Public confidence in the NSW Criminal Justice System: what contribution does knowledge make?

Craig Jones, Don Weatherburn & Katherine McFarlane
“...a justice system that fails to command public trust and to establish its legitimacy may simply fail to function effectively”

(Hough & Roberts, 2004, p.7)
Prior international research

• Most looked at sentencing:
  - sentences too lenient
  - people poorly informed about crime & sentencing
  - those who know more tend to be less punitive
  - provision of more information decreases punitiveness
    (e.g. Roberts et al., 2003)

• British Crime Survey
  - High levels of confidence in fair treatment of offenders
  - Lower levels of confidence in delivery of justice or in promptness/efficiency of justice system
  - Confidence related to knowledge of crime & justice
    (e.g. Nicholas et al. 2007; Chapman et al. 2002)
Prior Australian research

• Again, most looked at sentencing:
  - sentences too lenient
  - people poorly informed about crime & sentencing
  - those who know more about crime tend to be less punitive
    (e.g. Indermaur, 1987; 1990)

• Less attention to confidence in other aspects of CJS
  - 70% have ‘no’ or ‘not very much’ confidence in the courts
    ([ASSA] Indermaur & Roberts 2005; Courts Administration Authority SA)
- Aimed to assess:
  1. Confidence in CJS & attitudes towards sentencing
  2. Levels of knowledge about crime & sentencing
  3. Relationship between confidence/attitudes and knowledge, controlling for demographic characteristics
    - What is the marginal effect of knowledge on confidence/attitudes?
Method

- Random sample of NSW residents (n=2002)

- Telephone interview using RDD
  - response rate quite low (<20%) BUT quota sampled on age, sex, residential location

- Questions relating to:
  - confidence in CJS & attitudes towards sentencing leniency
  - knowledge about crime trends, court outcomes, sentencing
  - demographic characteristics
1. Confidence/attitudes

In general, would you say that sentences handed down by the courts are too tough, about right, or too lenient?

- Much too tough: 1.2%
- A little too tough: 2.6%
- About right: 25.7%
- A little too lenient: 29.0%
- Much too lenient: 37.0%
- Don't know: 4.5%
1. Confidence/attitudes contd...

How confident are you that the criminal justice system...

- meets needs of victims? 3.8% (Very), 30.9% (Fairly)
- brings people to justice? 6.9% (Very), 47.9% (Fairly)
- deals with cases promptly? 4.5% (Very), 25.2% (Fairly)
- deals with cases efficiently? 6.2% (Very), 37.5% (Fairly)
- treats accused fairly? 19.3% (Very), 55.2% (Fairly)
- respects rights of accused? 21.3% (Very), 50.9% (Fairly)
Would you say there is more property crime, less property crime or about the same amount (since five years ago)?

- Lot more: 29.4%
- Little more: 19.7%
- About the same: 31.7%
- Little less: 9.3%
- Lot less: 2.0%

True
Of every 100 crimes recorded by the police, roughly what number do you think involve VIOLENCE or the threat of violence?
Of every 100 people charged with HOME BURGLARY and brought to court, roughly what number do you think end up CONVICTED?
Of every 100 people charged with ASSAULT and brought to court, roughly what number do you think end up CONVICTED?
Out of every 100 men aged 21 or over who are convicted of HOME BURGLARY, how many do you think are sent to PRISON?
Out of every 100 men aged 21 or over who are convicted of ASSAULT, how many do you think are sent to PRISON?
3. Confidence & knowledge

• Binary logistic regression:
  • Sentencing: modelled probability of thinking sentences ‘about right’
  • Confidence in CJS: modelled probability of being ‘very/fairly’ confident
  • Didn’t assess confidence in promptness/efficiency of justice system

• Separately regressed each measure of confidence against:
  • Knowledge measures
  • Age (mean=46)
  • Sex (52% female)
  • Household income
  • Education (37% university educated)
  • Residential location (70 per cent lived in Sydney, Newcastle, Wollongong)

• Created categorical variables indicating level of knowledge about crime/justice
Would you say there is more property crime, less property crime or about the same amount (since five years ago)?

- **Lot more**: 29.4%
- **Little more**: 19.7%
- **About the same**: 31.7%
- **Little less**: 9.3%
- **Lot less**: 2.0%

**Confidence & Knowledge**

Low knowledge

High knowledge
Of every 100 crimes recorded by the police, roughly what number do you think involve VIOLENCE or the threat of violence?
<table>
<thead>
<tr>
<th>Measure</th>
<th>OR (95% CI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge of property crime</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>1.4 (1.0 – 2.0) *</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1.4 (0.9 – 2.1)</td>
</tr>
<tr>
<td>Knowledge about proportion of crimes involving violence</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>1.8 (1.3 – 2.5) *</td>
</tr>
<tr>
<td>High</td>
<td>2.9 (2.1 – 3.9) *</td>
</tr>
<tr>
<td>Knowledge about assault</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>1.5 (1.1 – 2.0) *</td>
</tr>
<tr>
<td>High</td>
<td>2.2 (1.6 – 3.0) *</td>
</tr>
<tr>
<td>Knowledge about assault</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>0.8 (0.6 – 1.0)</td>
</tr>
<tr>
<td>High</td>
<td>0.7 (0.6 – 1.0)</td>
</tr>
<tr>
<td>Knowledge about burglary</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>1.3 (1.0 – 1.8)</td>
</tr>
<tr>
<td>High</td>
<td>1.4 (1.0 – 2.0) *</td>
</tr>
<tr>
<td>Knowledge about burglary</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>1.8 (1.3 – 2.6) *</td>
</tr>
<tr>
<td>High</td>
<td>2.6 (1.8 – 3.7) *</td>
</tr>
<tr>
<td>Live metro</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Middle</td>
<td>1.1 (0.7 – 1.5)</td>
</tr>
<tr>
<td>High</td>
<td>1.4 (1.0 – 2.0) *</td>
</tr>
<tr>
<td>Not stated</td>
<td>1.1 (0.7 – 1.5)</td>
</tr>
<tr>
<td>University educated</td>
<td>1.8 (1.4 – 2.3) *</td>
</tr>
<tr>
<td>Age</td>
<td>0.98 (0.97 – 0.99) *</td>
</tr>
</tbody>
</table>
Sentences ‘about right’

Marginal effect of each characteristic on likelihood of thinking that sentences are ‘about right’

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Probability of thinking sentences ‘about right’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base case*</td>
<td>0.04</td>
</tr>
<tr>
<td>+18-29</td>
<td>0.07</td>
</tr>
<tr>
<td>+high income</td>
<td>0.09</td>
</tr>
<tr>
<td>+university</td>
<td>0.15</td>
</tr>
<tr>
<td>+property crime</td>
<td>0.20</td>
</tr>
<tr>
<td>+violent crime</td>
<td>0.42</td>
</tr>
<tr>
<td>+assault conviction rates</td>
<td>0.61</td>
</tr>
<tr>
<td>+burglary conviction rates</td>
<td>0.69</td>
</tr>
<tr>
<td>+burglary imprisonment rates</td>
<td>0.85</td>
</tr>
</tbody>
</table>

* Base case is someone who was: average age, low income earner, less than university educated and had low knowledge of property crime trends, the proportion of crimes involving violence, conviction rates and imprisonment rates
Brings people to justice

Marginal effect of each characteristic on likelihood of being 'very/fairly confident' that the justice system is effective in bringing people to justice

* Base case is someone who was: average age, low income earner, less than university educated and had low knowledge of property crime trends, the proportion of crimes involving violence, assault/burglary conviction rates and assault/burglary imprisonment rates
Marginal effect of each characteristic on likelihood of being 'very/fairly confident' that the justice system meets the needs of victims

- Base case* is someone who was: average age, less than university educated and had low knowledge of property crime trends, the proportion of crimes involving violence, assault/burglary conviction rates and assault/burglary imprisonment rates

* Base case is someone who was: average age, less than university educated and had low knowledge of property crime trends, the proportion of crimes involving violence, assault/burglary conviction rates and assault/burglary imprisonment rates
Marginal effect of each characteristic on likelihood of being 'very/fairly confident' that the justice system respects rights of accused

Base case* is someone who was: lower income earner and had low knowledge of property crime trends, the proportion of crimes involving violence, assault/burglary conviction rates and assault/burglary imprisonment rates.
Treats accused fairly

Marginal effect of each characteristic on likelihood of being 'very/fairly confident' that the justice system treats accused fairly

- **Base case**: Someone who was: lower income earner and had low knowledge of property crime trends, the proportion of crimes involving violence, assault/burglary conviction rates and assault/burglary imprisonment rates

- +high income: Probability of thinking CJS treats accused fairly
  - 0.71

- +university educated: Probability of thinking CJS treats accused fairly
  - 0.76

- +assault convictions: Probability of thinking CJS treats accused fairly
  - 0.82

- +assault imprisonment: Probability of thinking CJS treats accused fairly
  - 0.86
Summary

• High proportions think sentences too lenient

• Generally low levels of confidence that CJS meets needs of victims, deals with matters expeditiously

• Higher levels of confidence that CJS brings people to justice, treats accused fairly, respects rights of accused

• People poorly informed about crime & sentencing

• Confidence in sentencing, treatment of victims and ability of CJS to bring offenders to justice strongly influenced by knowledge about crime & sentencing

• Confidence in fair treatment of offenders less so
Concluding remarks

• In the abstract, people do have low levels of confidence in some aspects of the criminal justice system

• These low levels of confidence are strongly related to public ignorance about crime and sentencing
  • Given that the public obtain most of their information about crime and justice from the media, the media must take some responsibility for this
  • Not necessarily deliberate but sometimes sensationalist and distorted

• Not to say that low levels of confidence entirely due to public ignorance – may in fact be genuine discontent with sentencing and criminal justice administration