-cops roaring past in patrol cars to the scene of a bank robbery and more as old-fashioned representatives of community values and norms – symbols of moral authority – there to address more everyday problems.
Jackson et al 2009: 5-6

3.11.2 This view of police as representatives and upholders of 'community' who are evaluated on the basis of people's perceptions of their local neighbourhood, is supported by three recent studies in England and Wales (Jackson et al 2009; Jackson & Bradford 2009; Jackson & Sunshine 2007), which also found that factors associated with the more 'instrumental model' - whereby police are judged according to crime rates, fear of crime and perceptions of risk - were much less influential on confidence in the police.

3.11.3 It is thus important that people can identify with the police, and this is where the influence of neighbourhood factors such as ASB and social cohesion aligns with procedural justice theory. It was seen above that through utilising procedural justice, officers communicate that people are their equals, and part

of the same community. At this more general level police are judged according to how well they deal with ASB. This was demonstrated in a Scottish study examining responses to ASB, which found that when people were not happy with the response to complaints about ASB, they saw this as a sign both that the authorities 'did not care', and that the authorities saw their area as a 'problem area' (Flint 2007: 66). These sentiments reflect both the motive based trust strand of procedural justice and the importance of the role of police as guardians of the community.

3.11.4 In fact, analysis of a 2007 survey in the North East of England found that the three factors most influential on respondent's confidence in the police, in descending order, were:

➢ perceptions of whether police treat people with fairness and dignity;
➢ whether people identified with the police; and
➢ whether there were problems of social cohesion and trust in the community.

3.11.5 Together, these explanatory variables accounted for 39.7 and 34.9 per cent of the variance of the respective measures of public confidence in policing (Jackson & Sunshine 2007: 227).

3.11.6 This relationship between perceptions of the neighbourhood and confidence in the police may, however, not be as clear cut as it appears. Skogan has pointed out that many studies identify a relationship between these two factors, but some claim that perceptions of the neighbourhood shape confidence in the police, which others claim that confidence in the police shapes neighbourhood perceptions (and theoretically the relationship could go both ways). Skogan used American longitudinal data to examine the direction of the relationship statistically, and he found that, in fact, people *did not* hold police accountable for local crime, but confidence in police *did* reassure people about their neighbourhood conditions (Skogan 2009 (data from 1983)).

3.11.7 This study has not been replicated since, or in the UK, but if it were, and the findings held true, this would mean that the expressive model has the relationship the wrong way round, and in fact perceptions of people's neighbourhood, including perceptions of ASB, of social cohesion, and even general satisfaction, are shaped in part by confidence in the police, and not the other way around. Longitudinal research is required to ascertain whether this is the case.

Visibility of police

3.12 It is often held that the visibility of police officers in a community is key to both public confidence in the police, and public reassurance. The importance of this does seem to be borne out by the evidence, in terms both of research participants directly stating the importance of visibility, and also in terms of statistical examination of the relationship between having seen police patrols and attitudes to local police and crime.

3.12.1 So, for example, the past two years of the SCJS have found that 89% of Scottish people say that it is important to have a community police officer who knows and patrols the area (Page et al 2010: 112; Scottish Government Social Research 2011: 112). Similarly, Flint et al's research into the impact of ASB strategies in Scotland found that an increased police presence in people's neighbourhoods was "important in providing reassurance and in symbolising local agencies' commitment to the neighbourhoods and their willingness to tackle antisocial behaviour" (Flint et al 2007: 64-65) The researchers also noted that respondents were particularly positive about community police officers who they knew personally, and that not all residents saw increased police presence as reassuring.

3.12.2 Research in England and Wales has similarly found that the public identify increased foot patrols as the most likely thing to reassure them about crime (Charlton 2010; Mawby 2004).

3.12.3 Other research has examined this issue by looking at the difference in attitudes between people who had seen police patrols and people who had not. These studies have found that people who have seen police patrols are more likely to be satisfied with local police services (Hale & Uglow 2000, Scotland), or have more confidence in the police and local council in dealing with ASB and crime issues in the area (Smithsom & Flint 2006, England & Wales). Similarly, there has been a positive link found between awareness of local neighbourhood policing teams in England and Wales and evaluations of various aspects of local police performance (see Flatley et al 2010: 120); between living within 5 miles of a police station in a rural area and perceptions of the police (see Mawby 2004), and between having informal contact with police officers and attitudes towards the police (see Hough & Roberts 2004).

3.12.4 A handful of studies have examined the relative importance of visibility compared to other factors by including it in more complex multi-variable statistical analysis. Studies in London have found that perceptions of increased visibility were linked to more positive views about police effectiveness, fairness and community engagement (Bradford et al 2008), and that improvements in police visibility combined with police communication with the public, and the number and quality of personal contacts, are linked to increases in trust and confidence in police; decreases in fear of crime, and improvements in people's quality of life (Bradford, Jackson & Stanko 2009: 4). This link was found to be independent of the other potential drivers outlined in this paper, such as demographics, direct contact with police, and concerns about ASB.

3.12.5 Finally, a US panel study has found that the degree of visible policing perceived between the two waves of the survey significantly impacted both concern about crime and, to a greater extent, confidence in the police, and in fact recent police visibility was found to have the largest positive relationship with confidence in the police of all the factors examined by the study (Skogan 2009).

3.12.6 Some research has suggested that there is a preference for foot patrols and cycle patrols over patrols by car (Mawby 2004, Hough & Roberts 2004), and

this combined with the importance of local officers who know the area outlined above, suggests that the issue is not only visibility, but the availability and accessibility of police officers, and the messages this sends about their level of engagement in the community.

3.12.7 Given the apparent consensus in the literature that police visibility does influence confidence in the police, it is worth taking a moment to consider Scottish findings in regards to perceived visibility of the police. Table 2 shows the findings of the most recent wave of the SCJS on the visibility of police in the local area.

Table 2: 2010/11 Findings on Visibility of Police in the Local Area

Awareness of police patrols in your area		Views on levels of police patrols in your area	
Police patrol regularly	52%	Not enough	56%
Police do not patrol regularly	39%	About right	38%
Do not know if police patrol regularly	9%	Too much	1%

3.12.8 The table shows that while a small majority reported that police patrolled their area regularly, most people also felt that there were not enough patrols in their area. This was even more pronounced in the responses from the people living in the 15% most deprived areas, where 60% were aware of police patrols, but 65% felt that there were not enough patrols (Scottish Government Social Research 2011: 110-112).

Communication from police

3.13 A final potential driver which is related specifically to local police is communication from the police. This can take the form of newsletters, emails, local meetings and so on, which are designed to inform people about issues such as crime in their area, and local police operations. When this is examined in the literature, there tends to be a focus on newsletters.

3.13.1 As with police visibility, such direct communication between police and the community is something that research respondents themselves have suggested would increase their confidence or reassurance (Charlton 2010, Flint: 2007), and it has also been found to be statistically significantly linked to general confidence and judgements of police effectiveness (Bradford, Jackson & Stanko 2009; Bradford et al 2008).

3.13.2 The influence of police communication on confidence has been tested by two experiments in England. Hohl et al undertook a quasi-natural experiment in London whereby a leaflet containing information on what local police were doing was distributed in some areas between two sweeps of the Metropolitan Police's Public Attitudes Survey (the survey also covered control areas where leaflets were not dropped). The contents of the leaflet were designed using qualitative data on what Londoners wanted from such a leaflet, namely that it was clear, concise, locally relevant, from the police and containing information about neighbourhood policing. The researchers highlighted that

communication that did not explicitly cater to what the public wanted risked having a negative impact. The study found that the leaflet had a statistically significant positive impact on confidence, specifically perceptions of police engagement and belief in police effectiveness, (though there was no effect on perception of police fairness) (Hohl et al 2010).

3.13.3 Undertaking a similar experiment, Quinton compared attitudes of those who had been given crime maps and/or local crime information, to those who had not. Those who had received the crime maps and information were found to be slightly more likely to be positive overall about neighbourhood policing, specifically in regards to thinking that the police understood their concerns and dealt with the things that mattered. Additionally, those who had been given the crime maps were slightly less likely to think that crime was going up locally (Quinton 2011).

3.13.4 Both of these pieces of research note that the effect of the communication was small (and indeed, in the case of Quinton's study, conflicting), particularly in comparison to the effect of personal encounters. Both did, however, emphasise that the effect was statistically significant, and suggested that if left as a one off exercise the effect would fade, but if such communication was sustained, the effect could potentially grow.

3.13.5 The fact that the influence of both of these communication experiments was primarily on people's ratings of police engagement, suggests that it could be as much the act of communication as the content of such which influenced attitudes. As such, tailoring communication to what people wanted to know was crucial, and the Metropolitan Police, in a separate exercise, have used surveys to identify four different groups of Londoner with different attitudes to crime and police, for whom they have developed different communication strategies (see Bradford et al 2008).

3.13.6 Some have suggested that there is potential for such communication to have a second type of effect, by improving public knowledge about the system and crime. The next section will examine the role of people's factual knowledge about the justice system, and about crime levels, in shaping their attitudes towards the justice system.

Knowledge about crime

3.14 It is widely asserted that a key driver of public attitudes to the justice system is people's level of factual knowledge about crime, and about the system itself. There are two parts to this theory – first that people hold (negative) misperceptions about crime and the justice system, and second that this has a negative impact on attitudes.

3.14.1 Taking crime first of all, people's perceptions of crime, its frequency and severity, could theoretically have an impact on attitudes to the justice system, if people hold the justice system directly responsible for such crime rates. We will now look at trends in perceptions of crime, both local and national, before considering what drives perceptions of crime, and what impact these perceptions have on attitudes to the justice system.

3.14.2 The SCJS has found that the proportion of Scottish adults believing that particular crimes were common in their local area generally decreased from the early 1990s to 2010/11 (Page et al 2010; Scottish Government Social Research 2011). There has been a similar trend in perceptions of overall crime rates in local areas (see Table 3), with a decrease in the proportion of respondents saying that there has been more crime over the past two years, and an increase in the proportion saying that there has been less crime or it is about the same.[15] It is worth noting that women, victims of crime, and those living in the 15% most deprived areas in Scotland were more likely say there was more crime.

Table 3: SCJS Perceptions of local area crime over past 2 years

	2006	2009/10	2010/11
A lot/little more crime	32%	25%	23%
About the same	57%	61%	64%
A lot/little less crime	8%	10%	9%

3.14.3 Interestingly, responses were very different when people were asked about crime in Scotland as a whole, with nearly twice as many respondents in 2009/10 thinking the crime rate had increased in Scotland as a whole than in their local area (45% and 23% respectively, Scottish Government Social Research 2011: 75 see also Hutton 2005 and Anderson et al 2002 for more Scottish findings).

3.14.4 This gap between perceptions of local and national crime rates is a recurring finding in many western countries (see Hough & Roberts 2007, Windzio et al 2007, Paulin et al 2003), including England and Wales where this gap has been widening since 2004/05 (see Flatley et al 2010). In England and Wales the consistently high proportion of people thinking that crime has increased nationally contradicts the BCS's own victimisation rate, which shows that crime has been decreasing in England and Wales since 1995 (Ibid). This suggests that perceptions of national crime rates do not have a direct relationship with actual crime rates in England and Wales. In contrast, perceptions of local crime rates did correlate to some extent with relative crime rates in the local area (Ibid: 112), and similarly Paulin et al found that local crime rate estimates were more accurate than estimates of national crime rates (2003: 12).

3.14.5 The actual crime trend is not so clear in Scotland, although recorded crime in 2010/11 was the lowest since 1976 (Scottish Government 2011a), and while there has been no clear trend in victimisation rates as measured in Scottish crime surveys since 1993, there was a statistically significant reduction in victimisation between 2008/09 and 2010/11 (see Scottish Government Social

---

[15] Unfortunately we do not know how bad respondents thought crime was two years ago, so for example 'about the same' could mean something very different for someone who thought there was a lot of crime in their area than for someone who thought there was no crime.

Research 2011: 23). Nonetheless, a higher proportion of adults believe that local, and national, crime is increasing, than those who think it is decreasing.

3.14.6 Similarly, studies in various countries have shown that people overestimate the proportion of crime that involves violence, and believe that crime is increasingly violent (see Hutton 2005; Paulin et al 2003; Anderson et al 2002; Hough & Roberts 2007; Butler & Mcfarlane 2009). So, for example, when a Scottish survey asked in 2005 what proportion of police recorded crime involved violence, the average response was 54%, compared to the actual proportion of 6% (Hutton 2005: 247), and comparison of results across jurisdictions and over time consistently find that people overestimate the proportion of crime which involves violence (with Scottish results the most extreme with 2% accurate estimate, 15% small overestimate, 83% large overestimate – see Hough & Roberts 2007: 208).

3.14.7 It seems clear, then, that many people have misperceptions about both the frequency of crime, especially national crime, and the severity of crime. As suggested above, there do seem to be different drivers of perceptions of crime rates at the local and the national level (see Jansson et al 2007). Jansson et al's analysis of the BCS suggests that perceptions of local crime is driven more by personal experience, factors to do with the local area, and risk of victimisation, all of which chimes with SCJS findings outlined above. On the other hand, they suggest that national crime rate perceptions are driven more by 'general characteristics' like age and newspaper readership (ibid: 55).

3.14.8 Duffy et al have also put forward some potential explanations from US evidence as to why views about the local area tend to be more positive. These centre on the idea of 'hometown favouritism' whereby people tend to see their own area as better than the others that make up the rest of the country, partly because they feel their values are matched by others in their area, and partly because of a belief that they would not choose to live in a worse than average place. They also point to perceptual biases around the scale of crime numbers at a national level (2008: 25).

3.14.9 In terms of the effect of these perceptions of crime on attitudes to the justice system, analyses of the BCS have found that while perceptions about crime are significantly related to confidence in the police, it is a small effect, and this is not a major driver of attitudes to the police (see Jackson & Sunshine 2007). Jackson et al (2009) argue that both fear of crime (as measured by perceived crime rates) and confidence in the police are driven by the same factors - namely perceptions of local disorder, cohesion and community efficacy - rather than being strongly related to one another.

3.14.10 To conclude then, we have seen that perceptions of local crime and national crime are different and driven by different factors, with local perceptions driven by personal experience of the local area and generally more positive than perceptions of national crime, which are more likely to be driven by perceptions of other areas, possibly gleaned from the media. Neither, however, seem to be major drivers of attitudes towards the justice system, though there is some suggestion that common drivers shape both confidence

in the police and perceptions of crime, namely perceptions of the local area, which we explored above.

Knowledge about the justice system

3.15 Turning now to knowledge about the justice system itself, Table 4 shows results of Scottish surveys which have shown that a large proportion of Scottish people feel that they know very little about the Scottish criminal justice system:

Table 4: Self reported knowledge levels

	Not very much	Nothing at all
The Scottish Criminal Justice System*	64%	17%
The Crown Office and Procurator Fiscal Service*	57%	23%
What happens to offenders in court^	61%	9%
What happens to offenders in prison^	60%	23%

*Source – Scottish Crime and Justice Survey 2010/11 (Scottish Government Social Research 2011)
^Source – Hutton 2005: 247

3.15.1 Scottish studies have also found widespread lack of awareness about the range of sentencing options available to Scottish courts, particularly community sentences (Scottish Government Social Research 2011; TNS System Three; Anderson et al 2002, see also below).

3.15.2 Much of the literature outside of Scotland in regards to public knowledge about the justice system focuses on trends in sentencing. And so, studies have tested participants by asking them about their perceptions of justice system trends, and compared the responses to statistics to test the accuracy of these perceptions. These studies have found that people consistently underestimate the percentage of those found guilty for particular crimes who are given prison sentences (Hough & Moxon 1985; Roberts & Hough 2005c; Hough 2003; Roberts et al 2008; Allen et al 2007; Hough & Roberts 1999; Feilzer 2007).

3.15.3 It is established, then, that people's factual knowledge of the justice system, particularly sentencing practice, is low. The important question is whether and to what extent this has an effect on public attitudes to the system. There are broadly two ways that research has explored whether there is a relationship between knowledge and attitudes – by analysing the findings of surveys which have asked about both, and by conducting experiments where participants are provided with information in various ways, and their knowledge and attitudes both before and after are measured[16]. These experiments are different from the police communication experiments outlined above in that they were designed to convey facts and figures rather than act as reflexive engagement between police and their local community.

3.15.4 Taking the survey analysis first, some analyses of the BCS and similar survey in other countries have identified correlations between knowledge levels and

---

[16] The 'what works' section below will examine the issues around the implementation of this information provision, here we will focus on the link between having 'accurate' factual information and attitudes.

attitudes to the justice system, especially views of sentencing and judges (Butler & Mcfarlane 2009, Hough & Roberts 1998, 1999, 2004, 2007). So, for example, Hough and Roberts (1999) found misperceptions about trends to be correlated with the attitude that sentencing is too soft, as shown in the box below.

3.15.5 Most of these analyses, however, do not measure the size of the impact of knowledge levels on attitudes; explore whether the relationship is statistically significant; or whether there are other factors responsible for the apparent relationship, in other words, whether there is some other factor which influences both knowledge and attitudes (such as source of information

---

Correlations between Knowledge of Trends and Attitudes to Sentencing

1 Changes in national crime rate. (Those saying `a lot more crime' were most likely to think sentences far too soft.)

2 Changes in use of imprisonment. (Those saying prison use `the same/down' were most likely to say sentences far too soft.)

3 Estimated number of convicted muggers who were sent to prison. (Under-estimators were most likely to say sentences were far too soft.)

4 The proportion of recorded crime involving violence. (Over-estimators were most likely to say sentences were far too soft.)

5 Estimated number of convicted burglars who were sent to prison. (Under-estimators were most likely to say sentences were far too soft.)

6 Estimates of the clear-up rate. (Under-estimators were most likely to say sentences were far too soft.)

from Hough & Roberts 1999

– see section below – or trust in different information sources).

3.15.6 This means that while the evidence suggests that there is a link between knowledge levels and attitudes to the system and sentencing, from this evidence we cannot definitively conclude that a direct relationship exists, or indeed which direction it goes in – i.e. whether it is low knowledge which leads to low trust and confidence or whether low trust and confidence results in a lack of interest or trust in any information which could improve knowledge.

3.15.7 Moving on to information experiments then, we will look at studies which involve the communication of (mainly statistical) information about the justice system and its trends. This has been done in a range of different ways, such as booklets, seminars, videos, and deliberative workshops[17], and some experiments have compared the effects of different communication modes. These experiments find that provision of such information leads to some improvement in knowledge about the system (as measured by before and after tests), and some small improvements in attitudes to the justice system (Mirrlees-Black 2002, Singer & Cooper 2009, Salisbury 2004, Chapman et al 2002, Hough & Park 2002).

---

[17] Deliberative workshops involve both the giving of information, usually in the form of presentations, and then participant discussion about the information and issues raised. See Hough & Park 2002 and Green 2006.

3.15.8 These findings, however, are not as straightforward as they may appear. Mirrlees-Black (2002) and Salisbury et al (2004) have found that, despite the fact that participants themselves attributed increased satisfaction to their increased knowledge, there was not a statistical link between the two. Both studies put forward a different potential explanation for this.

3.15.9 Mirrlees-Black (2002) found that those who had not improved their scores in the knowledge test were just as likely to have improved confidence as those who had improved their scores, and concluded that improved attitudes are retained for longer than improved knowledge.

3.15.10 Salisbury et al found that while knowledge levels had only improved for the groups who had received the booklet, there were similar increases in confidence among all participants, i.e. both those who had, and had not received the booklet, i.e. those who had only been surveyed at two points in time. This suggests that it was the fact of being engaged with on the subject which increased confidence. This chimes with the findings outlined above on communication with police, that the fact of communication increases confidence more than the factual content of communication.

3.15.11 There is also some complexity in the findings around which respondents change their attitudes and in which direction. The studies where changes in attitudes were analysed further found that some people's attitudes became more negative rather than more positive, and some people were more likely than others to have become more positive in their attitudes.

3.15.12 So, for example, those who were less positive after receiving information in Mirrlees-Black's study explained this by referring to "the length of a custodial sentence served, greater awareness of crime generally and a concern that they had been fed propaganda" (Mirrlees-Black 2002: 188). This suggests a mistrust of the source of information, which we will return to below. Chapman et al also found that those with lowest confidence were more likely to increase in confidence, and those who said they were 'very interested' in law and order issues were less likely to change their attitudes (2002: xi). This mirrors Feilzer's point that the extent to which improved knowledge can increase positive attitudes depends on the levels of knowledge people already have, the interest they have in the issues, and the extent to which information can reflect a system which 'deserves' positive attitudes (see Feilzer 2007).

3.15.13 All in all, the evidence on the relationship between knowledge levels and attitudes to the justice system shows a complex picture, in which it is difficult to isolate the effect of people's knowledge from other factors to do with the source of such knowledge. This is both in terms of where or who it comes from, and how it is communicated.

3.15.14 Taking these one at a time, there is some evidence that some people do not trust information they perceive as coming from 'the government' about justice, or indeed generally, especially information in the form of statistics. It has been shown that the same crime information is more likely to be trusted, and thus taken on board, if it is believed to be from an independent source than if it is seen as 'government information' (Duffy et al 2002).

3.15.15 Similarly, a study into trust in statistics generally in England and Wales has shown that more people disagreed than agreed that official statistics are accurate (40% and 32% respectively – Bailey et al 2010). The majority of respondents (60% and 61%) felt that government officials, and the media, do not present statistics honestly, reflecting concern about 'spin' amongst justice research participants (see also Stead et al 2002; Maruna & King 2008; Duffy et al 2008). And when respondents were asked about trust in specific statistics, where those statistics were not trusted, the most common reason given tended to be that they did not match personal experience (Duffy et al 2008). This chimes with the wider findings of this review that personal experience is more influential to attitudes than system knowledge.

3.15.16 On the other hand, Duffy et al found that police were amongst the most trusted sources of information, but this trust was not being capitalised upon, as they also found that police were amongst the least often cited sources of information (2008: 41).

3.15.17 In terms of how information is communicated, there is some evidence that the more interactive the method of communication, the more impact it may have – whether it be a leaflet handed out by police rather than posted (Singer & Cooper 2009), or a format which allows people to ask questions and discuss the issues, such as a deliberative workshop (see Green 2006 and Hough & Park 2002). This seems to suggest that two way communication may be more effective than one way 'education' of the public, in which they are provided with information without the opportunity to discuss it or ask questions.

3.15.18 Finally, in regards to the tone and content of communication, some research has pointed to the importance of context, and of any explicit or underlying moral and emotional messages in the communication of information to the public. So, for example, Stead et al's focus groups with people who had been provided information found that, on the one hand, information about the size of the prison population did not mean much to their participants, as they were not clear on how big it *should* be. On the other hand, points about the values underlying community sentences (such as 'paying back' and 'making good') resonated much more with participants than points about their effectiveness (Stead et al 2002: 4).

3.15.19 This demonstrates that there is an important moral dimension to the way that people understand what the justice system is, does, and should be doing. This cannot be separated from 'information' and 'knowledge', which can never be morally neutral, in that what information is communicated will always be selective and carry assumptions about what is important.

3.15.20 We have seen, then, that the evidence around the effect of knowledge about the justice system on attitudes towards it is complex. It appears that having more knowledge may have a small positive effect on attitudes, but this may be mediated by the source of knowledge, level of engagement with justice information (both in terms of openness to it, and opportunity to ask questions about it), and the moral context of information. We will return later the role of

the main source of indirect information about the justice system – the media. First we will examine people's perceptions of sentencing.

Sentencing perceptions and preferences

3.16 In the second chapter of this report we saw that despite the fact that most survey respondents tend to say the courts are too lenient, people's preferences in specific cases tend to be very similar to what the courts would do. We also saw in the previous section that there is a correlation between knowledge about sentencing and attitudes to the justice system. This section will examine the evidence on sentencing attitudes and preferences in more depth, concluding with a consideration of whether and to what extent such attitudes and preferences influence attitudes to the justice system itself.

3.16.1 So, as we have seen, when asked in polls or surveys whether the courts are 'too tough', 'too lenient' or 'about right', the vast majority say that the courts are 'a little', or 'much' too lenient. This has been found in Scotland (Anderson et al 2002), England and Wales (Allen et al 2007; Hough & Roberts 2004; Smith 2010), and internationally (Hough & Roberts 1999; Stalans 2009; Roberts & Stalans 1997; Butler & McFarlane 2009). For example, Anderson et al found in a Scottish survey that 3% of respondents thought that current sentencing was too tough, while 32% thought it was `a little too lenient' and 38% that it was `much too lenient' (Anderson et al 2002: Section 3.5). This suggests that generally people are not supportive of sentencing practice in Scotland.

3.16.2 Further research, however, suggests that this finding is not a direct commentary on what courts are actually doing. This can be demonstrated by studies which ask participants to decide on sentences for particular case studies. These studies tend to find that the sentences people choose are on average about the same, or more lenient, than the sentence which would be imposed in a real world court. This has been found in Scotland (Anderson et al 2002; Hutton 2005; TNS System Three 2007), and further afield, including England and Wales, Poland, Canada and Australia (Hough & Roberts 1998; Krajewski 2009; Roberts & Hough 2005c; Chapman et al 2002; St Amand & Zamble 2001).

3.16.3 The exceptions to this, where sentences chosen were found to be markedly more punitive than the sentence that would be imposed by the courts, are in three kinds of circumstances. First, when studies take place in the Netherlands (Keijser & Elffers 2009), or Switzerland (Kuhn 2002 – though it should be noted that researchers found that results were skewed by a small number of very punitive respondents, and actually most people were more lenient than the courts – page 123-124). It is possible that sentences are more lenient in these countries than countries like Scotland. Second, in scenarios where the most serious kinds of cases are used (see Roberts & Hough 2005c) people have been found to be more punitive than actual courts. And third, people have been found to advocate longer prison sentences than the courts impose, where they have chosen a prison sentence for the scenario (see Roberts et al 2008).

3.16.4 So what is the reason for the apparent difference in attitudes to sentencing across these two kinds of question? Does it simply demonstrate misperceptions amongst the public as to what sentences courts are imposing? Or is it more to do with the ways that people answer different kinds of questions?

3.16.5 The key difference between the two questions (about the leniency of courts and about sentencing preferences for specific case studies) is the generality of the former compared to the specificity of the latter. Research has shown that when people answer general questions about sentencing, they use mental shortcuts to formulate answers, and use the most easily accessible information to do so. This results in people thinking of the worst kinds of offences, and offenders – i.e. very serious crimes committed by repeat offenders, which are not representative of crime in general. In this situation, people are also inclined to think of the most memorable sentences, and assume that a small number of these are representative of sentencing as a whole i.e. atypically lenient ones (see Stalans 2002; Roberts & Stalans 1997; Stalans 2009; Hutton 2005; Hough & Roberts 1999; Keijser & Elffers 2009). In these ways, short general questions tend to lead to apparently punitive responses.

3.16.6 A Canadian study tested this by asking separate questions about violent and non-violent offenders. They found that 80% of people asked about violent offenders felt that courts were too lenient, compared to less than half for non-violent offenders (Roberts & Stalans 1997). Interestingly, it has been found that those people with strongly held views are less susceptible to this shortcut thinking than those with mixed or less strong views (see Stalans 2009; Roberts & Stalans 1997). This perhaps suggests that it is more difficult to influence strongly held attitudes with the supply of information.

3.16.7 On the other hand, it has been shown that where questions are more specific, contain more information, and are more interactive (such as in an interview or deliberative workshop rather than a structured survey), the views elicited tend to be less punitive (Hutton 2005; Keijser & Elffers 2009; Kury et al 2009; Indermaur 2009). This is because more information and more opportunity for consideration and discussion allows people to think through their responses rather than using mental shortcuts. For example, one German study used a survey to determine punitivity levels, and then interviewed a sample of those who had been found to be most punitive in the survey. It was found that levels of punitivity as measured by the interviews were half of those measured by the survey (Kury et al 2009: 67).

3.16.8 Several studies have found that the more information given about a case, whether it be about the offender, the available sentencing options, or the case circumstances, the less severe the sentence suggested (see Roberts & Hough 2005b; Roberts & Hough 2005c; Kury et al 2009; Roberts & Stalans 1997; Hough & Roberts 1999; Keijser & Elffers 2009). This is not an unanimous finding however, as Paulin et al found that in their seven case studies more information resulted in more severe sentences in some cases, and less severe sentences being suggested by participants in others (Paulin et al 2003). Clearly it would depend at least in part on the nature of the

additional information which was provided, though the general point from this research is that specific, realistic case studies give people more of a chance to think the case through, without relying on stereotypes and assumptions to provide top of the head responses.

3.16.9 And so it seems that short, general questions cannot fully capture the complex attitudes people have about sentencing (see also Coulsfield 2004; Sprott 1999), which can depend very much on context and careful thought. We will now turn to the responses to these more complex and specific questions, and consider what public preferences are in terms of sentencing practice.

3.16.10 Without going into the specific details of sentencing preferences in particular cases, numerous case study research studies have found that the four key factors influencing sentencing preferences are:

➢ Crime seriousness – the most important consideration. It seems crucial to the public that sentences are proportionate to the seriousness of the offence. Within this, clear lines are drawn between serious, violent offences, where offenders can be seen as dangerous, and for which prison is seen as appropriate, with a focus on public protection, and less serious, non violent offences such as property offences, which are more often assigned community sentences, with a focus on rehabilitation (see Hutton 2005; Anderson et al 2002; Stalans 2009; Roberts & Hough 2005c; Roberts & Stalans 2004; Stalans 2002; Krajewski 2009).
➢ Attitude – Participants in these studies also made a distinction between those who did and did not express remorse, and attempt to make amends for their actions (Roberts et al 2008; Roberts & Stalans 2004; Kury et al 2009; Roberts & Hough 2005b)
➢ Previous Record – a clear distinction is also made between repeat and first time offenders in the severity of sentence which is deemed appropriate (Anderson et al 2002; Roberts et al 2009)
➢ Offender circumstances/characteristics – some, though not all, studies found that some offender characteristics or circumstances influenced sentencing severity or purpose, such as whether they were young offenders, or had a drug addiction (both tending to lead to less severe and more rehabilitative sentences) (see Anderson et al 2002; Roberts & Stalans 2004).

3.16.11 The key message here is that people's sentencing preferences are complex and dependant on many factors, with different types and severity of sentence and sentencing purposes coming to the fore in different circumstances (see Roberts et al 2009; Paulin et al 2003; Stalans 2009). And so people have been found to support sentencing based upon the specific details of individual cases rather than standard penalties for particular offences (see Roberts et al 2009; Maruna & King 2008; Hutton 2005), and to support a range of apparently contradictory sentencing purposes such as rehabilitation, restoration, and punishment both across and within cases (see Maruna & King 2008; Coulsfield 2004; Roberts & Stalans 2004).

3.16.12 Finally, it is important to note that the sentences people choose in these exercises are not necessarily the only ones they would deem acceptable.

Roberts and Hough (2005) asked those who had suggested a prison sentence for a specific scenario if they would find an alternative (community) sentence (one year of supervision, 200 hours work, and victim compensation) acceptable. They found that 79% of those who had originally opted for prison said they would find this alternative acceptable (Roberts & Hough 2005b: 223). They refer to three similar studies where community sentences are suggested in the place of custody, and in line with the findings outlined above, they found that the substitute was more likely to be seen as acceptable when the offence was non-violent and the alternative community service, and less likely to be seen as acceptable when the office was violent and the alternative a fine (Ibid: 225).

3.16.13 It should be noted that these sentencing preferences may well be influenced by perceptions of sentence types, i.e. of prison, community sentences, and fines, which were outlined in the previous chapter.

3.16.14 We have seen, then, that in general the public are not universally punitive, and have different sentencing preferences across different kinds of crimes, offenders and circumstances. Of course, not every person in these studies suggested the same sentences, and some were found to be generally more punitive than others in their suggestions. We will now look at what causes some people to be more punitive than others.

3.16.15 Studies examining drivers of punitivity have consistently found some demographics to influence punitivity, though the influence is relatively small (Kesteren 2009; Maruna & King 2009). Men, older people, the less educated, and tabloid readers have been found to be more punitive (Kesteren 2009; Maruna & King 2009; Hough & Moxon 1985; Jansson et al 2007; Kuhn 2002). Victims are generally found to be no more punitive than non-victims (Kesteren 2009; Kury et al 2009), though in New Zealand the one exception of female victims of male assault has been identified (Paulin et al 2003). One international study has found a link between punitivity and lower confidence in the police, and living in a country with higher inequality (i.e. the USA or the UK) (Kesteren 2009).

3.16.16 Maruna and King have demonstrated a link between personal beliefs about offenders and punitivity, in that the most punitive people are those who believe that crime is a choice and that criminals cannot change their ways and the least punitive people believe that crime has 'social origins' and people can change, with everyone else having moderate punitivity (Maruna & King 2009a: 18-19).

3.16.17 The most commonly cited drivers of punitivity are, however, perceptions about crime and society. Those with high fear of crime, who think crime is rising, or have concerns about social change are found to be most punitive (Jansson et al 2007; Kury et al 2009; Sprott 1999; Hutton 2005; Windzio et al 2007; Hough & Moxon 1985; King & Maruna 2009). Punitive attitudes, for those who have them, seem to fit into a wider narrative of rising crime and societal breakdown, though as we have seen, in the context of specific cases, the public are by and large not universally punitive.

3.16.18 This section has so far examined the evidence in regards to what people's perceptions of sentences are, what drives them, and what makes some people more punitive than others. The most important question in regards to the topic at hand, however, is the relationship between attitudes to sentencing and attitudes to other aspects of the criminal justice system, such as attitudes to the system as a whole, or in regards to attitudes to courts and judges.

3.16.19 Unfortunately, for our purposes, the relationship between either sentencing preferences, or perceptions of sentencing practice, and attitudes towards courts, judges, and the justice system more broadly (such as confidence and perceptions of legitimacy), have rarely been explicitly or robustly explored, beyond the finding above that punitivity is linked to confidence in police.

3.16.20 In a relevant vein, Smith's (2007) survey in England and Wales asked people explicitly what they thought about when answering a question about their confidence in the justice system, and what they thought would improve their confidence. The most common answer to the former question was 'consistency in sentencing', and the second most common response to the latter was 'tougher sentencing' (after 'more police on the streets (Smith 2007). This suggests that the public themselves in England and Wales see sentencing practice as key to their own confidence.

3.16.21 However, two caveats should go with this. First, the exact wording of the confidence question was 'How confident are you that the criminal justice system is effective in bringing people who commit crime to justice?'. This is a very specific question, focusing directly on justice outcomes (i.e. sentencing), rather than other factors which may be relevant to confidence more generally, such as fairness of process (see above). Second, the responses to these questions may well have been brought about by similar mental shortcuts as the leniency question outline at the start of this section. As with the leniency question, respondents were asked for quick, top of the head responses to simple questions about complex issues. Indeed, the author of the report does caution that people's perceptions of what would increase their confidence may differ from what would in reality increase their confidence (Smith 2007).

3.16.22 Some correlation has been found in England and Wales between perceptions of leniency in sentencing and seeing judges as 'out of touch' or having low confidence in the courts (Hough & Roberts 1999; Hough & Roberts 2004). Leniency of sentencing has also been found to be the reason cited by research respondents for their low level of confidence in the courts (Hough & Roberts 2004). The size and direction of this relationship have yet to be explored.

3.16.23 Conversely, a Dutch study has found that dissatisfaction with sentencing does not lead to dissatisfaction with the courts and judges themselves, who are seen to be independent, impartial, and fair (Keijser & Elffers 2009). This echoes the procedural justice findings above, which found process to be more important for confidence than outcomes. Clearly, however, these Dutch findings cannot be assumed to be transferable to a Scottish context. This is therefore a major gap in the evidence and more research into the link between sentencing perceptions and preferences, and attitudes to the justice

system, are required to determine whether a direct or indirect relationship exists, which direction it goes in, and the size of its influence.

Media influence

3.17 There is a widespread assumption that a major or even the main driver of people's attitudes to the justice system is the media, but in fact the relationship is very rarely examined analytically. The research that does exist, as ever, shows a more complex picture. This section will examine the evidence in an attempt to ascertain the nature and size of the relationship between the media and people's attitudes to the justice system.

3.17.1 First, let us consider what we mean by 'the media'. As with 'the public', the media is not a homogeneous group, and includes a wide range of formats, styles, and messages. Importantly, there is also variance in the reach of different media sources.

3.17.2 For example, the BCS has asked its respondents where they get the most information about their local police and police in the country as a whole. Table 5 shows the top twelve responses, and while the top two sources of information for both local police and police generally are media sources (local newspapers, TV and radio news programmes), the next four for local police are about personal and vicarious experience, with documentaries and newspapers appearing towards the bottom of the table. The picture is more mixed for police generally, where newspapers are more often cited as an information source. It should be noted, however, that the question is about where information comes from, and it does not explore the relative influence of information from the different sources (see below).

Table 5: Where people get the most information about the CJS

Information Source	Local Police (%)	Police in General (%)
Local Newspaper	55	38
News programmes on TV/Radio	35	59
Word of mouth/information from others	32	21
Personal experience	23	20
Relatives' and friends' experiences	21	19
What see been going on in their neighbourhood	17	10
TV documentaries	12	23
Tabloid newspapers	11	27
Broadsheet newspapers	9	22
Radio programmes	8	15
Local authority/local government/local council	5	4
Local police (including police's own website)	3	6

Adapted from BCS 2004/05 Allen et al 2007

3.17.3 Individual media sources are not, then, universally consumed by everyone, and used as a source of information about crime and the justice system. And as Table 5 shows, people turn to different sources when asked about different dimensions of the justice system. It is suggested by the research literature that the extent to which people rely on the media as a source of information

depends on how much they can glean from more direct sources, i.e. their own experience and that of those around them.

3.17.4 For example, research finds that when asked about local justice factors (e.g. ASB, police) or about things which they have personal or vicarious experience of (crime victims and suspects and their families etc) people are less likely to use the media as a source of information than when people are asked about national factors, or things they have no direct or vicarious experience of (Anderson et al 2002, Scottish Government & Cosla 2009, Ormiston 2010, Stalans 2009, Carrabine 2008, Dowler 2002, Callanan & Rosenberger 2011, Boda et al 2011). Personal and vicarious experience, when people have it, is thus a more important driver of attitudes to the justice system than information from the media.

3.17.5 Of course, some aspects of the justice system cannot be experienced directly, or are rarely so, such as trends – especially in crime and sentencing. Some studies have examined the content of news media and found that it has devoted an increasing amount of coverage to crime stories (Stalans 2009) and focuses disproportionately on serious violent crime, and stranger on stranger crime (Hough & Roberts 2004, Duffy et al 2008, Windzio et al 2007, Weitzer 2002). Some suggest that this explains the high proportion of people who think crime is increasing, seemingly independent of actual crime statistics, though detailed studies have found mediating factors between fear of crime and media consumption (see Carrabine 2008). Tracking studies have, however, found that peaks in fear of crime can be measured following media coverage of violent crime, followed by reduction in fear following stories about crime crackdowns (Duffy et al 2008).

3.17.6 Studies focused more directly on the influence of the media on attitudes to the system itself have found that coverage of the police is generally positive, and this may in fact lead to less confidence when unrealistic expectations are created that cannot be met in real life encounters (see Carrabine 2008, Leishman & Mason 2003). Some US studies have tracked public confidence in police alongside reporting of police misconduct, and have found that such reporting does have an impact on people's attitudes to the police (Callanan & Rosenberger 2011), but not necessarily a lasting impact (Weitzer 2002), or on all attitudes to police, with diffuse support (Brown & Benedict 2002) or views on police effectiveness (Miller & Davis 2008) not affected.

3.17.7 Boda et al's survey in Italy, Bulgaria and Lithuania found a link between higher media consumption and higher trust in the police, and more mixed findings for trust in courts, with reading newspapers leading to higher trust, and watching TV to lower trust. They also found, however, a correlation between trust in the media itself and trust in police and the courts and concluded that there was no substantial evidence of a direct strong link between media consumption and levels of fear of crime and trust in police and courts (Boda et al 2011). Roberts & Stalans (1997) also found this, which suggests that it is a wider trust in institutions that is relevant here (see next section).

3.17.8 One review of the evidence has suggested that the issue here is that the media are not effective at telling people what to think, but rather have an agenda setting function. In other words, the media is effective at telling people what to think *about,* and perhaps even how to think about it (Green 2006).

3.17.9 So, we have seen that the relationship between media content and people's attitudes is not direct and straightforward. The field of media studies itself has increasingly focused not on the content of the media, but the different ways that people consume it. It is now widely acknowledged that people do not unquestioningly absorb all media messages. People choose both what media sources they consume, and how to interpret what the media says (see Carrabine 2008).

3.17.10 A growing body of research, then, demonstrates that people choose which media sources to consume based on their existing attitudes and preferences (Boda et al 2011, Duffy et al 2008, Miller & Davis 2008, Windzio et al 2007, Dowler 2002, Feilzer 2009), and interpret different sources and messages in different ways according to their trust in each source, and the extent to which information and messages fit with their experience (as we have seen above) and existing attitudes (Duffy et al 2008, Hough & Roberts 2004, Carrabine 2008, Callanan & Rosenberger 2011, Leishman & Mason 2003, Roberts & Stalans 1997).

3.17.11 For example, a 2003 MORI poll in England and Wales asked a similar question to that outlined in Table 5, but added a secondary question about trust in sources. Table 6 shows the responses, and it can be seen that levels of trust in sources of information differ, and just because a person uses a particular source, does not mean they believe its contents. This is especially striking for tabloids, where 60% of respondents cited them as a source, but only 22% said they trusted them to tell the truth.

Table 6: Sources of information and trust

	Source of the most information (%)	Trust that the source tells the truth about how crime is being dealt with (%)
TV news/documentaries	95	87
Local newspaper	85	77
Broadsheet newspaper	68	60
Relative/friend's experience	67	89
Tabloid newspapers	60	22
Internet	24	30
Police	23	68
What you learned in school/class	19	57
Newsletter from the police sent to your home	18	49
Telephone helpline	5	36

(Adapted from Duffy et al 2008)

3.17.12 Similarly, Roberts and Stalans describe an experiment where respondents were shown one of two news reports on a violent confrontation between

students and police, one which blamed police and one which blamed students. It was found that:

'Respondents who viewed a news report that conflicted with their prior attitudes (e.g., pro-police respondents watched report attributing blame to the police) perceived the newscast as less objective, and perceived the reporter as less credible and as being partisan to the political position consistent with the newscast. Respondents who were exposed to information inconsistent with their attitudes discounted the information by concluding that the media were biased and hostile toward the view of the other side.'
Roberts & Stalans 1997: 94

3.17.13 People therefore not only make judgements both about the trustworthiness and reliability of particular media (and other) sources, they also make judgements about the authenticity of particular stories and pieces of information (see also Leishman & Mason 2003).

3.17.14 The fact that people can, and do, choose to disagree with media messages, lays bare one last important point – that what the media says does not necessarily reflect what they public think. Just as the media have been shown to not directly reflect the reality of crime trends, it also cannot be said to reflect the reality of the views and preferences of the public themselves (see Indermaur & Hough 2002). This is an important point for those in government and the justice system, who may be tempted to take media coverage as a direct representation of public opinion.

3.17.15 These findings demonstrate that the media can be an important source of information for people, and can influence, but does not directly drive people's attitudes to the justice system, both because the media itself is diverse and communicates a wide range of information and messages, and because people choose what media to consume and how they react to it.

Wider social and political context

3.18 Having examined the potential drivers of attitudes to the justice system which are directly related to the justice system, it remains only to look at the evidence regarding the wider social and political context – factors which lie outside the realm of crime and the justice system, but nonetheless are related to public attitudes.

3.18.1 First, it is widely established that public trust in the justice system or its constituent parts is correlated to trust in other institutions, in government and in other people (Slomczynski & Janicka 2009, Ivkovic 2008, Jokinen et al 2009, Van De Walle 2009, Jang et al 2010, Sun & Wu 2006, Duffy et al 2008, Tyler & Huo 2002, Jokinen et al 2009). The nature and direction of this relationship is unclear, with some ascribing declining trust across the board to a general loss of deference to authority (van de Walle 2009), some suggesting that trust in all institutions has a common source (Slomczynski & Janicka 2009, Ivkovic 2008), and some suggesting that trust in government influences trust in justice institutions (Jang et al 2010, Jokinen et al 2009).

Whatever the nature of this relationship, it is clear that trust in the justice system cannot be isolated from wider trust in government and authority, and so may be influenced by factors which have little or nothing to do with the operation of the justice system itself.

3.18.2 In a similar vein, some international surveys have found links between the quality of governance, level of government corruption, or equality in a country, and attitudes to police or courts (Ivkovic 2008, Sun & Wu 2006, Kesteren 2009).

3.18.3 Second, several studies have found a relationship between attitudes to the justice system, and feelings about social change and cohesion. These studies suggest that attitudes to the justice system, particularly police, are shaped in part by concerns about change in society, and the levels of social cohesion in the local area, that is, how far there is a feeling of community and togetherness (Tyler & Huo 2002, Hutton 2005, Jackson & Bradford 2009, Jackson & Sunshine 2007). According to this theory, attitudes to the police are shaped in part by factors not within the control of the police, who are seen as guardians of the community (although as we have seen above, police can have a powerful role in communicating through their behaviour who belongs as part of the 'community' and who does not).

3.18.4 It is important to recognise that public attitudes to the justice system, as a whole, or its constituent parts, will always in part be influenced by the particular history and culture of an individual society or geographical area (such as a country). International surveys, and studies in countries quite different from Scotland show that people's approach to crime and justice issues, and their attitudes to the justice system, often vary substantially across cultures (and indeed across time) (see Fortete & Cesano 2009, Ghassemi 2009). Indeed, we have seen that some of the research conducted in the USA is not comparable to Scotland due to the different ethnic make up of the two countries, and the different relationship between ethnic groups.

3.18.5 Of course, some of this variance will be due to the different experiences of the justice system in different places, but some will also be down to the different ways that issues and experiences are understood, processed and contextualised across cultures.

3.18.6 Finally, and related to the previous point, within individual societies there are groups with different levels of power, and dominance in the culture (these groups may, or may not have a demographic basis). So, for example, Buhlmann and Kunz compare confidence in the justice system amongst political and economic 'winners and losers' (the former defined by comparing political preferences with current governments, and the latter by stratifying income) and found that 'winners' were more likely to be confident in the justice system than 'losers' (Buhlmann & Kunz 2011: 332). We will return the role of social group membership when we discuss the mediating impact of ethnicity on the relationship between legitimacy and compliance below.

Summary of significant/relevant drivers

3.19   We have now reviewed all the possible drivers of attitudes to the justice system directly examined in the research literature. Table 7 summarises the findings in the approximate order of the size of impact on attitudes to the justice system.

Table 7: Summary of relationship between drivers and attitudes to the justice system

Driver	Strength of Evidence	Nature of relationship	Description of relationship	Part of justice system
Contact and vicarious contact with police and/or courts (procedural justice)	Moderate (no Scottish studies and few courts studies)	Direct and large	Of all the drivers, contact with the justice system has the clearest and biggest impact on attitudes. Procedural justice evidence shows that perceived fairness, neutrality, respect and honest motives lead to more confidence in the system	All (much more evidence on police, but some on courts).
Perceptions of neighbourhood and ASB	Moderate (direction of relationship contested)	Direct and large (though direction contested)	Evidence shows that perceptions of local ASB, and of local neighbourhood cohesion are related to attitudes to police, though attitudes to police may in fact reassure people about neighbourhood conditions, not the other way around.	Police
Visibility/ accessibility of police	Strong	Direct and large	Evidence shows that visibility and accessibility of police in the local area increases confidence in the local police	Police
Communication from police (other parts of system not studied)	Strong	Direct and medium	Communication from the police that meets people's desires from such communication can increase positive attitudes, as it communicates police engagement with the community (though smaller impact than direct contact)	Police
Wider social and political context	Moderate	Direct, possibly large	The correlation between trust and confidence in justice agencies, and trust and confidence in government and other public institutions suggests there is a common source of attitudes, which is beyond the realm of justice. The different historical relationships between populations and their public institutions, both as a whole, and for specific groups within societies, is also relevant.	All
Media use	Moderate	Direct and small	The media is a source of information, especially important where people do not have personal or vicarious experience to draw on, but people choose what media sources to consume, and contest messages that do not match their existing attitudes and experience	All (more crime and sentencing, where there is less personal experience)
Experience of crime (victimhood)	Moderate	Direct and small	Being a victim has a small direct effect on attitudes to the justice system, but having contact with the system as a result of victimhood has a bigger effect (see above).	Mostly police
Demographics (age, gender, ethnicity, class etc)	Moderate (mixed findings, little complex analysis in Scotland)	Indirect and medium (mediating factors)	Attitudes to the justice system (mostly police) do vary by demographics, but to a small extent, and this may be due in large part to the different experiences different groups have with the system.	All (most evidence on police)
Knowledge about the justice system and crime	Moderate (more complex analysis required)	Unclear, possibly indirect	While there are correlations between knowledge and attitudes, the evidence currently does not show a clear or large relationship. Possible mediating factors are the sources of information, trust in	All

			those sources, and levels of interest in information	
Sentencing preferences and attitudes	Weak	Unclear – relationship exists but size and direction unclear	Evidence shows people have nuanced sentencing preferences based on severity and circumstances of crime. We also know people underestimate sentencing practice, and this correlates with negative views about judges. The size and strength of this relationship has to date not been tested	Courts and Judges

3.19.1 We can see from the table that, according to current evidence, the most important drivers of people's confidence, trust, satisfaction and perceptions of the legitimacy of the justice system, especially the police, seem to be personal experience, whether that be of direct contact with the system, seeing or hearing from the police, experience and perceptions of the local neighbourhood, or even stories about the experiences of people you know or identify with. Within these experiences it is crucial that people feel that the justice system - as represented by people such as the police - values and cares about individuals and the community, behaves fairly, respectfully, neutrally and takes seriously the things that matter to people.

3.19.2 For parts of the justice system that are not as visible to the public as the police, such as sentencing, fewer people have direct or vicarious personal experience to inform their attitudes. In these circumstances inferences are made from available information, which is more likely to include media sources. The effect of such media use depends on which media sources are used, and the degree to which information aligns with existing attitudes and experiences.

3.19.3 The second and last columns in Table 7 show that evidence is stronger in some areas than others. There are notable gaps in the evidence on attitudes to particular parts of the system – while people's attitudes to the police have been examined in-depth, attitudes to the courts, other parts of the system such as prisons, and to the civil system have to date not been examined as thoroughly. Further research in this area would give a much clearer picture as to whether the same factors (e.g. perceived procedural justice, communication like newsletters) influence attitudes to these other parts of the system.

3.19.4 Similarly, which many studies examine people's attitudes to sentencing, to date none have fully explored the size and strength of the relationship between attitudes to sentencing and attitudes to the justice system more widely.

3.19.5 Finally, in many areas there is a distinct lack of Scottish evidence, for example police communication, and views of minority groups, and while studies from England and Wales may be comparable, this is not necessarily the case, and more research would be required to test findings from other jurisdictions in a Scottish context.

4   IMPACT OF ATTITUDES ON COOPERATION AND COMPLIANCE

Key Findings

➢ Procedural justice research has shown that when people feel that they are being treated fairly, neutrally, respectfully, that they are being allowed to have their say, and that they trust the motives of justice professionals, they are more likely to see their authority as legitimate, and comply and cooperate with justice professionals.

➢ There is also some evidence that those who see the justice system as legitimate are more likely to report crimes, though evidence is more mixed on this point.

➢ A modest link between perceived legitimacy of legal authorities and law abiding behaviour more generally has also been found.

➢ This link between perceived legitimacy and cooperation and compliance can differ across social groups such as between ethnic minority and majority groups.

Introduction

4.1   Before turning to consider how attitudes to the justice system can be improved, it is important to examine the evidence on the impact of attitudes to the justice system on people's behaviour. We will look in turn at three kinds of justice related behaviour, beginning with compliance and cooperation with police and court decisions.

Compliance and cooperation

4.2   In the previous section we looked at the evidence for the theory of procedural justice, which holds that a centrally important driver of attitudes to justice authorities (i.e. police or courts) is whether people believe or experience such authorities to be procedurally fair, that is, respectful, neutral, giving everyone their say, and with honest motives. It was found that perceived procedural justice can lead to improved satisfaction with legal authorities, trust and confidence in them, and a perception that the authority is legitimate i.e. a belief that the authority is entitled to be obeyed and should be deferred to (Jackson et al 2009, Sunshine & Tyler 2003, Tyler 2009, Myhill & Beak 2008, Gau 2010, Murphy et al 2006, Hough & Sato 2011).

4.3   Procedural justice theory, and research, does not however conclude with the impact of experience on attitudes, it also examines the impact of perceived legitimacy on people's behaviour, in terms of cooperation (i.e. assisting the authority) and compliance (i.e. obeying the authority).

4.3.1   This perceived legitimacy, therefore, makes people more likely to: accept the decisions of legal authorities, even when they are not personally desirable, comply with the authority's commands and requests for information, and generally cooperate with the authority when they encounter them (Jackson et al 2009, Sunshine & Tyler 2003, Tyler & Huo 2002, Myhill & Beak 2008, van Prooijen et al 2008, Skogan 2006, Gau 2010, Murphy et al 2006, Hough & Sato 2011; Hinds 2009). So, for example, McCluskey's study found that, controlling for other factors (including citizen characteristics), those receiving

respectful treatment from police officers were found to be twice as likely to comply, those receiving disrespectful treatment were twice as likely to rebel, and where police politely discussed a situation, people were found to be more than twice as likely to comply with their requests (McCluskey 2003).

4.3.2 It should be noted that, in this literature, the evidence for a link between procedural justice and cooperation is stronger than the link with compliance, and that compliance is likely to be linked to other factors (such as compulsion or fear) in a way that cooperation is not.

4.3.3 It should also be noted that the relationship between perceived legitimacy and cooperation and compliance, while a statistically significant one, is likely also a small one (Gau 2011).

Crime reporting

4.4 The second kind of justice behaviour discussed in the literature is crime reporting (and subsequent witness activities) – a more proactive form of interaction with the police than the cooperation outlined above. The procedural justice literature does suggest that perceived legitimacy also leads to increased likelihood of crime reporting, but this is not as strong a finding as with immediate cooperation and compliance (see Jackson et al 2009 and Skogan 2006). The link between attitudes and crime reporting has, however, been explored elsewhere.

4.4.1 For example, Viki et al's study of intentions to report crime, provide witness statements and testify in court found that these intentions were significantly predicted by attitudes to the justice system (Viki et al 2006). It has also been found in the UK that confidence in both the police's willingness and capability to tackle serious ASB influenced non reporting of such incidents (Casey & Flint 2007). Conversely, a study in the US has found that willingness to report crime was not linked to perceptions of police effectiveness, but was linked to experience of the police, and perceptions of local community efficacy (Davis & Henderson 2003).

4.4.2 Finally, the SCJS asks victims of crime for the reason why they did or did not report the crime to the police. Of the responses from those who did not report the crime, three responses could be said to be related to attitudes to the justice system – the police would not have been interested (third largest response at 13%), previous bad experience of police or courts at 3%, and fear or dislike of the police at 1% (Scottish Government Social Research 2011: 63). Of the responses from those who did report the crime, only one response could be said to be related to attitudes to the justice system, but this was the top response at 50% - all crimes should be reported/right thing to do/duty/automatic (Ibid: 64). This response could be related to views on the legitimacy of the police's role to investigate crime, though more research would be needed to substantiate this link. It is interesting to note that there seem to be different reasons behind reasons to report than reasons not to report.

4.4.3 The evidence in regards to the impact of attitudes on crime reporting are therefore more mixed than with cooperation and compliance, though views on police's engagement/interest in the community, perceived legitimacy of police, and previous experience of police, may well be factors people consider when deciding whether to report a crime.

Obeying the law

4.5 The final type of justice related behaviour examined in the literature is obeying the law. Here we return to procedural justice research, which suggests that perceived legitimacy of legal authorities even has an impact on people's behaviour when the authorities are not present, in that people are generally more likely to abide by the law when they see those who uphold the law as legitimate (Jackson et al 2009, Sunshine & Tyler 2003, Tyler 2009, Moorhead et al 2008, Skogan 2006, Gau 2010, Tyler 2004, Hough & Sato 2011).

4.5.1 The theory can be explained thus – when people experience or view legal authorities as behaving fairly, they are more likely to identify with the legal authorities, see their actions as morally right, and the laws they enforce as consistent with their own values. People are therefore more likely to obey laws, as they see them as 'right' (see Tyler 2009). With this in mind, some proponents of procedural justice have contended that this could form the basis of a more efficient and effective way to achieve compliance with the law than traditional command and control or deterrence models, as people will self regulate rather than having to be sanctioned and threatened with sanction, in other words, coerced into compliance (see Jackson et al 2009, Sunshine & Tyler 2009, Gau 2010, Hough & Sato 2011).

4.5.2 This inverse of this effect potentially also holds, at least in some circumstances – for example Kane has found that indicators of compromised legitimacy of the police (incidents of misconduct and over-policing) in highly disadvantaged areas were predictive of variations in violent crime rates (Kane 2005). This relationship did not hold in less disadvantaged areas.

4.5.3 It is important, however, not to overstate the case here, and Moorhead et al concede that the link between legitimacy and law abiding behaviour exists, but emphasise that the effect size is 'modest' (Moorhead et al 2008).

4.5.4 We have seen, then, that links have been found between attitudes to the justice system and people's behaviour. Research shows that procedural justice leads to more cooperative and compliant behaviour when legal authorities interact with the public. It also suggests that positive attitudes may lead to more reporting of crime, and more law abiding behaviour in general. If this is indeed the case, clearly it is desirable to increase positive attitudes to the justice system among members of the public, especially perceptions of legitimacy.

Influence of social background

4.6 This relationship between perceived legitimacy and cooperation and compliance may not, however, apply to all groups within society. While

research in the US has found that ethnicity does not influence procedural justice evaluations themselves, in that people of all demographics respond positively to procedural justice (see for example Tyler et al 2004; Higgins & Jordan 2005), this may not be the case with the effect of procedural justice evaluations on behaviour.

4.6.1 So, for example, Murphy and Cherney (2011) have found in Australia that the ethnicity of their survey respondents moderated the effect of procedural justice on willingness to cooperate with the police. That is, procedural justice had no effect on willingness to cooperate with the police among ethnic minority respondents, and in contrast, procedural justice significantly influenced willingness to cooperate with police amongst ethnic majority respondents (Murphy & Cherney 2011: 248).

4.6.2 In a separate Australian study, perceived legitimacy of the law (separate from the legitimacy of the police) was found to be relevant, and it was found that for ethnic minority respondents who questioned the legitimacy of the law, procedural justice had a negative effect on willingness to cooperate with the police (see Cherney & Murphy 2011).

4.6.3 Two theories have been used to illuminate these findings. First, the 'group value model' echoes some of the findings above in stating that experiencing procedural justice sends messages about a person's membership of the group represented by an authority, and good experiences foster support for the authority. However, some people in society will not identify as strongly as others with the 'dominant' group represented by legal authorities, and so for these people symbolic messages about group belonging are not as relevant or influential (see Murphy & Cherney 2011: 237).

4.6.4 The second theory is the theory of social distancing, which posits that people can take up a range of social distances in their interaction with authorities, ranging from commitment to disengagement. Experiences of procedural justice may have different outcomes for people with different social distances. For example, it may be particularly difficult to elicit positive responses from disengaged people, who have low levels of identification and trust, even when procedural justice is used (Cherney & Murphy 2011).

4.6.5 These findings and theories demonstrate that context can matter to the outcomes of procedural justice, depending on particular groups' relationships with dominant groups in society. The findings outlined here were in relation to ethnic groups, but this may apply to other kinds of marginalised groups in society.

4.6.6 Nonetheless, we have seen that, in at least some circumstances, procedural justice can lead to increased confidence, legitimacy, and increased willingness to cooperate and comply with legal authorities and the law. It should be noted that since the main focus of this review was on attitudes, and not behaviour, and given the small effect size of attitudes on compliance and behaviour, there has been no attempt to expand this section on cooperation and compliance beyond justice-related procedural justice literature, for example examining specific types of user experiences, or non-justice

literature. There is therefore a wider literature that could be examined on this topic. The next and final section of this report will examine the evidence on what can improve public attitudes to the justice system.

5 WAYS TO INCREASE POSITIVE ATTITUDES AND BEHAVIOUR

Key Findings

➢ There are four types of activity that have been shown to improve attitudes to the justice system:

- o Direct Contact – improving encounters between the justice system and the public in line with the tenets of procedural justice theory.

- o Visibility and Engagement – including both police visibility and direct engagement with the public

- o Improving Neighbourhood Conditions – reducing signals of crime and ASB and improving cohesion

- o Communication – including newsletters, emails, etc. appropriately designed with the needs and priorities of the audience in mind.

➢ All of these types of activity can form part of community policing, which has been implemented across the UK in recent years. It appears that key to its success is reflexive engagement between the police and the community, characterised by open, honest, and inclusive communication and activity, which is tailored to specific local needs.

➢ Much if not all of this evidence has focused specifically on the police. It is possible some of these activities may be transferable to other parts of the justice system, such as courts, but more research is required to explore this.

Introduction

5.1 The evidence reviewed has enabled us to construct a picture of what drives people's attitudes to the justice system, and the impact of such attitudes on people's behaviour. This final section will look at the potential application of this evidence, by exploring the evidence around what improves attitudes to the justice system. Looking back at evidence outlined above, and at experimental interventions, we will discuss four broad types of activity that have been shown to improve public attitudes.

Direct Contact

5.1.1 Those who have had contact with the justice system are likely to draw on this contact when forming their attitudes to the justice system, and making decisions about how to engage with the system in the future, as well as when communicating this experience to those around them. Therefore, if it is seen to be important for people to have positive attitudes to the justice system, it is clearly vital that personal encounters with the system are positively evaluated.

5.2 We have seen that direct contact with the justice system has a large impact on people's attitudes to the system, and that such contact, and the system itself, is more likely to be evaluated positively if system professionals (police, court staff, judges and so on) are perceived to operate in a procedurally fair manner. We have also seen that there is debate as to whether and to what extent positively evaluated contacts can improve attitudes, but there is

consensus that negatively evaluated contact with the system can have a large negative impact on attitudes.

5.2.1 The evidence thus suggests that one way to improve public attitudes to the justice system would be to ensure that professionals in the justice system behave fairly, respectfully and transparently in any interaction with a system 'user', whoever they may be, and allow them to have their say in the process. This focus on procedural justice can be enacted both through system processes (for example processes around information provision to system users, and users' roles in justice processes) and through system cultures (for example around how professionals are trained and expected to behave).

Visibility and Engagement

5.3 We have seen above that there is a proven relationship between perceived visibility and accessibility of local police, and attitudes towards the police. The 'what works' policing literature tends to expand on simple visibility to broader examination of the impact of police engagement, i.e. routine interaction with members of the public about their concerns and expectations, often as part of community policing. Other aspects of community policing examined in the literature cover activities we will examine separately (communication and improving neighbourhood conditions are covered below), but in this context the literature shows that both visibility of police in a neighbourhood (see above and Rix et al 2009, Smith 2007, Dalgleish & Myhill 2004, Bradford, Jackson & Stanko 2009, Charlton 2010, Jackson Et Al 2009, Mawby 2004, Mackenzie & Henry 2009), and engagement with communities (see Rix et al 2009, Dalgleish & Myhill 2004, Hohl et al 2010, Quinton 2011, Myhill & Beak 2008) have a positive impact on people's attitudes to the police.

5.3.1 There is some disagreement in the literature as to the relative importance of simple visibility of police officers to the community, and actual interaction and engagement between officers and the community, with some saying visibility alone is sufficient (Mackenzie & Henry 2009), while others finding that visibility only has a marked impact on attitudes when it is accompanied by interacting with the public, and becoming a familiar and responsive part of the community (Rix et al 2009, Mawby 2004, Jackson et al 2009). This may reflect differences in the needs and expectations of different communities.

Improving Neighbourhood Conditions

5.4 Equally important to engaging communities is acting on their concerns. Thus our third area of activity is around reducing ASB and signs of crime in neighbourhoods, and improving perceived community cohesion. We have seen that perceptions of ASB and disorder in a neighbourhood are related to attitudes to the police, and literature on what works in regards to community policing, and dealing with ASB, identify making physical improvements to an area (Dalgleish & Myhill 2004, Rix et al 2009), dealing with ASB, and signal crimes (Mackenzie & Henry 2009, Jackson et al 2009, Myhill & Beak 2008, Rix et al 2009), and dealing with things that concern local people (Hohl et al 2010, Mackenzie et al 2010) as activities that both reduce concern about crime and local cohesion, and improve confidence in the police.

5.4.1 These issues are not, however, necessarily tackled solely (or at all) by the police, and there is a role for Local Authorities and multi agency working here (see Rix et al 2009).

Communication

5.5 The final area of activity which is shown in the literature to improve public attitudes to the justice system is communication. We saw in the drivers chapter of this report that indirect communication from the police, such as newsletters, can improve attitudes to the police, especially when the content of such communication meets the needs of the audience.

5.5.1 From the literature, we can identify three key elements to be considered when designing communication about or from the justice system:

1. **Source of communication** – We have seen that people are most likely to trust communication from the police, or independent sources, and least likely to trust anything perceived to be from 'the government'. Experiments which have explored the impact of newspaper columns or ongoing newspaper stories have found these to have little impact (Feilzer 2007, Elffers et al 2007, see also Gies & Mawby 2009), while more direct communication using newsletters or interactive events have been shown to have more of an effect on attitudes. This is due, among other things, to low readership of individual stories in a paper compared to newsletters, low level of authorial control of newspaper articles, and relative perceived trustworthiness of sources.

2. **Purpose of communication** – We have also seen that some experiments designed to improve knowledge about the justice system, and thereby improve confidence, have shown some small improvements in confidence. However, there is also evidence that this boost in confidence is due not to improved knowledge, but to the engagement involved in being communicated with. On the other hand, communication activity designed as a method of engagement, specifically tailored to what the audience wants from such communication, has been shown to directly improve attitudes. Communication that is not reflexive in this way "run the risk not only of appearing to the public as missives from a remote power, but actually being so" (Hohl et al 2010: 496)

3. **Content of communication** – it is crucial that the content of any communication is seen to be relevant, trustworthy and interesting by its audience. So some consultation as to contents is always useful. Generally, communication should not be overly reliant on statistics, which can be dismissed as 'spin', should as far as possible chime with people's lived experience, should cover the issues most important to people, and should operate on a moral/emotional level, not simply on a factual level. It is also helpful for communication to be in some way interactive, in the least by supplying contact details for local agencies and a method for providing feedback on both the system's performance, and on the communication itself.

Application of these activities

5.6 Throughout this section we have made reference to community policing, and indeed all four of the activities outlined above can be utilised as part of a community policing approach. The effect of community policing as an approach on attitudes to the police has been well demonstrated, with pilot areas in England and Wales experiencing a 15% increase in those saying the police were doing a good or excellent job, compared to a 3% rise in the control areas (Tuffin et al 2006). A 2009 poll in England also found that 51% of those who had heard of community policing said it had made them more confident that crime and anti-social behaviour were being tackled in their local area (Charlton 2010).

5.6.1 One exception to the positive findings in regards to community policing is an evaluation of a pilot in North England, which found a rise in people feeling unsafe, and a drop in confidence. This was felt to be due to unrealistic expectations raised by the scheme, and an inability of the police to deal with the root causes of the community's fear (Jokinen et al 2009). Similarly, Rix et al have outlined four potential pitfalls for reassurance and confidence building interventions – not achieving representation from the community as a whole in consultation; highlighting crime and ASB too much; negative talk from justice professionals about their organisation; and community engagement not being perceived throughout the police as important work (Rix et al 2009).

5.6.2 A central theme, therefore, of both the community policing literature, and the evidence reviewed above, is the importance of a reflexive relationship between the justice system and the public, where, the police (for example) listen to the public's concerns, act upon them, and communicate openly and honestly about what they are doing. It follows, and is of central importance, then, that the differing contexts and needs of different communities and groups are taken into account when designing a strategy to building or maintaining confidence (see Rix et al 2009). This is in line with the findings of the previous chapter, that groups with different relationships to society at large may respond in different ways to contact with legal authorities.

5.6.3 So, for example, the Metropolitan Police in London have used analysis of their own survey and the BCS to define four distinct groups of Londoners who have different needs, and have tailored their policing approached to these needs (Bradford et al 2008). Similarly, Innes and Roberts have argued that in areas with high crime and high disorder, improving neighbourhood conditions, i.e. targeting signal crimes and disorder, is most effective at improving attitudes, while in areas with low levels of ASB, engaging with the community and taking their concerns seriously is sufficient to improve attitudes (Innes & Roberts 2007).

5.6.4 Now, the evidence base on what works as it stands is primarily focused on the police. We do not know to what extent these kinds of activities could also foster more positive attitudes towards other parts of the justice system, such as courts. There are some studies showing that procedural justice theory holds for courts as it does for police, but there appears to have been no attempt to date to explore the possible link between courts and local

communities, and the effect of communication from or about courts on attitudes to courts and the justice system. This is a fertile area for research and experimentation in the future.

6   CONCLUSIONS

Key messages for policy and practice

6.1   This literature review has demonstrated the importance of people's personal experience in shaping their attitudes to the justice system – their experience of the justice system, their experience of the area they live in, and the stories they hear about the experiences of those they know or identify with. In both individual encounters, and in general relationships between the system and communities, it is crucial that people feel that the justice system and its representatives have the best interests of people, and communities, at heart, that they behave fairly, neutrally, respectfully, and allow people to have their say.

6.1.1   There are some factors which we might have expected to be more influential than the evidence suggests, such as crime victimisation, knowledge about performance trends and media reporting. It is an important message for policymakers and practitioners alike that the media neither directly reflect public opinion, nor directly influence it.

6.1.2   The evidence on what works to improve attitudes to the justice system supports this, and finds that the methods which have been found to improve attitudes centre on direct engagement, either in person, by sight, or by other forms of communication like newsletters. The most important aspect to all these forms of engagement is that they are based on a sound understanding of what people want from the justice system and its representatives, in terms of how they want to be treated, the issues that are important to them, the actions and the information they want.

6.1.3   This literature review gives some direction as to how improved attitudes can be achieved, but has also found that the needs of the public vary between communities and across demographic groups. The best way to maximise public attitudes in the justice system is to engage with users and local communities in a meaningful, honest and committed way. This has the potential to improve not only people's attitudes, but their behaviour.

Reflections on the evidence landscape

6.2   This literature review has examined a wide range of research evidence and has outlined strong findings, especially in the areas of procedural justice and attitudes to the police. Throughout this report, however, we have also identified several areas where there is not enough evidence to reach firm conclusions, for which further research, and analysis of existing data, is required. These are:

➢   Scottish trends in attitudes to the civil justice system, civil and criminal courts, fines and prisons

➢   The differences in extent and nature of attitudes to and experiences of the justice system across age, gender, ethnicity, deprivation, and minority groups in Scotland.

> ➤ The relationship between views on sentencing and attitudes to the Scottish justice system.

> ➤ Drivers of attitudes to the Scottish civil justice system

> ➤ What works to improve attitudes to courts, judges, prisons, fines, and community sentences in Scotland.

6.2.1 Research in these areas would provide a fuller picture of trends in and drivers of attitudes to the justice system, and what works to improve attitudes.

6.2.2 The limitations to the scope of this review should also be noted. This review focused on public attitudes to the justice system, and aimed to provide a high level summary of the evidence in this area. Thus existing literatures on more detailed, or tangential topics which may add to these findings, have been omitted. These include the literatures on fear of crime, the experiences of specific user groups (e.g. offenders and victims), the relationship between process and outcome judgements, and research on wider drivers of cooperation and compliance.

6.2.3 It is also worth noting that some of the data outlined in the first chapter of this report focused on people's views on instrumental, performance related aspects of what the justice system does, such as local police's ability to catch criminals. However, this literature review has found that more central to people's attitudes to local police is to what extent they are seen as procedurally just, as examined in questions such as whether local police listen to the concerns of local people.

6.2.4 Future research and analysis in this area should take this evidence into account when considering how to approach and measure public attitudes to the justice system. Relevant to this is the recent Eurojustis project, which aimed to identify robust survey questions to measure trust and confidence in justice (see Hough & Sato 2011).

6.2.5 In conclusion, this literature review has taken a comprehensive look at the evidence on what people think about the justice system, what influences those attitudes, how this impacts on people's behaviour in terms of cooperation and compliance, and how attitudes can be improved. This evidence has direct and practical relevance both for justice policy, and for practitioners throughout the justice system. We have seen that public attitudes are not entirely within the control of the justice system itself and those working within it, but we have also seen that it is within the power of policy and practitioners to improve people's experiences with the justice system, and their attitudes towards it in terms of confidence, trust, and perceived legitimacy.

REFERENCES

Allen, Jonathan; Edmonds, Susan; Patterson, Alison; Smith, Dominic (2007) *Policing & the criminal justice system-Public confidence & perceptions: Findings from the 2004/05 British Crime Survey* London: Home Office

Anderson, S.; Ingram, D,; Hutton, N (2002) *Public Attitudes Towards Sentencing And Alternatives To Imprisonment* Scottish Parliament Paper 488 session 1 2002 HMSO: Edinburgh

Bailey, Rossy; Rofique, Josie; Humphrey, Alun (2010) *Public Confidence in Official Statistics* UK Statistics Authority

Boda, Zsolt; Medve-Bálint, Gergő; Szabó, Gabriella (2011) 'Exploring trust in justice and fear of crime through media consumption' in Hough, Mike; Sato, Mai (eds) *Trust in justice: why it is important for criminal policy, and how it can be measured: Final report of the Euro-Justis project* European Institute for Crime Prevention and Control, affiliated with the United nations (HEUNI), Helsinki

Bradford, Ben (2011) 'Convergence, Not Divergence?: Trends and Trajectories in Public Contact and Confidence in the Police' *British Journal of Criminology* 51 (1): 179-200

Bradford, Ben; Jackson, Jonathan; Hough, Mike; Farrall. Stephen (2009) 'Trust and confidence in criminal justice: A review of the British research literature' in Jokinen, A.; Ruuskanen, E.; Yordanova, M (2009) *Review of need: Indicators of public confidence in criminal justice for policy assessment* Hakapaino Oy, Helsinki, Finland

Bradford, Ben; Jackson, Jonathan; Stanko, Elizabeth A. (2009) 'Contact and confidence: revisiting the impact of public encounters with the police' *Policing & Society*, Mar2009, Vol. 19 Issue 1, p20-46

Bradford, Ben; Stanko, Elizabeth; Jackson, Jonathan (2008) 'Using research to inform policy: the role of public attitude surveys in understanding public confidence and police contact' *Policing: a journal of policy and practice*, 3 (2). pp. 139-148

Brockner, J.M. Siegal, P.A., Daly, J.P., Tyler, T.R. and Martin, C. (1997) 'When Trust Matters: The Moderating Effectg of Outcome Favorability' *Administrative Science Quarterly* 42(3).

Brown B.; Benedict W.R. (2002) 'Perceptions of the police: Past findings, methodological issues, conceptual issues and policy implications' *Policing: An International Journal of Police Strategies and Management*, Volume 25, Number 3, 2002 , pp. 543-580

Buckler, Kevin ; Cullen, Francis T ; Unnever, James D (2007) 'Citizen assessment of local criminal courts: Does fairness matter?' *Journal of Criminal Justice*, vol. 35, no. 5, pp. 524-536, Sept.-Oct. 2007

Buhlmann, Marc; Kunz; Ruth (2011) 'Confidence in the Judiciary: Comparing the Independence and Legitimacy of Judicial Systems' *West European Politics*, Vol. 34, No. 2, 317–345, March 2011

Butler, Anna; McFarlane, Katherine (2009) *Public Confidence in the New South Wales criminal justice system* NSW Sentencing Council: Sydney

Callanan, Valerie; Rosenberger, Jared (2011) 'Media and public perceptions of the police: examining the impact of race and personal experience' *Policing & Society* Vol. 21, No. 2, June 2011, 167-189

Carrabine, Eamonn (2008) Crime, *Culture and the Media* Cambridge, [England] ; Malden, Mass. : Polity, 2008

Casey, R; Flint, J (2007) 'Active citizenship in the governance of anti-social behaviour in the UK: Exploring the non-reporting of incidents' *People, Place & Policy Online* (2007): 1/2, pp. 69-79

Chapman, Becca; Mirrlees-Black, Catriona; Brawn, Claire (2002) *Improving public attitudes to the criminal justice system: the impact of information* Home Office: London

Charlton, Michelle (2010*) Public attitudes towards neighbourhood policing: Results from an opinion poll*, London: Home Office

Cherney; Adrian and Murphy; Kristina (2011) 'Understanding the Contingency of Procedural Justice Outcomes', *Policing* 5 (3): 228-235

Clancy, Anna; Hough, Mike; Aust, Rebecca (2001) *Crime, policing & justice: The experience of ethnic minorities. Findings from the 2000 British Crime Survey* London: Home Office

Clausen, Bianca; Kraay, Aart; Nyiri, Zsolt (2010) *Corruption And Confidence In Public Institutions* World Bank, Research Working papers, January 2010 , pp. 1-42(42)

Coulsfield, L. (2004) *Crime, courts & confidence: Report of an independent inquiry into alternatives to prison* London: Esme Fairbain Foundation

Dalgleish, David; Myhill, Andy (2004) *Reassuring the public: a review of international policing Interventions* Home Office Research Study No. 284

Davis, Robert; Henderson; Nicole (2003) 'Willingness to report crimes: the roles of ethnic group membership and community efficacy' *Crime and delinquency* 2003 (10), v.49 (no. 4), p564

Ditton, Jason (1999) *Attitudes to Crime, Victimisation and the Police in Scotland: A Comparison of White and Ethnic Minority Views*, Edinburgh: The Stationary Office

Dobash, R P; Kaulitzki, R; Schumann, K; Ballintyne, S; Dobash, R E; Guth, H-W (1990) 'Ignorance and suspicion: young people and criminal justice in Scotland and Germany' *British Journal of Criminology*; 30 (Summer 90) p.306-20

Dowler, Kenneth (2002) 'Media Influence on Citizen Attitudes Toward Police Effectiveness' *Policing and Society*, Volume 12, Number 3, 1 January 2002 , pp. 227-238

Duffy, Bobby; Wake, Rhonda; Burrows, Tamara; Bremner, Pamela (2008) 'Closing the gaps - crime and public perceptions' *International Review of Law, Computers & Technology*, Mar-Jul2008, Vol. 22 Issue 1/2, p17-44

Elffers, Henk; de Keijser, Jan W.; van Koppen, Peter J.; van Haeringen, Laurien (2007) 'Newspaper juries: A field experiment concerning the effect of information on attitudes towards the criminal justice system' *Journal of Exp Criminology* 3:163–182

Engel, R. S., (2005) 'Citizen's perceptions of distributive and procedural injustice during traffic stops' *Journal Of Research In Crime And Delinquency*, Vol. 42 No. 4, November 2005 445-481

Feilzer, Martina (2007) 'The Magic Bullet: Improving public knowledge and confidence through the provision of factual information on crime and criminal justice' *Prison Service Journal*, no. 170, pp. 39-44, Mar 2007

Flatley, John; Kershaw, Chris; Smith, Kevin; Chaplin, Rupert; Moon, Debbie (2010) *Crime in England and Wales 2009/10: Findings from the British Crime Survey and police recorded crime* Home Office: London

Flint, John et al (2007) *The Impact of Local Antisocial Behaviour Strategies at the Neighbourhood Level* Edinburgh: Scottish Executive

Fortete, Cesar; Cesano, Jose Daniel (2009) 'Punitive attitudes in Latin America' *European journal on criminal policy and research* 2009 (6), v.15 (no. 1), p121

Gainey, Randy; Payne, Brian (2009) 'Gender, victimisation, perceived risk and perceptions of police performance in disadvantaged neighbourhoods' *International Journal of Police Science & Management*; Autumn2009, Vol. 11 Issue 3, p306-323

Gau, Jacinta (2011) 'The Convergent and Discriminant Validity of Procedural Justice and Police Legitimacy: An Empirical Test of Core Theoretical Propositions' *Journal of Criminal Justice*; Nov2011, Vol. 39 Issue 6, p489-498

Gau, Jacinta M. (2010) 'A longitudinal analysis of citizens' attitudes about police' *Policing: An International Journal of Police Strategies and Management*, Vol. 33, No. 2

Genn, Hazel; Paterson, Alan (2001) *Paths to Justice Scotland: What people in Scotland do and think about going to law* Hart Publishing

Ghassemi, Ghassem (2009) 'Criminal punishment in Islamic societies: empirical study of attitudes to criminal sentencing in Iran' *European journal on criminal policy and research* 2009 (6), v.15 (no. 1), p159

Gies, Lieve; Mawby, Rob C. (2009) "Introduction to the Special Issue on 'Communicating Criminal Justice: Public Confidence, Agency Strategies and Media Narrative'" *Howard Journal of Criminal Justice* Vol. 48 No. 5

Green, David A. (2006) 'Public Opinion Versus Public Judgment About Crime' *British Journal of Criminology*, Volume 46, Number 1, January 2006 , pp. 131-154

Hale, Chris; Uglow, Steve (2000) *The Police and Public in Scotland: An Analysis of Data from the British and Scottish Crime Surveys 1982-1996 - Research Findings* Edinburgh: The Stationary Office

Higgins, George E.; Jordan, Kareem L. (2005) 'Race and Gender: An Examination of the Models That Explain Evaluations of the Court System for Differences' *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, vol. 18, no. 1, pp. 81-97

Higgins, George E; Wolfe, Scott E; Mahoney, Margaret; Walters, Nelseta M (2009) 'Race, Ethnicity, and Experience: Modeling the Public's Perceptions of Justice, Satisfaction, and Attitude Toward the Courts' *Journal of Ethnicity in Criminal Justice*, vol. 7, no. 4, pp. 293-310, Oct 2009

Hinds, Lyn (2009) Youth, Police Legitimacy and Informal Contact'. *Journal of Police & Criminal Psychology*, Apr2009, Vol. 24 Issue 1, p10-21

Hinds, Lyn; Murphy, Kristina (2007) 'Public Satisfaction With Police: Using Procedural Justice to Improve Police Legitimacy' *Australian & New Zealand Journal of Criminology* Apr2007, Vol. 40 Issue 1, p27-42

Hohl, Katrin; Bradford, Ben; Stanko, Elizabeth A. (2010) 'Influencing trust and confidence in the London Metropolitan Police: results from an experiment testing the effect of leaflet drops on public opinion' *British journal of criminology* 2010 (5), v.50 (no. 3), p491

Hough, Mike; Moxon, David (1985) 'Dealing With Offenders - Popular Opinion and the Views of Victims - Findings from the British Crime Survey' *Howard Journal*, August 1985, Vol. 24 Issue 3, p160-175

Hough, Mike; Park, Alison (2002) 'How malleable are attitudes to crime and punishment? Findings from a British deliberative poll' in Roberts, Julian; Hough, Mike (eds.) Changing Attitudes to Punishment: Public Opinion, Crime and Justice Cullompton: Willan Publishing

Hough, Michael; Roberts, Julian (1998) *Attitudes to Punishment: findings from the british crime survey* London: Home Office

Hough, Michael; Roberts, Julian (1999) 'Sentencing Trends in Britain: Public Knowledge and Public Opinion' *Punishment and Society*, vol. 1, no. 1, pp. 11-26, July 1999

Hough, M. and Roberts, J., V. (2004) *Confidence in Justice: an international review* London: ICPR

Hough, Mike; Roberts, Julian V (2007) "Public opinion and criminal justice: The British Crime Survey and beyond" in Hough, Mike; Maxfield, Mike (eds) *Surveying crime in the 21st century* New York: Criminal Justice Press

Hough, Mike; Sato, Mai (eds)(2011) *Trust in justice: why it is important for criminal policy, and how it can be measured: Final report of the Euro-Justis project* European Institute for Crime Prevention and Control, affiliated with the United nations (HEUNI), Helsinki

Hutton, Neil (2005) 'Beyond populist punitiveness?' *Punishment and society* 2005 (7), v.7 (no. 3)

Indermaur, David (2009) "What can we do to endanger a more rational and less punitive crime policy?' *European journal on criminal policy and research*. 15:1. pp.7-24

Indermaur, David; Hough, Mike (2002) 'Strategies for changing public attitudes to punishment' in Roberts, Julian; Hough, Mike (eds.) *Changing Attitudes to Punishment: Public Opinion, Crime and Justice* Cullompton: Willan Publishing

Innes, M. and Roberts, C. (2007) 'Reassurance Policing, Community Intelligence and the Co-Production of Neighbourhood Order'. In Williamson, T (ed.). *The Handbook of Knowledge-Based Policing: Current Conceptions and Future Directions,* Oxford: Wiley.

Ivković, Sanja Kutnjak (2008) 'A comparative study of public support for the police' *International Criminal Justice Review* (Sage Publications), Dec2008, Vol. 18 Issue 4, p406-434

Jackson, Jonathan; Bradford, Ben; Hohl, Katrin; Farrall, Stephen (2009) 'Does the fear of crime erode public confidence in policing?' *Policing: a journal of policy and practice*, 3 (1). pp. 100-111

Jackson, Jonathan; Bradford, Ben (2009) 'Crime, policing and social order: on the expressive nature of public confidence in policing' *British journal of sociology* 2009 (9), v.60 (no. 3), p493 30 pages

Jackson, Jonathan; Sunshine, Jason (2007) 'Public confidence in policing: a neo-Durkheimian perspective' British journal of criminology 2007 (3), v.47 (no. 2), p214

Jang, Hyunseok; Joo, Hee-Jong; Zhao, Jihong (Solomon) (2010) 'Determinants of public confidence in police: An international perspective' *Journal of Criminal Justice*, Jan2010, Vol. 38 Issue 1, p57-68

Jansson, Krista (2006) *Black & minority ethnic groups' experiences & perceptions of crime, racially motivated crime & the police: Findings from the 2004/05 British Crime Survey* London: Home Office

Jansson, K., Budd, S., Lovbakke, J., Moley, S. and Thorpe, K (2007) *Attitudes, Perceptions and Risks of Crime: Supplementary Volume 1 to Crime in England and Wales 2006/07* Home Office: London

Jokinen, A.; Ruuskanen, E.; Yordanova, M (2009) *Review of need: Indicators of public confidence in criminal justice for policy assessment* Hakapaino Oy, Helsinki, Finland

Kääriäinen, Juha Tapio (2007) 'Trust in the Police in 16 European Countries' *European Journal of Criminology*, Oct2007, Vol. 4 Issue 4, p409-435

Kane, Robert J. (2005) 'Compromised Police Legitimacy As A Predictor Of Violent Crime In Structurally Disadvantaged Communities' *Criminology*, May2005, Vol. 43 Issue 2, p469-498

Keijser, Jan W; Elffers, Henk (2009) 'Punitive Public Attitudes: A threat to the legitimacy of the criminal justice system?' In Bieneck, Steffen; Oswald, Margit E.; Hupfeld-Heinemann (editors) *Social Psychology of Punishment of Crime* Wiley-Blackwell: Chichester; Malden MA

Kesteren, John (2009) 'Public attitudes and sentencing policies across the world' *European journal on criminal policy and research*. 15:1. pp.25-46. 2009 (6)

Maruna, Shadd; King, Anna (2009) 'Once a criminal, always a criminal? 'Redeemability' and the psychology of punitive public attitudes' *European journal on criminal policy and research*. 15:1. pp.7-24. 2009 (6)

Krajewski, Krysztof (2009) 'Punitive attitudes in Poland - the development in the last years' European journal on criminal policy and research 2009 (6), v.15 (no. 1), p103

Kuhn, Andre (2002) 'Public and judicial attitudes to punishment in Switzerland' in Roberts, Julian; Hough, Mike (eds.) Changing Attitudes to Punishment: Public Opinion, Crime and Justice Cullompton: Willan Publishing

Kury, Helmut; Brandenstein, Martin; Obergfell-Fuchs, Joachim (2009) 'Dimensions of punitiveness in Germany' *European journal on criminal policy and research* 2009 (6), v.15 (no. 1), p63

Leishman, F; Mason, P. (2003) *Policing and the Media: Facts, Fictions and Factions* Cullompton: Willan Publishing

Mackenzie, Simon; Bannister, Jon; Flint, John; Parr, Sadie; Millie, Andrew; Fleetwood, Jennifer (2010) *The drivers of perceptions of anti-social behaviour* Home Office: London

Mackenzie, Simon; Henry, Alistair (2009) *Community Policing: a Review of the Evidence* Edinburgh: Scottish Government

Maruna, Shadd; King, Anna (2008) 'Selling the Public on Probation: Beyond the Bib' *Probation Journal*, Dec2008, Vol. 55 Issue 4, p337-351

Maruna, Shadd; King, Anna (2009) 'Once a criminal, always a criminal? 'Redeemability' and the psychology of punitive public attitudes' *European journal on criminal policy and research*. 15:1. pp.7-24.

Maruna, Shadd; King, Anna (2009a) 'Once a criminal, always a criminal? 'Redeemability' and the psychology of punitive public attitudes' *European journal on criminal policy and research*. 15:1. pp.7-24. 2009 (6)

Mawby, R. I. (2004) 'Myth and reality in rural policing: Perceptions of the police in a rural county of England' *Policing: An International Journal of Police Strategies and Management*, Volume 27, Number 3, 2004 , pp. 431-446

Maxon, C., Hennigan, K. and Sloane, D (2003) *Factors that Influence Public Opinion of the Police* Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice

McCluskey, John D. (2003) *Police Requests for Compliance: Coercive And Procedurally Just Tactics* LFB Scholarly New York: Publishing LLC

McCluskey, John D.; McCluskey, Cynthia Perez; Enriquez, Roger (2008) 'A comparison of Latino and White citizen satisfaction with police' *Journal of Criminal Justice*; Nov2008, Vol. 36 Issue 6, p471-477

Miller, Joel; Davis, Robert C (2008) 'Unpacking public attitudes to the police: contrasting perceptions of misconduct with traditional measures of satisfaction' *International Journal of Police Science & Management*, Spring2008, Vol. 10 Issue 1, p9-22

Mirrlees-Black, Catriona (2002) 'Improving public knowledge about crime punishment' in Roberts, Julian; Hough, Mike (eds.) Changing Attitudes to Punishment: Public Opinion, Crime and Justice Cullompton: Willan Publishing

Moorhead, Richard; Sefton, Mark; Scanlan, Lesley (2008) *Just satisfaction? What drives public and participant satisfaction with courts and tribunals: A review of recent evidence* Home Office: London

Murphy, Kristina; Cherney, Adrian (2011) 'Fostering cooperation with the police: How do ethnic minorities in Australia respond to procedural justice-based policing?' *Australian & New Zealand Journal of Criminology* August 2011 vol. 44 no. 2 235-257

Murphy, Kristina; Hinds, Lyn; Fleming, Jenny (2008) 'Encouraging public cooperation and support for police' *Policing & Society*, Jun2008, Vol. 18 Issue 2, p136-155

Myhill, Andy; Beak, Kristi (2008) *Public confidence in the police* NPIA Research, Analysis and Information

Myhill, A. and Bradford, B. (2012) 'Can police enhance public confidence by improving quality of service? Results from two surveys in England and Wales' *Policing and Society* iFirst.

Myhill, Andy; Quinton, Paul; Bradford, Ben; Poole, Alexis; Sims, Gillian (2011) 'It Depends What You Mean by 'Confident': Operationalizing Measures of Public Confidence and the Role of Performance Indicators' *Policing: A Journal of Policy & Practice*, Jun2011, Vol. 5 Issue 2, p114-124

O'Conner, Christopher (2008) 'Citizen attitudes toward the police in Canada' *Policing: An International Journal of Police Strategies & Management* Volume: 31 Issue: 4

Ormiston, Rachael (2010) *Scottish Social Attitudes 2009: Local Issues, National Concerns: Public Attitudes to Antisocial Behaviour in Scotland*, , Edinburgh: Scottish Government

Orr, Marion; West, Darrell M. (2007) 'Citizen evaluations of local police: personal experience or symbolic attitudes?' *Administration and society* 2007 (1), v.38 (no. 6), p649

Page, Leon; MacLeod, Pat; Kinver, Andrea; Iliasov, Aibek; Yoon, Patricia (2010) *2009/10 Scottish Crime and Justice Survey: Main Findings* Edinburgh: Scottish Government

Paul Quinton (2011) *The impact of information about crime and policing on public perceptions: The results of a randomised controlled trial*, NPIA

Paulin, Judy; Knaggs, Trish; Saerle, Wendy (2003) *Attitudes to crime and punishment: A New Zealand study* Wellington: Ministry of Justice

Quinton, Paul (2011) *The impact of information about crime and policing on public perceptions: The results of a randomised controlled trial*, NPIA

Rix, Andrew; Joshua, Faye; Maguire, Mike; Morton, Sarah (2009) *Improving public confidence in the police: a review of the evidence* Home Office: London

Roberts, Julian V. (2002) 'Public opinion and the nature of community penalties: international findings' in Roberts, Julian; Hough, Mike (eds.) *Changing Attitudes to Punishment: Public Opinion, Crime and Justice* Cullompton: Willan Publishing

Roberts, Julian V.; Hough, Mike (2005a) 'The state of the prisons: exploring public knowledge and opinion' *Howard journal of criminal justice* 2005 (7), v.44 (no. 3), p286

Roberts, Julian; Hough, Mike (2005b) 'Sentencing young offenders: public opinion in England and Wales' *Criminal justice* 2005 (8), v.5 (no. 3), p211 22 pages

Roberts, J; Hough, M (2005c) *Understanding Public Attitudes to Criminal Justice* Open University Press, Berkshire

Roberts, Julian V.; Hough, Mike; Jacobson, Jessica; Moon, Nick; Bredee, Alan (2008) *Attitudes to the Sentencing of Offences Involving Death by Driving* Sentencing Advisory Panel: London

Roberts, Julian V.; Hough, Mike; Jacobson, Jessica; Moon, Nick (2009) 'Public Attitudes to Sentencing Purposes and Sentencing Factors: An Empirical Analysis' *Criminal Law Review*, Nov2009, Issue 11, p771-782

Roberts, Julian V.; Stalans, Loretta (1997) *Public Opinion, Crime, And Criminal Justice* Boulder, CO: Westview, 1997

Roberts, Julian V.; Stalans, Loretta J. (2004) 'Restorative sentencing: exploring the views of the public' *Social justice research.* 17:3. pp.315-334. (9) (6636)

Salisbury, Heather (2004) *Public attitudes to the criminal justice system: The impact of providing information to British Crime Survey respondents*   London: Home Office

Scribbins, Matthew; Flatley, John; Parfrement-Hopkin, Jenny; Hall, Phillip (2010) *Public perceptions of policing, engagement with the police and victimisation: Findings from the 2009/10 British Crime Survey* Home Office: London

Scottish Government (2011) *Scottish Policing Performance Framework: Annual Report, 2009-10 – Addenda*, published at

http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/SPPF2009-10Addenda

Scottish Government (2011a) *Statistical Bulletin - Recorded Crime in Scotland, 2010-11*, published at http://www.scotland.gov.uk/Publications/2011/09/02120241/0

Scottish Government; COSLA (2009) *Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland - Volume 2* Edinburgh: Scottish Government

Scottish Government Social Research (2011) 2010/11 Scottish Crime and Justice Survey: Main Findings, published at http://www.scotland.gov.uk/Publications/2011/10/28142346/0

Singer, Lawrence; Cooper, Suzanne (2009) "Improving Public Confidence in the Criminal Justice System: An Evaluation of a Communication Strategy" *Howard Journal of Criminal Justice* Vol. 48 No. 5

Skogan, Wesley G. (2006) 'Asymmetry in the Impact of Encounters with Police' *Policing & Society*, Vol. 16, No. 2, June 2006, pp. 99_/126

Skogan, Wesley G. (2009) 'Concern About Crime and Confidence in the Police: Reassurance or Accountability?' *Police Quarterly*, Sep2009, Vol. 12 Issue 3, p301-318

Slomczynski, Kazimierz M.; Janicka, Krystyna (2009) 'Structural Determinants of Trust in Public Institutions' *International Journal of Sociology*, Spring2009, Vol. 39 Issue 1, p8-29

Smith, David J. (2007) 'The Foundations of Legitimacy' in Tyler, Tom (ed) *Legitimacy and Criminal Justice*, Russell Sage Foundation, New York

Smith, D. (2007). *Confidence in the Criminal Justice System: What Lies Beneath*. Ministry of Justice Research Series 7/07. London: Ministry of Justice.

Smith, D. (2010). *Public confidence in the Criminal Justice System: Findings from the British Crime Survey 2002/03 to 2007/08*. Ministry of Justice Research Series 16/10. London: Ministry of Justice.

Smithson, Hannah; Flint, John (2006) 'Responding to young people's involvement in anti-social behaviour: a study of local initiatives in Manchester and Glasgow' *Youth and policy* 2006 (Autumn), (no. 93) p21

Sprott, Jane B. (1999) 'Are members of the public tough on crime?: The dimensions of public `punitiveness' ' *Journal of Criminal Justice*; Sep/Oct99, Vol. 27 Issue 5, p467

Sprott, J. B. and Doob, A. N. (2008) 'The Effect of Urban Neighborhood Disorder on Evaluations of the Police and Courts' *Crime & Delinquency* Volume 55 Number 3 July 2009 339-362

St Amand M.D.; Zamble, E (2001) 'Impact of Information About Sentencing Decisions on Public Attitudes Toward the Criminal Justice System' *Law and Human Behavior*, Volume 25, Number 5, October 2001 , pp. 515-528

Stalans, Loretta J (2002) 'Measuring attitudes to sentencing' in Roberts, Julian; Hough, Mike (eds.) (2002) *Changing Attitudes to Punishment: Public Opinion, Crime and Justice* Cullompton: Willan Publishing

Stalans, Loretta J. (2009) 'Measuring attitudes to sentencing and sentencing goals' In Bieneck, Steffen; Oswald, Margit E.; Hupfeld-Heinemann (editors) *Social Psychology of Punishment of Crime* Wiley-Blackwell: Chichester; Malden MA

Stead, M; MacFadyen, L.; Hastings, G. (2002) *What do the public really feel about non-custodial Penalties?* Research briefing, Esmee Fairbairn, London

Sun, Ivan Y.; Wu, Yuning (2006) 'Citizens' perceptions of the courts: The impact of race, gender, and recent experience' *Journal of Criminal Justice*, vol. 34, no. 5, pp. 457-467, Sept-Oct 2006

Tankebe, Justice (2009) 'Policing, procedural fairness and public behaviour: a review and critique' *International Journal of Police Science & Management*, Spring2009, Vol. 11 Issue 1, p8-19

TNS System Three (2007) *Community sentencing: Public Perceptions and Attitudes - Summary Research Report* Edinburgh: Scottish Executive

Tuffin, R., Morris, J.;Poole, A. (2006). An Evaluation of the Impact of the National Reassurance Policing Programme. *Home Office Research Study 296*. London: Home Office

Tyler, Tom R. (2010) 'Legitimacy in corrections' *Criminology & Public Policy*, Feb2010, Vol. 9 Issue 1, p127-134

Tyler, Tom (2009) "New Approaches to Justice in the light of virtues and problems of the penal system" in Bieneck, Steffen; Oswald, Margit E.; Hupfeld-Heinemann (editors) *Social Psychology of Punishment of Crime* Wiley-Blackwell: Chichester; Malden MA

Tyler, Tom R (2004) 'Enhancing police legitimacy' *Annals of the American Academy of Political and Social Science* 2004 (5), v.593, p84

Tyler, Tom (2001) 'Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions?' *Behavioural Sciences and the Law* 19 215-235

Tyler, Tom; Braga, Anthony; Fagan, Jeffrey; Meares, Tracey; Sampson, Robert; Winship, Chris (2007) 'Legitimacy and Criminal Justice: International Perspectives'

In Tyler, Tom (ed) *Legitimacy and Criminal Justice*, Russell Sage Foundation, New York

Tyler, T.R.; Fagan, J. (2008) 'Legitimacy And Cooperation: Why Do People Help the Police Fight Crime in Their Communities?' *Ohio State Journal of Criminal* Law 6:231-275

Tyler, Tom R.; Huo, Yuen J. (2002) *Trust in the law: encouraging public cooperation with the police and courts* Russell Sage Foundation: New York

Tyler, Tom R.; Wakslak, Cheryl J (2004) 'Profiling And Police Legitimacy: Procedural Justice, Attributions Of Motive, And Acceptance Of Police Authority' *Criminology*, May2004, Vol. 42 Issue 2, p253-281

van Dijk, Jan; van Kesteren, John; Smit, Paul (2007) *Criminal Victimisation in International Perspective: Key findings from the 2004-2005 International Crime Victimisation Survey* UN: The Hague

van de Walle, Steven (2009) 'Confidence in the criminal justice system: does experience count?' *British journal of criminology* 2009 (5), v.49 (no. 3), p384

van Prooijen, Jan-Willem; Gallucci, Marcello; Toeset, Gaby (2008) 'Procedural justice in punishment systems: inconsistent punishment procedures have detrimental effects on cooperation' *British journal of social psychology* 2008 (6), v.47 (no. 2), p311

Viki, G. Tendayi; Culmer, Michelle J.; Eller, Anja; Abrams, Dominic (2006) 'Race and willingness to cooperate with the police: The roles of quality of contact, attitudes towards the behaviour and subjective norms' British *Journal of Social Psychology*, Jun2006, Vol. 45 Issue 2, p285-302

Walker, Nicholas S. (2004) *Crime in England & Wales 2002/2003: Supplementary: Crime, disorder & the criminal justice system--public attitudes & perception* London: Home Office

Weitzer, Ronald (2002) 'Incidents of police misconduct and public opinion' *Journal of Criminal Justice* 30 397– 408

Windzio, Michael; Kleimann, Matthias; Pfeiffer, Christian (2007) 'Media, evil and society: media use and its impacts on crime perception, sentencing attitudes and crime policy' *Penal policy, justice reform, and social exclusion* 2007, Willan Publishing: Helsinki

Wu, Yuning; Sun, Ivan (2009) 'Race, Class or Neighborhood Context: Which Matters More in Measuring Satisfaction with Police?' *JQ: Justice Quarterly*, Mar2009, Vol. 26 Issue 1, p125-156

ANNEX A: LITERATURE SEARCH TERMS

The literature search was conducted in two parts – first a general search was conducted, using the search terms shown in table A, then a second search was undertaken using specifically civil justice related search terms, as shown in table B.

For both searches, each search term in column 1 was combined with each search term with column 2, so that all combinations were used.

As part of the first search, searches for behavioural search terms were also undertaken using the following terms:
- Pro-social behaviour (with and without criminal justice)
- Co-operation (with public, justice and police)
- Anti social behaviour (with and without public and confidence)

Both sets of searches were applied to a range of databases, depending on what was available to the researcher through the Scottish Government library. These included:
- Academic Search Premier
- Criminal Justice Abstracts
- SocINDEX
- ASSIA
- CSA Social Science Abstracts
- CSA Sociological Abstracts
- National Criminal Justice Reference Service Abstracts

Table A: Initial Search Terms

Column 1 – Attitude Search Terms	Column 2 – Justice Search Terms
Attitude	Justice
Confidence	Police
Trust	Courts
Views	Judges
Opinions	Lawyers/defence agents
Perceptions	Sheriffs
Beliefs	Prison
Legitimacy	Sentencing
	Procurator Fiscal
	Crime
	Punishment
	Offenders

Table B: Civil Search Terms

Column 1 – Civil Search Terms	Column 2 – Attitude Search Terms
Courts	Perceptions
Mediation	Attitudes
Arbitration	Satisfaction
Civil	Opinion
Small claims	Confidence
Tribunal	Survey

GOVERNMENT SOCIAL RESEARCH

Social Science in Government