

# CRIME AND JUSTICE

## Bulletin



NSW Bureau of Crime  
Statistics and Research

*Contemporary Issues in Crime and Justice*

**Number 165**

November 2012

## Public confidence in the New South Wales criminal justice system: 2012 update

*Lucy Snowball & Craig Jones*

**Aims:** To assess (1) whether confidence in the New South Wales criminal justice system (CJS) has changed since 2007, (2) whether changes in knowledge and/or punitiveness underpin any changes in confidence, and (3) whether confidence in police differs from confidence in the courts (in 2012 only).

**Method:** Repeat cross-sectional survey of the NSW public ( $n=2,002$  in 2007;  $n=2,001$  in 2012). The survey measured confidence, levels of knowledge and public demand for harsher sentencing in both years. Logistic regression models estimated changes in confidence after accounting for changes in sample composition. In 2012, participants were also asked about confidence in the police and courts separately.

**Results:** Participants had high levels of confidence that the CJS respects the rights of the accused and treats them fairly but lower levels of confidence that the CJS brings people to justice, deals with cases promptly or meets the needs of victims. With the exception of confidence in respecting the rights of the accused, confidence was significantly higher in 2012 than in 2007. The 2012 respondents were also more knowledgeable about crime and justice and less punitive than the 2007 respondents. Respondents tended to have higher levels of confidence in the police than the courts.

**Conclusion:** Levels of confidence in the CJS have improved since 2007. Factors such as increased knowledge and decreases in punitiveness may have contributed to these increases. However the changes in all three measures could reflect other factors such as the effect of the media and public policy. While confidence in police is generally high, the public lack confidence in the expediency of the courts and in outcomes for victims.

**Keywords:** Public confidence, police, courts, sentencing, leniency, cross-sectional survey

### INTRODUCTION

The criminal justice system (CJS) consists of agencies responsible for policing, juvenile justice, the courts and corrections. Establishing and maintaining public confidence in those agencies is critical for the effective functioning of the system as a whole. Victims of crime may be less likely to report offences to police if they feel that their complaint will not be acted upon, that the offender will not be held to account for their actions, or that the complaint will take too long to resolve. Members of the public who are not directly involved in the CJS also need to feel confident that their rights will be upheld, should they ever become involved in that system.

Improving public confidence in the CJS is one of the goals of the NSW 2021 Plan (see <http://2021.nsw.gov.au/reports> for more detail). The primary measure of performance against this goal is court delay. While court delay may be important as a measure of court efficiency there are likely to be many factors

that will influence public confidence in the courts. Among these may be the perceived ability of the CJS to bring offenders to justice, uphold the rights of the accused and meet the needs of crime victims. Public perceptions of these aspects of the justice system have been regularly canvassed in England and Wales in a survey conducted by the UK Home Office. This survey is generally referred to as the British Crime Survey (BCS) because the survey previously covered the whole of Great Britain. It ceased to include Scotland in its sample in the late 1980s. It is now known as the Crime Survey for England and Wales to better reflect its geographical coverage<sup>1</sup>.

Analyses of BCS data have shown that large proportions of the British public lack confidence in the ability of the UK CJS to achieve many of its core functions. For example, there is a lack of confidence in the ability of the system to reduce crime, punish offenders, bring people to justice, deal with cases promptly and efficiently, deal with young people accused of crime and meet the needs of crime victims. In contrast, members of the UK

public tend to be much more confident that the CJS respects the rights of the accused and treats them fairly (Nicholas, Kershaw, & Walker, 2007).

These indicators of public confidence are not static; they fluctuate from one year to the next (Allen, Edmonds, Patterson, & Smith, 2006; Chaplin, Flatley, & Smith, 2011). For example, the most recent BCS found increases in the proportion of the public indicating that 'the CJS as a whole is fair' (from 56% in 2007/08 to 61% in 2010/11). Over the same period the proportion indicating that 'the CJS as a whole is effective' increased from 37 per cent to 43 per cent (Chaplin et al., 2011). These fluctuations suggest that attitudes toward the CJS might be very amenable to the actions of Government, whose role it is to foster public confidence in these institutions. They could also be reflective of media focus, given the reliance on the media as a source of information for many people (L. Roberts & Indermaur 2009). Periodic assessments of short-term and long-term changes in these public perceptions can help agencies to track changes in public confidence.

Public confidence has been measured in a more ad hoc way in Australia. Most research has focused on attitudes towards sentencing leniency, which is often thought of as a measure of public punitiveness (J. Roberts, Stalans, Indermaur, & Hough, 2003). These studies universally find that members of the public view sentencing as too lenient. Indermaur (1987), for example, found that 76 per cent of a random sample of 554 Perth residents answered 'not severe enough' when asked 'would you say the sentences handed down by the courts are too severe, about right or not severe enough?' These findings have been replicated in several subsequent Australian surveys (Courts Administration Authority South Australia, cited by Hough & J. Roberts, 2004; Indermaur, 1990; Indermaur & L. Roberts, 2005; Jones, Weatherburn, & McFarlane, 2008; Mackenzie et al., 2012; L. Roberts & Indermaur, 2009; Warner, Davis, Walter, Bradfield, & Vermey, 2011). Studies rarely assess confidence by asking questions which measure the impartiality and integrity of magistrates and judges such as 'Are courts wrongly convicting innocent people' and 'Do judges take bribes' (Warren, 2011).

Punitive attitudes are not limited to members of the Australian public; calls for harsher sentencing tend to be found across most western jurisdictions where these surveys have been conducted (e.g. Cullen, Fisher, & Applegate, 2000; J. Roberts et al., 2003). While these punitive attitudes might suggest that the public seek harsher sentences for crime, surveyed members of the public also have very mistaken views about crime. They imagine the most serious violent offences when asked to give opinions about crime in general (Indermaur, 1987). They also have limited or inaccurate knowledge about crime trends and sentencing outcomes (Chapman, Mirrlees-Black, & Brawn, 2002; Doob & Roberts, 1988; Jones & Weatherburn, 2010;

Salisbury, 2004; Weatherburn & Indermaur, 2004). This is mostly because people learn about crime through the media (L. Roberts and Indermaur, 2009; Broadhurst & Indermaur, 1982). Crime and sentencing outcomes that are reported in the media are highly unrepresentative of crime because 'ordinary' crimes or sentencing outcomes are usually not newsworthy. People who have the least accurate knowledge about crime and sentencing display the most punitive attitudes and have the lowest levels of confidence in criminal justice (e.g. Chapman et al., 2002; Jones & Weatherburn, 2010). When people are given more accurate information about crime, such as that seen by judges and juries, or simply have more information on cases, members of the public have views about sentencing that are much more closely aligned with actual sentencing outcomes (Doob & Roberts, 1988; Indermaur et al., 2012; St Amand & Zamble, 2001; Warner et al., 2011; Warren, 2011).

Much less Australian research has been concerned with measuring public confidence in particular objectives of the CJS, such as those measured by the BCS. The best source of information comes from the biennial Australian Survey of Social Attitudes (AuSSA). In the first wave of this survey, which was conducted in 2003, respondents were separately asked how much confidence they had in the 'courts and legal system' and in 'the police in my state'. A large proportion (70%) of the Australian public had 'a great deal' or 'quite a lot' of confidence in the police but 70 per cent reported that they had 'not very much' or 'no' confidence in the courts and legal system (Indermaur & Roberts, 2005). More recent waves of the AuSSA have asked specific questions about confidence in the various objectives of the police, courts and corrections. Across Australia in 2007, survey respondents expressed high levels of confidence that the police are effective in solving crime (74%) and acting fairly (74%). Smaller proportions expressed confidence that police respond quickly to crime (54%) and are effective in preventing crime (48%). Members of the public tend to have even lower levels of confidence in the courts, particularly in their capacity to deal with matters quickly. Only one in five (22%) express 'a great deal' or 'quite a lot' of confidence in the ability of the courts to deal with matters quickly. Half of the surveyed public (47%) expressed confidence that the courts have regard to victims' rights and, separately, were confident that the courts deal with matters fairly. As has been found in England and Wales, members of the Australian public express much higher levels of confidence that the courts have regard to defendants' rights (67%). In relation to prisons, members of the public expressed very low levels of confidence that prisons rehabilitate offenders (12%) deter future offending (15%) or that they teach appropriate skills (36%). Fewer than half (41%) of respondents were confident that prisons 'act as a form of punishment' (L. Roberts & Indermaur, 2009).

These measures provide a valuable source of information about public confidence in various aspects of the justice system's response to crime. Unfortunately, the sample sizes employed for the AuSSA are usually not large enough to break these measures down by jurisdiction.<sup>2</sup> When sample sizes are relatively small, there is a very high likelihood that researchers would conclude there had been no shift in confidence across survey waves, even if there had been a true shift in confidence. This inability to disaggregate by state/territory is unfortunate, given that state and territory governments have responsibility for criminal justice administration and levels of confidence might be expected to vary considerably from one jurisdiction to the next.

The NSW Bureau of Crime Statistics and Research (BOCSAR) conducted a baseline survey in 2007 measuring a set of headline indicators of confidence in the NSW CJS. The measures were derived almost verbatim from the BCS, although there was also some overlap with the indicators in the AuSSA. The baseline survey involved telephone interviews with a quota sample of 2,002 members of the NSW public (Jones et al., 2008). In that study, Jones et al. (2008) found a high proportion of respondents to be 'very' or 'fairly' confident that the CJS respects the rights of the accused (72.2%) and treats them fairly (74.5%). Smaller proportions were confident that the CJS brings people to justice (54.8%), deals with cases efficiently (43.7%), deals with cases promptly (29.7%) and that it meets the needs of victims (34.7%).

As with a number of other studies (e.g., Indermaur, 1990; Weatherburn & Indermaur, 2004), Jones et al. (2008) found that surveyed members of the public were poorly informed about crime trends, conviction rates and sentencing outcomes. Respondents tended to think that property crime was increasing when it had been falling for most of the 10 years leading up to the survey. They tended to over-estimate the proportion of crime involving violence, and under-estimated conviction and imprisonment rates. Those with the most inaccurate views about crime and justice were significantly less likely to have confidence in the various aspects of the CJS (Jones & Weatherburn, 2010; Jones et al., 2008).

## THE CURRENT STUDY

In light of the NSW Government's commitment to improving public confidence in the CJS, it is timely to update the 2007 survey to determine whether there has been any improvement since that time. In order to do so, the Bureau surveyed a random sample of 2,001 members of the NSW public between March and April 2012 via computer assisted telephone interviewing (CATI). With the exception of one item, the same measures of public confidence were administered in the 2012 survey as in the 2007 survey. A range of socio-demographic factors was also collected in each survey to control for any composition effects across the respective survey waves.

There are a number of reasons for thinking that levels of confidence may have changed since 2007, not least of which is the fact that crime has continued to fall since that time. Crime victim surveys estimate that there were 32,400 fewer assault victims in 2010-11 than there were in 2007-08 (a year-on-year decrease of 16.5%) and household burglaries declined by 31,100 (or 29.9%) across the state (Australian Bureau of Statistics, 2008, 2012). These percentages underestimate falls in victimisation because they do not account for increases in population. Such large reductions in victimisation could have a direct impact on levels of confidence in the CJS because crime victims have less confidence in the fairness and effectiveness of the CJS (Chaplin et al., 2011) and because reductions in crime show that the CJS is working effectively.

Given the strong correlation between knowledge and confidence in the CJS (e.g. Jones & Weatherburn, 2010) and between punitive attitudes to justice and confidence in the CJS (e.g. Allen et al., 2006), a secondary aim of the current study was to identify whether levels of knowledge and punitiveness have changed in ways that are consistent with any changes in confidence. Four of the six measures of knowledge about crime and justice that were measured in 2007 were also administered in 2012 to assess the extent to which changes in knowledge about crime might explain changes in confidence over time. The same measure of punitiveness that was collected in 2007 was also collected in the 2012 wave, to determine whether shifts in demand for harsher sentencing might explain any changes in public confidence.

The core items repeated across surveys focussed on levels of confidence in the CJS as a whole. Because research shows that public confidence in the police is generally much higher than public confidence in the courts (J. Roberts et al., 2003), a third aim of the current study was to separately identify levels of confidence in the police and courts. The current study deviates from those previous studies by administering the same survey items but in relation to police and courts separately.

The specific aims of the current study were, therefore, to assess:

1. Whether there has been any change in public confidence in the NSW CJS since 2007;
2. Whether there have been changes in knowledge and punitiveness which could help explain any changes in confidence; and
3. The extent to which public confidence in the courts differs to public confidence in the police.

## METHOD

### DATA COLLECTION METHODOLOGY

A detailed discussion of the 2007 survey has been reported elsewhere (Jones et al., 2008) and will not be repeated here.

While a different market research company was employed to conduct the 2012 wave of the survey, the methodology was consistent across waves. Both waves were conducted using CATI technology. Quotas within age, sex and residential location were set with a 5 per cent tolerance limit to ensure that the resulting samples were reflective of the NSW population on these important characteristics. The 2007 interviews were conducted during the months of August and September 2007. Interviews for the 2012 survey were conducted during the months of March and April 2012. It was assumed in conducting the surveys at different times of year that the views and opinions under examination would not vary seasonally. Random digit dialling was used to select eligible numbers across both surveys. Only English speaking people aged 18 years or older were eligible to take part in both surveys. No attempt was made to contact hard-to-reach populations such as institutionalised or homeless people in either survey.

### RESPONSE RATES

The call outcomes for the 2007 survey are reported on by Jones et al. (2008). The following call outcomes summarise the response rate information for the 2012 survey:

- 11,574 total valid numbers were called;
- 4,923 refused to participate;
- 7,550 were terminated for other reasons (due to either no answer after five attempts, insufficient English, refused to give their age, or the quota had been filled for their age/gender);
- 2,023 were still active at the end of the survey period (answering machine, engaged, no answer or appointment made but not kept);
- 2,001 interviews were completed.

The nominal response rate (completed interviews divided by the number of completed interviews plus the number of refusals) in 2012 was 28.9 per cent. This compares with a nominal response rate of 11.0 per cent in 2007. It is important to note, however, that employing a quota-based sample resulted in some people outside the age and sex quotas being counted in the response rate denominators. This artificially deflates the response rates in both survey waves. Low response rates, as is the case here, do not necessarily lead to high non-response bias (Grove 2006) and there is no evidence that non-response bias was a problem in this survey.

### SAMPLES

The socio-demographic characteristics of the samples are shown in Table 1. As expected, the distribution of age, sex and residential location was very similar across waves as a result of the quota sampling method. The slight variations across waves arise because a 5 per cent tolerance threshold was set on each quota grouping. Education levels differed between the waves,

Table 1. Sample characteristics by survey year

Characteristic		Year	
		2007	2012
Sex	Female	52.0	50.5
Age	18-24	32.9	31.0
	25-39	10.2	10.7
	40-54	29.1	31.1
	55+	27.8	27.2
Education**	Year 10 or below	21.9	16.2
	Year 11 or 12	21.0	19.5
	TAFE	20.6	24.9
	University	36.5	39.4
Income**	Less than \$60,000	33.7	27.3
	\$60,000 - \$99,999	20.0	20.7
	\$100,000 - \$129,999	10.5	13.2
	\$130,000 or more	12.8	20.1
	Can't say/Refused	23.0	18.7
Residential location	Sydney/Newcastle/Wollongong	70.3	70.0

\*  $p < .01$ , \*\*  $p < .01$

with respondents in 2012 more likely to have a university or TAFE qualification. The distribution of income was also different with 2012 respondents being substantially more likely to be in the highest income bracket and less likely to be in the lowest. Note, however, that incomes have not been adjusted to account for changes in cost of living and the adjusted incomes are likely to be much more similar than those reported in Table 1.

### QUESTIONNAIRE

#### Items common to both survey waves

The five (single item) measures of confidence in the CJS that were common to both the 2007 and 2012 surveys were:

1. 'How confident are you that the CJS is effective in bringing people who commit crimes to justice?'
2. 'How confident are you that the CJS meets the needs of victims?'
3. 'How confident are you that the CJS respects the rights of people accused of committing a crime?'
4. 'How confident are you that the CJS treats people accused of committing a crime fairly?'
5. 'How confident are you that the CJS deals with cases promptly?'

These five items were scored on four-item scales (1 = very confident, 2 = fairly confident, 3 = not very confident, 4 = not at



all confident). These response options were read aloud after each question. The order in which response options were read out was reversed for a randomly selected subset of 50 per cent of respondents. A sixth item measuring confidence in the ability of the justice system to deal with matters efficiently was dropped from the 2012 wave because it was considered unrealistic for members of the public to know how efficient the system is in dealing with caseloads.

Four items were measured across both survey waves to measure knowledge about crime and criminal justice outcomes:

1. 'I would like to ask whether you think that the level of property crime in NSW has changed over the past five years. Would you say there is more property crime, less property crime or about the same amount (since five years ago)? Is that a lot or a little more/less? Prompt: If you don't know, please just guess.'
2. 'Of every 100 crimes recorded by the police, roughly what number do you think involve violence or the threat of violence?'
3. 'Of every 100 people charged with home burglary and brought to court, roughly what number do you think end up convicted?'
4. 'Out of every 100 men aged 21 or over who are convicted of home burglary, how many do you think are sent to prison?'

Item (1) was scored on a five-point scale (1 = a lot more crime, 2 = a little more crime, 3 = about the same, 4 = a little less crime, 5 = a lot less crime). Items (2) through (4) were measured as integers between 0 and 100.

One 'punitiveness' measure was collected across both survey waves:

1. 'In general, would you say that sentences handed down by the courts are too tough, about right, or too lenient? Is that a little too tough/lenient or much too tough/lenient?'

This item was scored on a five-point scale (1 = much too tough, 2 = a little too tough, 3 = about right, 4 = a little too lenient, 5 = much too lenient).

Residential location, sex, age, household characteristics, education, and income were also measured consistently across survey waves to adjust for any differences in these respondent characteristics.

### Items unique to the 2012 survey wave

The 2007 survey included items measuring knowledge about conviction and imprisonment rates for assault. There was some ambiguity in this measure because the types of assaults dealt with in the courts are less serious than the sorts of crimes people have in mind when asked to think about sentencing outcomes (Indermaur, 1987). To avoid any ambiguity in the 2012 wave,

the assault items were dropped and two questions were added to assess knowledge about conviction and imprisonment rates for murder:

1. 'Of every 100 people charged with murder and brought to court, roughly what number do you think end up convicted?'
2. 'Of every 100 men aged 21 or over who are convicted of murder, how many do you think are sent to prison?'

Both murder items were scored as integers between 0 and 100.

A new section was also added to the 2012 survey asking about confidence in the courts and police separately. The same five confidence questions as listed above were asked again but in relation to police and the courts separately. These additional questions were asked at the end of the survey so as not to contaminate responses that were asked consistently across waves.

### Analysis

The 2007 survey included survey weights to adjust for slight variations in the distribution of age, sex and residential location resulting from the 5 per cent tolerance applied to quotas on these variables (Jones et al., 2008). The weighted and unweighted estimates did not differ substantially and all analyses reported in the current study therefore used unweighted estimates. Any differences in respondent characteristics across survey waves were accounted for using regression analyses. It is important to note, however, that the 2007 prevalence estimates reported in the current study will vary slightly from the baseline prevalence estimates reported by Jones et al. (2008) due to the fact that unweighted estimates are presented.

To assess aim 1 (whether confidence has changed since 2007), the distributions of responses to each measure of confidence were first examined to determine whether there had been any significant shift in confidence from 2007 to 2012. Separate binary logistic regression models were then developed in order to examine the effect of survey year on confidence after accounting for other relevant characteristics.<sup>3</sup> This involved recoding the response options on each measure of confidence into a binary dependent variable (0 = not at all confident/not very confident, 1 = fairly confident/very confident). The characteristics that were adjusted for in the models were age, sex, education, household income, residential location, and household composition. Variables were retained in the models if they were significant at a 5 per cent level. Respondents who stated that they did not know how confident they were or who refused to answer the question were removed from the analysis. The number of missing respondents within each year is shown in Table 2.

Each model was validated by examining appropriate diagnostics and using a 50 per cent cross validation approach (Hosmer & Lemeshow, 2000).

**Table 2. The number of respondents who did not answer each confidence question**

Measure of confidence	Year	
	2007	2012
Bringing people to justice	1%	1%
Meeting needs of victims	4%	3%
Respecting rights of accused	3%	4%
Treats accused fairly	3%	3%
Deals with cases promptly	4%	5%

To assess aim 2, bivariate analyses were first carried out to determine whether there had been any shifts in the distribution of responses on each of the four knowledge measures and whether there had been any shifts in demand for harsher sentencing across survey waves. To determine the direction of any shifts in knowledge, the true value on each of these measures was determined using BOCSAR crime and sentencing data. The true proportion of police-recorded crimes involving violence was calculated by dividing the sum of all homicide, assault (including both domestic and non-domestic), sexual offences and robbery incidents by the total number of incidents recorded by police (including driving offences). The true figure was estimated to be 7 per cent in both 2007 and 2011.<sup>4</sup> NSW legislation does not distinguish between residential and non-residential burglary. The true conviction and imprisonment rates for home burglary were therefore estimated by calculating the conviction and imprisonment rates for people charged with offences under the Australian and New Zealand Standard Offence Classification ([ANZSOC], Australian Bureau of Statistics, 2011) division 7 (unlawful entry with intent/burglary, break and enter). In doing so, the assumption was made that conviction and imprisonment rates for residential and non-residential burglary do not differ greatly. The true percentages of people convicted were estimated to be 78 and 79 per cent in 2007 and 2011, respectively. The true percentage of men aged 21 and older who were imprisoned for burglary were estimated to be 60 and 59 per cent in 2007 and 2011, respectively. These knowledge and punitiveness variables were then added to the logistic regression models developed previously to determine whether the 'wave' variable remained significant. If any observed changes in confidence were explained by changes in knowledge and punitiveness, we would expect these variables to be significant in the models and for the effect of survey year to be diminished after controlling for knowledge and punitiveness. The full models are shown in the Appendix. These models were validated by examining appropriate diagnostics.<sup>5</sup>

Aim 3 was assessed by comparing the distributions of confidence in the ability of the police and courts to bring

offenders to justice, meet the needs of victims, respect the rights of the accused, treat the accused fairly, and deal with matters promptly.

## RESULTS

### CHANGES IN CONFIDENCE 2007 TO 2012

As with the 2007 survey, there were considerably higher levels of confidence in the treatment of those accused of committing a crime than there were in outcomes for victims or in the speed of the system. In the 2012 survey, three quarters of the respondents (76%) expressed confidence in the CJS to 'respect the rights of the accused' and 'treat the accused fairly' (77%). Approximately two-thirds (65%) of people surveyed in 2012 were confident that the CJS meets the needs of victims. Half of the respondents (46%) fell into one of the non-confident groups in terms of the effectiveness of the CJS in bringing people to justice and three in five respondents (61%) lacked confidence that the CJS deals with cases promptly.

Figures 1 through 5 show the distribution of confidence levels in each of the five categories across the two survey waves. These percentages have not been adjusted to account for any differences in the sample across the survey waves. The odds ratios adjusting for differences in age, sex, education, household income, residential location, and household composition are presented in the text accompanying each figure. Adjusted odds ratios can be interpreted as the change in the odds of being 'very' or 'fairly' confident in a given measure in 2012 relative to 2007 after accounting for age, sex, education, household income, residential location and household composition. Odds ratios greater than 1 indicate that confidence scores are higher in 2012 relative to 2007. *P*-values less than .05 on these odds ratios indicate that the odds ratio is statistically different from 1.

**Figure 1. How confident are you that the Criminal Justice system is effective in bringing people who commit crimes to justice?**

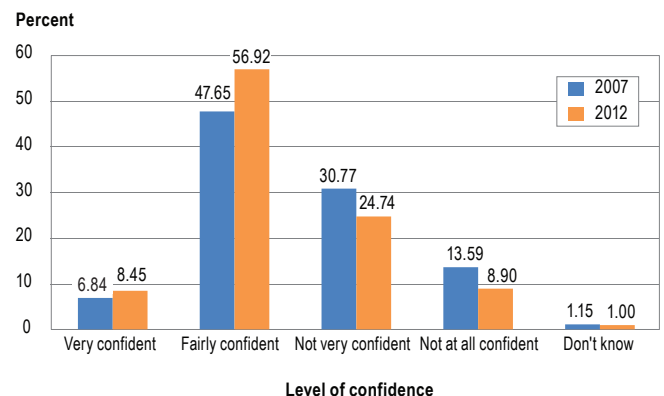


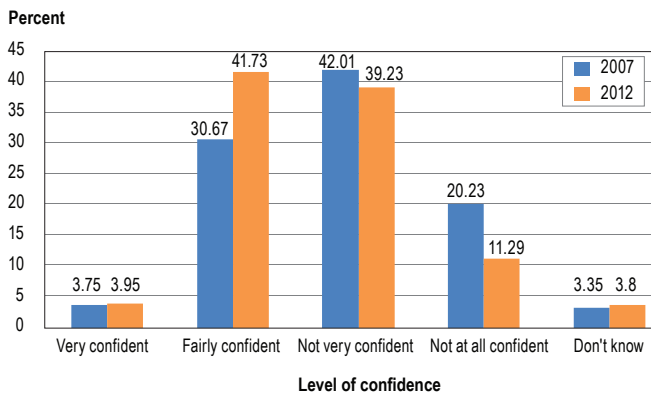
Figure 1 shows the prevalence estimates of confidence that the CJS is effective in bringing people who commit crimes to justice in each wave of the survey. While the difference between those who stated they were 'very confident' was negligible, there was a substantial difference between those who stated they were 'fairly confident'. This category increased from 30.7 per cent in 2007 to 41.7 per cent in 2012. Both the groups 'not very confident' and 'not at all confident' decreased with a larger effect seen in the latter category (20.2% to 11.3%). The logistic regression model confirmed that the odds of being confident in the ability of the CJS to bring people to justice increased in 2012 relative to 2007 after adjusting for relevant socio-demographic characteristics (OR = 1.55, 95% CI (1.36, 1.77),  $p < .001$ ).

Figure 2 shows the prevalence estimates of confidence in the effectiveness of the CJS in meeting the needs of victims in each wave of the survey. Again there is an increase in the 'fairly confident' group (30.7% to 41.7%). The increase in the 'very confident' group is negligible. Both the groups 'not very confident' and 'not at all confident' decreased with a larger effect seen in the latter category (20.2% to 11.3%). The logistic regression model confirmed that the odds of being confident in the ability of the CJS to meet the needs of victims increased in 2012 relative to 2007 after adjusting for relevant socio-demographic characteristics (OR = 1.55, 95% CI (1.36, 1.77),  $p < .001$ ).

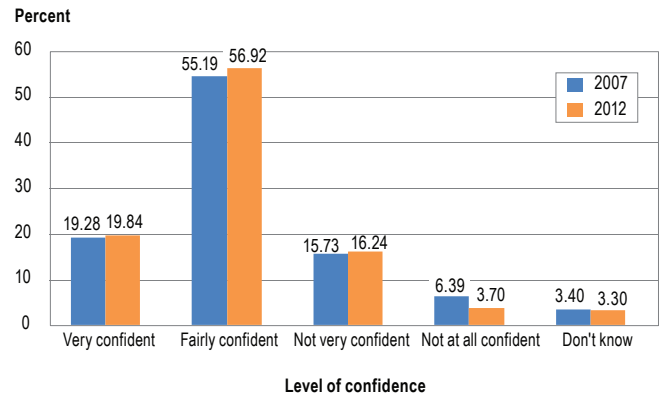
and 'not at all confident' groups decreased with a larger effect seen in the latter category (20.2% to 11.3%). The logistic regression model confirmed that the odds of being confident in the ability of the CJS to meet the needs of victims increased in 2012 relative to 2007 (OR = 1.64, 95% CI (1.43, 1.87),  $p < .001$ ).

Figure 3 shows levels of confidence that the CJS respects the rights of the accused in each wave of the survey. The differences between the waves were not as pronounced on this measure as they were for the previous questions, although levels of confidence in this measure were already high in the 2007 survey. There was a slight increase in proportion who were 'fairly confident' (50.8% to 54.9%) and a decrease in the proportion reporting that they were 'not at all confident' (6.8% to 4.3%). The logistic regression model revealed that the odds of being confident that the CJS respects the right of the accused slightly increased in 2012 relative to 2007 (OR = 1.17, 95% CI (1.00, 1.36),  $p = .045$ ).

**Figure 2. How confident are you that the Criminal Justice System meets the needs of victims of crime?**



**Figure 4. How confident are you that the Criminal Justice system treats people accused of committing a crime fairly?**



**Figure 3. How confident are you that the Criminal Justice system respects the rights of people accused of committing a crime?**

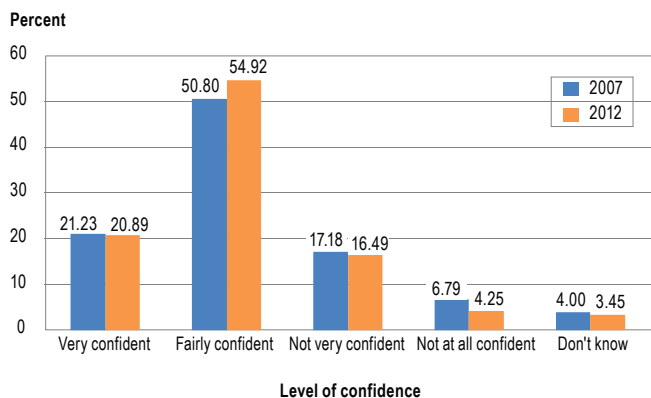
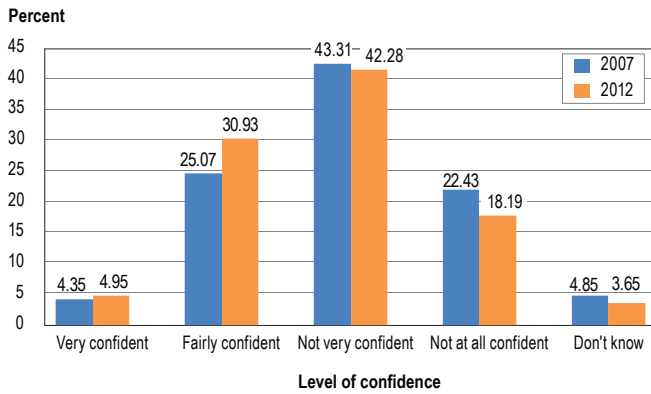


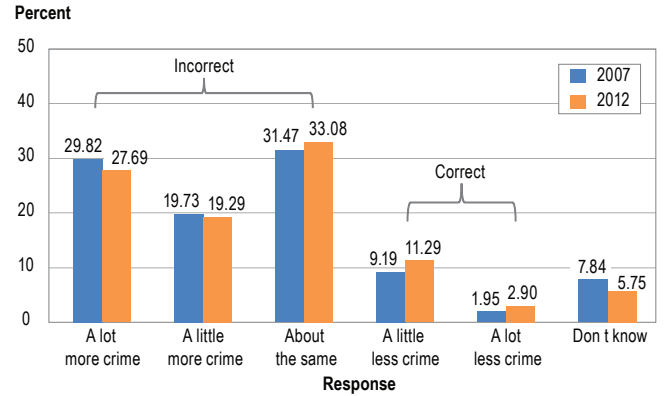
Figure 4 shows the prevalence estimates of confidence that the CJS treats people accused of committing a crime fairly. There was very little change across survey waves with the exception of the proportion reporting that they were 'not at all confident', which dropped from 6.4 per cent in 2007 to 3.7 per cent in 2012. After adjusting for relevant characteristics, there was no significant change from 2007 to 2012 in the odds of being confident that the CJS treats the accused fairly (OR = 1.12, 95% CI (0.96, 1.31),  $p = .142$ ). Again, however, levels of confidence in this measure were already very high in 2007 so this may reflect a ceiling effect.

Figure 5 shows the prevalence estimates of confidence that the CJS deals with cases promptly. There was an increase in the proportion stating they are 'fairly confident' (from 25.1% to

**Figure 5. How confident are you that the Criminal Justice System deals with cases promptly?**



**Figure 6. Would you say there is more property crime, less property crime or about the same (since five years ago)?**



30.9%) and a decrease in the proportion stating they are 'not at all confident' (from 22.4% to 18.2%). The logistic regression model confirmed that the odds of being confident that the CJS deals with matters promptly increased in 2012 relative to 2007 (OR = 1.31, 95% CI (1.15, 1.50),  $p < .001$ ).

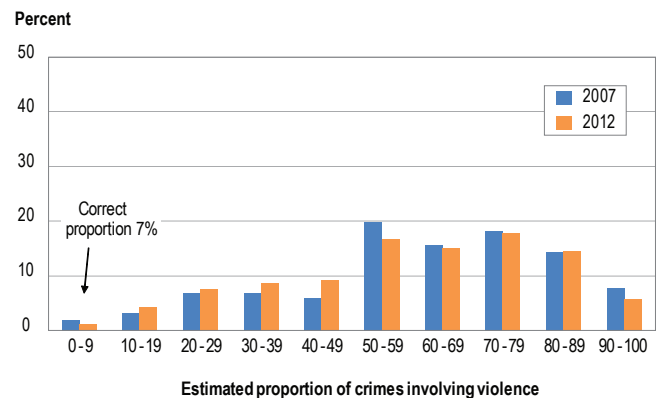
**CHANGES IN KNOWLEDGE AND PUNITIVENESS 2007 TO 2012**

Figure 6 shows the distribution of responses when respondents were asked about the change in property crime over the previous 5 years. The proportion of respondents who correctly identified that property crime had decreased was higher in the 2012 wave of the survey however was still extremely low (14.2% in 2012 compared to 11.2% in 2007).

Figure 7 shows the distribution of responses when survey participants were asked what proportion of crimes reported to the police involve violence or the threat of violence. Although respondents were asked to give an integer response, this has been categorised into deciles for ease of graphing. While the number of respondents in the first decile (i.e. the correct decile) was lower in 2012, respondents to the 2012 survey stated slightly lower (i.e. more correct) values, on average, than respondents to the 2007 survey. The mean for 2007 was 57.5 crimes per 100 and for 2012 the mean was 55.7 crimes per 100.

Figure 8 shows the distribution of responses to the question about conviction rates for defendants charged with home burglary. Respondents to the 2012 survey wave estimated higher (i.e. more correct) proportions than respondents to the 2007 survey. Both sets of respondents, however, estimated proportions significantly lower than the true figures of 78 and 79 per cent. The mean for 2007 was 42.8 per cent while the mean for the 2012 survey was 49.1 per cent.

**Figure 7. Of every 100 crimes recorded by the police, roughly what number do you think involve violence or the threat of violence?**



**Figure 8. Of every 100 people charged with HOME BURGLARY and brought to court, roughly what number do you think end up convicted?**

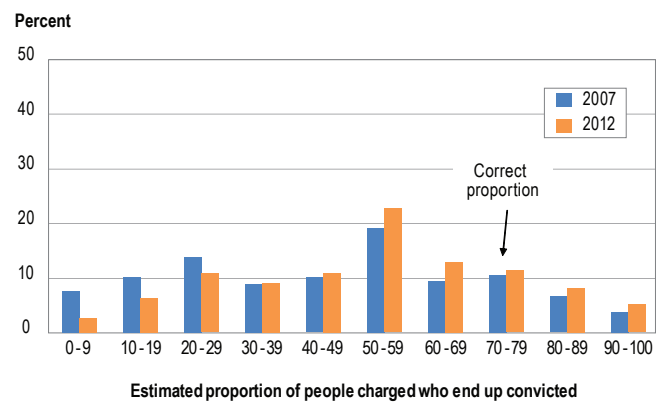


Figure 9 shows the distribution of responses to the question on imprisonment rates for males aged 21 or over convicted of home burglary. Again, the responses in 2012 survey were generally



higher (i.e. more correct) than in the 2007 survey wave. The mean for 2007 was 32.3 per cent and for 2012 it was 38.0 per cent.

Figure 10 shows the distribution of responses to the question of whether courts are too tough or lenient in their sentences. The percentage of respondents who felt that sentences were 'about right' increased from 25.5 per cent in 2007 to 31.4 per cent in 2012. There was a corresponding fall in the percentage of respondents who felt that sentences were 'much too lenient' (decreasing from 37.3% to 29.3%).

The pattern of responses suggests that there has been an increase in knowledge about crime and the criminal justice response to crime over the period from 2007 to 2012. The decrease in punitive attitudes over the same period was more marked. It is possible that both of these forces have contributed to the changes in confidence discussed earlier. To assess the contribution that knowledge and punitiveness make to changes in confidence across years, these terms were added to the logistic regression models estimating changes in confidence across survey waves. Knowledge about property crime trends was the only measure of knowledge added to the models because it is arguably more reasonable to expect members of the public to know about property crime trends than it is for them to know about conviction and imprisonment rates. The full models including items for knowledge and punitiveness are shown in the Appendix. Where both items appear in the model, the marginal effect of punitiveness is higher than of knowledge.

If the increases in confidence reported earlier were entirely explained by increases in knowledge and reductions in punitiveness, we would expect the effect of survey year to be significantly diminished after controlling for knowledge and punitiveness.

Table 3 shows the estimated odds of being 'very confident' or 'fairly confident' in each measure in the 2012 survey relative to the 2007 survey before and after these knowledge and punitiveness items were added to the logistic regression models. The odds ratios on the items measuring confidence in the ability of the CJS to bring people to justice and meet the needs of victims were slightly reduced after adding these variables. There was either no change or a slight increase in the odds ratios on the items measuring whether the CJS respects the rights of the accused and deals with cases promptly. There was no significant effect of survey wave on confidence that the CJS treats the accused fairly before or after adjusting for knowledge and punitiveness. Overall, the effect of adding the measures of knowledge and punitiveness to the models did not add much additional explanatory power to the models, which suggests that something else, for example political initiatives (Beckett, 1997), also appears to be driving those increases in confidence.

Figure 9. Out of every 100 men aged 21 or over who are convicted of HOME BURGLARY, how many do you think are sent to prison?

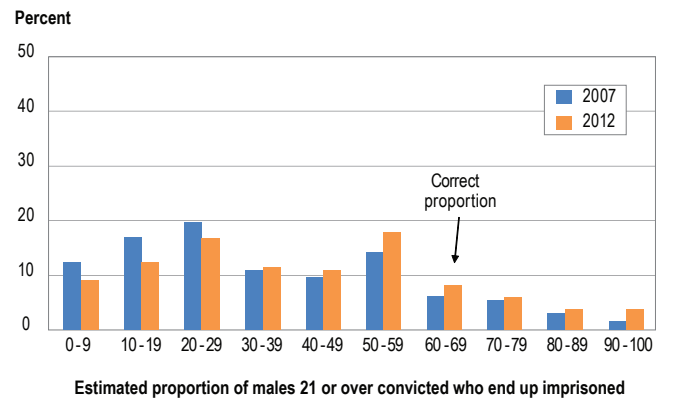


Figure 10. In general, would you say that sentences handed down by the courts are too tough, about right or too lenient?

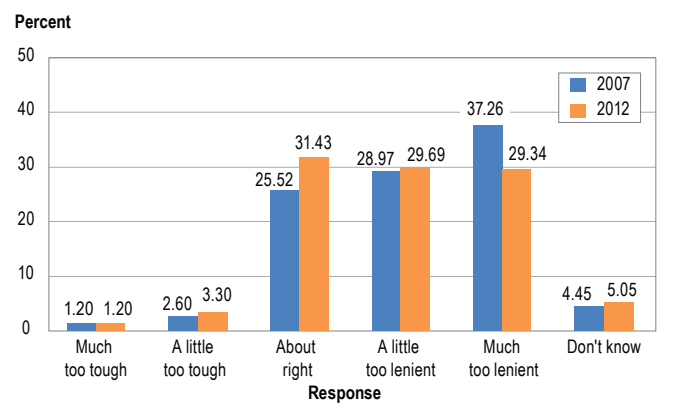


Table 3. Estimated odds of being 'very confident' or 'fairly confident' in each measure in the 2012 relative to 2007 after accounting for knowledge and punitiveness

	Before accounting for knowledge and punitiveness OR (95% CI)	After accounting for knowledge and punitiveness OR (95% CI)
Bringing people to justice	1.55 (1.36, 1.77) **	1.45 (1.25, 1.67) **
Meeting needs of victims	1.64 (1.43, 1.87) **	1.57 (1.36, 1.80) **
Respecting rights of accused	1.17 (1.00, 1.36) *	1.18 (1.01, 1.37) *
Treats accused fairly	1.12 (0.96, 1.31)	1.11 (0.95, 1.30)
Deals with cases promptly	1.27 (1.11, 1.46) **	1.31 (1.15, 1.50) **

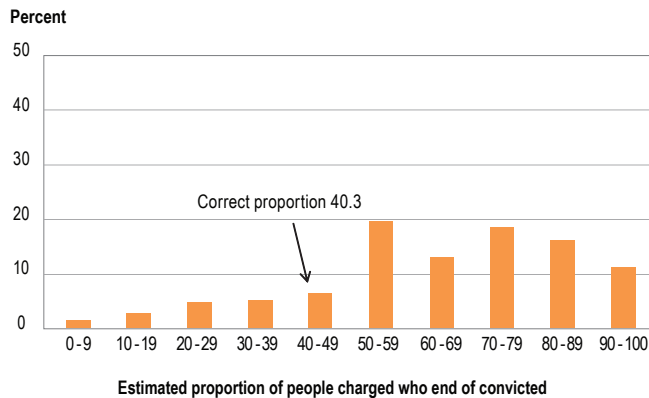
Note. CI = confidence interval, OR = odds ratio  
\* p < .05, \*\* p < .01

**SURVEY ITEMS UNIQUE TO THE 2012 WAVE**

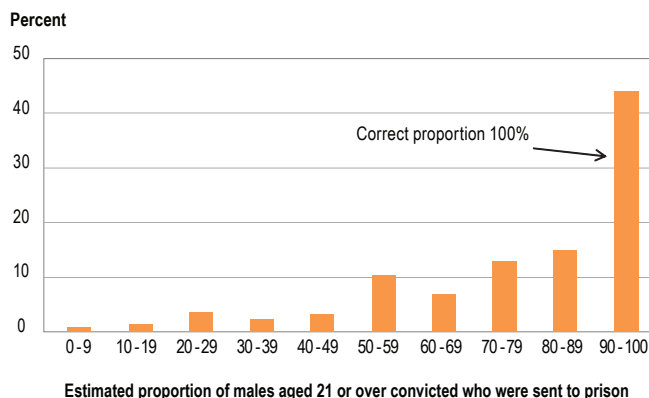
Figure 11 shows the distribution of responses to the question about conviction rates for defendants charged with murder. The true proportion is 40 per cent. Contrary to the other measures of knowledge, respondents tended to over-estimate the conviction rate for murder (mean = 61). Note however that some of the population might not be aware of legal differences between murder (as is being measured here) and manslaughter which could affect their response<sup>6</sup>. Also the low numbers of murder charges mean that the conviction rate is more volatile than other crimes.

Figure 12 shows the distribution of responses to the question about imprisonment rates for men aged 21 or over convicted of murder. The true imprisonment rate for murder is 100 per cent. Overall, respondents were more accurate in their knowledge of imprisonment rates, with 44 per cent nominating percentages between 90 and 100 per cent (mean = 70).

**Figure 11. Of every 100 people charged with MURDER and brought to court, roughly what number do you think end up convicted?**



**Figure 12. Out of every 100 men aged 21 or over who are convicted of MURDER, how many do you think are sent to prison?**



**Figure 13. Percentage of respondents indicating that they are either 'very confident' or 'fairly confident' in the police and courts, 2012**

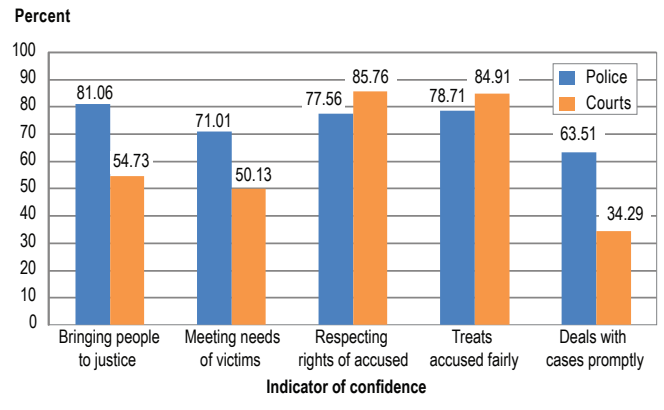


Figure 13 shows the prevalence estimates for confidence in the police and in the courts separately. Respondents had considerably higher levels of confidence in the police than the courts in terms of bringing people to justice (81% vs. 55%), meeting the needs of victims (71% vs. 50%) and dealing with cases promptly (64% vs. 34%). Respondents had slightly higher levels of confidence in the ability of the courts to respect the rights of the accused (78% for police vs. 86% for courts) and to treat them fairly (79% vs. 85%).

**DISCUSSION**

The three aims of the current study were (1) to assess whether there has been any change in public confidence in the NSW CJS since 2007, (2) to assess the extent to which changes in knowledge about crime and justice and/or shifts in punitive attitudes might help to explain any changes in public confidence, and (3) to assess whether public confidence in the courts differs from public confidence in the police.

There has clearly been an increase in most of the measured aspects of public confidence since the baseline survey was conducted in 2007. Members of the NSW public who were surveyed in 2012 were significantly more likely than those surveyed in 2007 to be 'very' or 'fairly' confident that the CJS is effective in bringing people to justice (65% vs. 55%), meeting the needs of victims (46% vs. 35%), respecting the rights of the accused (76% vs. 72%), and dealing with cases promptly (36% vs. 30%). Each of these increases remained after controlling for differences in sample composition across survey waves. The only measure that did not significantly change across years was the measure of confidence that the CJS treats people accused of crime fairly. Levels of confidence on this measure were high and stable across survey years (77% in 2012 vs. 75% in 2007).

Explaining what has driven these increases in confidence is a more difficult task. It is never possible to infer causality from a repeat cross-sectional design such as the one employed here. The results did suggest that along with an increase in confidence in most aspects of the CJS, the population is more informed about crime and less punitive. Respondents to the 2012 survey were, on average, more accurate about property crime trends, more accurate than the 2007 survey respondents about the proportion of crime that involves violence, and more accurate about conviction and imprisonment rates for burglary. Respondents to the 2012 survey were also less likely than members of the public who were surveyed in 2007 to think that sentences are too lenient.

While these findings are necessarily correlational, experimental and observational studies have found that the provision of factual information about crime and sentencing can increase levels of knowledge and confidence in the CJS. For example, in a study conducted by the UK Home Office, Chapman et al. (2002) tested levels of knowledge and confidence in aspects of the CJS before and after presenting them with some key facts about crime and justice. Participants in these studies were much more accurate about crime trends and sentencing after receiving information about those trends. There were also significant improvements in some measures of confidence, including confidence that the CJS brings people to justice, which endured over time. If, by whatever means, members of the NSW public are more knowledgeable about crime and justice, studies such as these provide reason to be confident that improved knowledge will translate into increased confidence.

Levels of knowledge and confidence may have improved in response to moves away from traditional media sources toward on-line content in recent years. The previous BOCSAR survey found that members of the public who receive most of their information about the CJS from the Internet were more confident that the CJS brings people to justice, meets the needs of victims and deals with cases promptly (Jones et al., 2008, Indermaur & Roberts, 2005). The NSW Government has also made efforts to increase public knowledge about crime and justice since the 2007 survey. The NSW Sentencing Council launched a series of public forums on sentencing in 2009 and made a sentencing information package available through their website. BOCSAR launched a series of sentencing snapshots in 2011, which give breakdowns of sentencing outcomes by factors that are legally relevant in sentencing. BOCSAR has also embraced social media sources such as Twitter in an effort to communicate information about crime and sentencing through non-traditional sources. While it is difficult to say for sure whether any of this has impacted on public knowledge about crime and sentencing, the observed increases in knowledge, albeit small, provide impetus to continue to explore new ways of communicating information with members of the public.

It is also possible that the recent reframing of public debate on crime and justice may have helped to increase public confidence in the criminal justice system. There is a strong inverse relationship between public punitiveness and public confidence in the criminal justice system (Allen et al. 2006). Much of the public policy focus in the criminal justice domain during the last three decades has been on protection and punishment (J. Roberts et al., 2003); a focus that might have encouraged members of the public to adopt a more punitive attitude toward offenders and while at the same time eroding public confidence in the effectiveness of the criminal justice system. In the 2011 NSW election there was no sign of the law and order 'auctions' that have characterised previous election campaigns. It is interesting to note, therefore, that public punitiveness toward offenders has decreased while public confidence in the criminal justice system has increased.

While changes in knowledge and punitiveness may have contributed to the changes in public confidence, it is also clear that the extent of the contribution these factors make to confidence was not large. There was little evidence that adding the knowledge and punitiveness measures to the regression models shown in Table 3 had much impact on the odds of being confident in 2012 relative to 2007. Furthermore, knowledge about crime and levels of confidence in the adequacy of sentencing are still relatively low. Factors other than changes in knowledge and confidence are therefore likely to be responsible for the observed increases in confidence. Public confidence in the criminal justice system tends to be lower among victims of crime than among non-victims (Chaplin et al. 2011). This suggests that the smaller the number of crime victims, the higher the level of confidence in the justice system. There were 30,000 fewer assault victims and 30,000 fewer household victims of break and enter in 2010-2011 than there were in 2007-08 (Australian Bureau of Statistics, 2008, 2012). This fall in crime victimisation may have also helped increase public confidence in the CJS.

One of the innovations of the current study is that it provides separate baseline measures for confidence in the police and the court. Members of the public were found to be more confident that the police are effective in bringing people to justice, meeting the needs of victims and dealing with cases promptly. On the other hand, the public were generally more confident that the courts respect the rights of the accused and treat them fairly than they were in the ability of the police to protect the rights of the accused. These findings are in line with previous research (e.g. L. Roberts & Indermaur, 2009) and it will be interesting to observe whether increases in satisfaction with the courts, in particular, can be achieved in future surveys.

While the current study provides a valuable source of information about changes in public confidence over time, it is not without

limitations. Perhaps most importantly, the use of CATI technology necessarily excludes some members of the public from the sampling frame. This is only problematic for repeat cross-sectional designs if some groups are excluded to a greater or lesser extent over time. The declining use of telephone landlines is one issue that could impact on the comparability of samples over time. The number of people living in households without fixed-line telephone services increased by 17 per cent (from 2.3m to 2.7m) between 2009-10 to 2010-11 alone (Australian Communications and Media Authority, 2011). Consideration was given to including a sample of mobile phone users in the current study but the decision was taken to retain the same sampling framework across survey waves for consistency. We also sought to ameliorate any impact of this change in landline usage by employing a quota-based sampling framework, in light of the fact that the switch to mobile technology is more prevalent among young populations. While the move to mobile technology cannot be ignored, it is worth pointing out that political polling using sampling frames similar to that employed for this study tends to predict electoral outcomes with a high degree of accuracy. We can have confidence, therefore, that the responses are reasonably representative of the NSW public.

## ACKNOWLEDGEMENTS

The authors would like to thank Don Weatherburn and our anonymous reviewers for comments on earlier versions of this manuscript. We also thank Florence Sin for desktop publishing.

## NOTES

- 1 The BCS is an annual survey of victimization rates among members of the public in England and Wales. It primarily functions as a complement to police-recorded crime statistics to measure trends in victimization but it also contains several measures of public perceptions of the CJS. <http://homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/british-crime-survey/>. From 1 April 2012, the BCS will be known as the Crime Survey for England and Wales to better reflect its geographical coverage. While the survey did previously cover the whole of Great Britain it ceased to include Scotland in its sample in the late 1980s. There is a separate survey – the Scottish Crime and Justice Survey – covering Scotland.
- 2 For example, while 2,557 NSW residents were sampled in the 2007 wave (L. Roberts & Indermaur, 2009), only 969 NSW residents were sampled in the 2009 wave (personal communication, Anna Reimondos, AuSSA). With sample sizes of that magnitude, confidence in measures such as whether the courts deal with matters quickly would have to increase by approximately 5 percentage points to have sufficient statistical power to detect that difference. This power calculation assumes an increase from 22.1 per cent

to 27.1 per cent in the dichotomous outcome (a great deal/ quite a lot of confidence vs not very much/ none at all), 80 per cent power and an alpha-level of .05.

- 3 Probit regression models with a multinomial outcome were also examined to ensure that the effects were in the same direction as the logistic regression model. In the probit regression, the outcome was categorised in the same way as it was in the survey ('very confident', 'fairly confident', 'not very confident' and 'not at all confident'). The results of the probit regression were consistent with the logistic regression models and are not presented for brevity.
- 4 2007 was used as the reference year for the first wave of the survey because interviews were conducted in the second half of the year. 2011 was used as the reference year for the second wave of the survey because data was not available on 2012 at the time of publication.
- 5 Diagnostics include: the deviance, the log-likelihood, the Hosmer-Lemeshow test and the area under the ROC curve (AUC).
- 6 The NSW Crimes Act (1900) states that 'Murder shall be taken to have been committed where the act of the accused, or thing by him or her omitted to be done, causing the death charged, was done or omitted with reckless indifference to human life, or with intent to kill or inflict grievous bodily harm upon some person, or done in an attempt to commit, or during or immediately after the commission, by the accused, or some accomplice with him or her, of a crime punishable by imprisonment for life or for 25 years.' Other 'punishable homicides' are defined as manslaughter.

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## APPENDIX

Tables A1-A5 presents the results of the logistic regression modelling for each of the five categories.

**Table A1. Results of the logistic regression model estimating confidence that the CJS ‘brings people to justice’**

	Parameter estimates (standard error)	OR (95% CI)	p-value
Intercept	1.69 (0.12)		<.001
2012 vs. 2007	0.37 (0.07)	1.45 (1.25, 1.67)	<.001
Aged under 25 vs. Aged over 54	0.47 (0.14)	1.60 (1.21, 2.11)	.001
Aged 25-39 vs. Aged over 54	0.31 (0.10)	1.36 (1.13, 1.64)	.001
Aged 40-54 vs. Aged over 54	0.19 (0.10)	1.21 (1.00, 1.46)	.047
Finished school in year 10 vs. Finished university course	-0.60 (0.11)	0.55 (0.44, 0.68)	<.001
Finished school in year 11 or 12 vs. Finished university course	-0.27 (0.11)	0.76 (0.62, 0.94)	.010
Completed TAFE course vs. Finished university course	-0.45 (0.10)	0.64 (0.53, 0.78)	<.001
A lot more crime vs. Crime about the same	-0.39 (0.08)	0.68 (0.58, 0.80)	<.001
A lot less crime vs. Crime about the same	0.80 (0.30)	2.23 (1.25, 3.97)	.007
Too tough vs. About right	-1.32 (0.19)	0.27 (0.18, 0.39)	<.001
A little too lenient vs. About right	-1.05 (0.11)	0.35 (0.28, 0.43)	<.001
Much too lenient vs. About right	-2.20 (0.11)	0.11 (0.09, 0.14)	<.001
Don't know vs. About right	-1.21 (0.18)	0.30 (0.21, 0.43)	<.001

Note. OR = odds ratio, CI = confidence interval

**Table A2. Results of the logistic regression model estimating confidence that the CJS ‘meets the needs of victims’**

	Parameter estimates (standard error)	OR (95% CI)	p-value
Intercept	-0.38 (0.09)		<.001
2012 vs. 2007	0.45 (0.07)	1.57 (1.36, 1.80)	<.001
Aged under 25 vs. Aged over 54	0.92 (0.13)	2.50 (1.95, 3.20)	<.001
Aged 25-39 vs. Aged over 54	0.70 (0.09)	2.01 (1.68, 2.41)	<.001
Aged 40-54 vs. Aged over 54	0.25 (0.09)	1.29 (1.07, 1.55)	.008
Finished school in year 10 vs. Finished year 12 or university	-0.24 (0.10)	0.79 (0.65, 0.96)	.020
Completed TAFE course vs. Finished year 12 or university	-0.34 (0.09)	0.71 (0.60, 0.84)	<.001
Much too lenient vs. Tough, about right or a little too lenient	-0.30 (0.08)	0.74 (0.63, 0.87)	<.001
Don't know vs. Tough, about right or a little too lenient	-1.18 (0.08)	0.31 (0.26, 0.36)	<.001
A lot more crime vs. Other	-0.62 (0.17)	0.54 (0.38, 0.75)	<.001

Note. OR = odds ratio, CI = confidence interval

**Table A3. Results of the logistic regression model estimating confidence that the CJS ‘respects the rights of the accused’**

	Parameter estimates (standard error)	OR (95% CI)	p-value
Intercept	1.49 (0.08)		<.001
2012 vs. 2007	0.16 (0.08)	1.18 (1.01, 1.37)	.038
Finished school in year 10 vs. Finished university course	-0.51 (0.10)	0.60 (0.50, 0.73)	<.001
Finished school in year 11 or 12 vs. Finished university course	-0.25 (0.10)	0.78 (0.64, 0.94)	.011
Much too tough or too tough vs. About right or too lenient	-1.08 (0.17)	0.34 (0.24, 0.48)	<.001
Much too lenient vs. About right or too lenient	-0.22 (0.09)	0.80 (0.68, 0.95)	.012
Don't know vs. About right or too lenient	-0.73 (0.18)	0.48 (0.34, 0.68)	<.001
A lot more crime vs. About the same or less crime	-0.28 (0.09)	0.76 (0.63, 0.90)	.002
A little more crime vs. About the same or less crime	0.23 (0.11)	1.26 (1.01, 1.56)	.038

Note. OR = odds ratio, CI = confidence interval

**Table A4. Results of the logistic model estimating confidence that the CJS ‘treats the accused fairly’**

	Parameter estimates (standard error)	OR (95% CI)	p-value
Intercept	1.83 (0.10)		<.001
2012 vs. 2007	0.11 (0.08)	1.11 (0.95, 1.30)	.188
Aged under 25 vs. Aged 25 or over	-0.36 (0.13)	0.70 (0.54, 0.89)	.004
Completed year 10, 11 or 12 vs. Completed university course	-0.25 (0.08)	0.78 (0.66, 0.91)	.002
Tough on crime vs. About right	-1.34 (0.18)	0.26 (0.18, 0.37)	<.001
A little too lenient vs. About right	-0.31 (0.11)	0.73 (0.59, 0.91)	.005
Much too lenient vs. About right	-0.43 (0.11)	0.65 (0.52, 0.81)	.001
Don't know vs. About right	-1.11 (0.18)	0.33 (0.23, 0.47)	<.001
A lot more crime vs. About the same or less	-0.29 (0.09)	0.75 (0.63, 0.89)	.001

Note. OR = odds ratio, CI = confidence interval

**Table A5. Results of the logistic model estimating confidence that the CJS ‘deals with matters promptly’**

	Parameter estimates (standard error)	OR (95% CI)	p-value
Intercept	-1.24 (0.14)		<.001
2012 vs. 2007	0.24 (0.07)	1.27 (1.11, 1.46)	<.001
Aged under 25 vs. Aged over 54	0.93 (0.12)	2.54 (2.00, 3.23)	<.001
Aged 25-39 vs. Aged over 54	0.77 (0.09)	2.16 (1.80, 2.58)	<.001
Aged 40-54 vs. Aged over 54	0.34 (0.10)	1.41 (1.17, 1.70)	<.001
A little too lenient vs. Too tough or about right	-0.25 (0.09)	0.78 (0.66, 0.92)	.004
Much too lenient vs. Too tough or about right	-0.46 (0.09)	0.63 (0.53, 0.75)	<.001
Don't know vs. Too tough or about right	-0.43 (0.18)	0.65 (0.46, 0.94)	.020

Note. OR = odds ratio, CI = confidence interval

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