

# APPENDIX I: A MORE DETAILED DESCRIPTION AND CRITIQUE OF SOME STUDIES OF PUBLIC CONFIDENCE COMPLETED IN THE EARLY 2000S

## LOCALLY COMMISSIONED STUDIES

As noted in the Preface to this book, from 2006 to 2009 I worked as a 'KTP Associate' on a project designed to help local criminal justice agencies respond to the public confidence target. In this role I attended meetings of individuals working for Local Criminal Justice Boards, which were focused on matters to do with marketing, communications, and community engagement and tended to be the 'go to' people in terms of work to increase public confidence. Through the contacts I gained I was provided with a number of reports on research carried out to try and understand public confidence better which were not in more general circulation. These included:

- Addison, M. 2006. Public Confidence in the Criminal Justice System. Newcastle Upon Tyne: Dipsticks Research.
- Devon and Cornwall Police. 2007. Baseline Survey: December 2006. Exeter: Devon and Cornwall Criminal Justice Board.
- Dodgson, M. 2006. Shaping Public Confidence in the Criminal Justice System. Newcastle upon Tyne, UK: Dr. Marina Dodgson, Research and Consultancy.
- Dodgson, M; Dodgson, R and O'Donnell, A. 2006. Shaping Public Confidence in the Criminal Justice System: Literature Review. Newcastle Upon Tyne: Dr. Marina Dodgson, Research and Consultancy.

- Greater Manchester Police. 2005. Greater Manchester Citizens' Panel—Survey Results March 2005. Manchester, UK: Greater Manchester Police.
- Holme, M. 2006. Cumbria Citizen's Panel Survey 2006. Penrith, UK: Cumbria Criminal Justice Board.
- Opinion Leader Research. 2005. Confidence Levels of Black and Minority Groups in the Criminal Justice System in Thames Valley. London, UK: Opinion Leader Research.

As noted in Chap. 2, the influence of local research on the dominant knowledge discourse of confidence appears to have been limited as most of it was reported locally, but not subsequently cited elsewhere. The research tended to replicate the approaches used in the national-level research, rediscovering on a 'local' basis knowledge about confidence that is already in circulation. For a more detailed discussion, see Turner (2008).

## MORI

MORI carried out research in which '[t]he public's attitudes and perceptions of the system and its constituent agencies ... were measured to identify the factors relating to levels of confidence and satisfaction' (Page et al. 2004, 1). The MORI study positioned itself as making a further contribution to the body of knowledge on public confidence in the criminal justice system (CJS), and this is the context in which it has been subsequently cited. It had a robust data collection mechanism, using a random-sample telephone survey. The analysis managed to be both self-confident: 'confidence in the system overall ... *would* increase' (Page et al. 2004, 6, emphasis added); and yet also vague and obvious: 'creating a society where people feel safe and dealing effectively with violent crime' (Page et al. 2004, 6). It used a different measure of confidence from that used within the British Crime Survey (BCS),<sup>1</sup> and approached the matter of public knowledge differently.<sup>2</sup>

Some of the conclusions in the MORI study appear to have been drawn based on rather opaque and questionable analytical manoeuvres. For example, data on confidence and knowledge were aggregated to analyse the relationship between these two variables on an agency-by-agency basis: the average score which respondents gave to their 'familiarity' with each agency was plotted against the average score which they gave each agency for its 'effect on crime'. These points were found to make a reasonably

clear diagonal line on a graph but no indication of the statistical significance of the relationship was given. It is not clear why the researchers chose to plot aggregated data on this graph, rather than plotting data points for each individual respondent and calculating the correlation coefficient for the relationship between perceived importance and perceived effectiveness of the different functions.

The report also includes a graph which plots the proportion of respondents who see certain functions of the CJS as ‘absolutely essential’ against the proportion who have confidence that they are being delivered. The authors highlighted five functions of the CJS which, they said, were seen by a majority of respondents as being ‘absolutely essential’ and in which a relatively low proportion of respondents said they had confidence.<sup>3</sup> These points were ringed on the graph to provide visual emphasis of their importance (Page et al. 2004, 3). They were also referred to again in the conclusion, which stated that these issues should ‘be regarded as public priorities for addressing confidence in the criminal justice system’ (Page et al. 2004, 6). The basis upon which this prescription is made is tenuous to say the least, as a number of other functions were on the periphery of the seemingly arbitrarily drawn circle on the graph (one of these issues was ‘tackling the causes of crime’). Bearing these points in mind the selection of the key issues to be addressed has more than a suspicion of arbitrariness, if not bias.

### NOP WORLD/PHILLIP GOULD ASSOCIATES

The NOP World/PGA study used a qualitative approach with a relatively small sample of approximately 50 respondents which was, by their own admission, not representative, and which they regarded as a pilot study (NOP World 2003, 7). Despite these limitations the final presentation of their findings ran to 108 PowerPoint slides and adopted a confident and authoritative tone throughout. Its recommendations included ensuring that legislation put victims before criminals, and ‘breaking through media distortion’ by communicating to the public that sentences are ‘longer, tougher, more consistent’ (NOP World 2003, 107).

### CONTROLLED EXPERIMENTS

The first such study (Chapman et al. 2002) was initiated in response to the concerns which arose because of a review of the sentencing framework during 2000/2001. Doubts were expressed about using public opinion to

inform the review in light of knowledge about the extent of public ‘misperceptions’ about crime and justice.<sup>4</sup> In response, an investigation was commissioned to explore whether such misperceptions could be corrected by improving knowledge, and whether improved knowledge would impact upon views. It was felt that such an investigation could also be of value in helping with progress towards the newly imposed target of increasing public confidence in the CJS:

In theory... improving public knowledge about crime, sentencing and the CJS might be expected to result in more positive attitudes towards the CJS. Improvements in ratings of the system should be achievable where current opinion is based on overly negative beliefs. (Chapman et al. 2002, 2–3)

Chapman et al. found that ‘[k]nowledge of crime trends and current sentencing practice is particularly poor, with only about one in ten people being *reasonably well-informed* in these areas’ (Ibid., 9, emphasis added). What constitutes being ‘reasonably well-informed’ is not explicitly defined; however, the approach adopted indicates that, as Chapman et al. concede, knowledgeability boils down to ‘recall of key facts’ (Ibid., 15).<sup>5</sup> In their experiment, they claim to have been able to improve ‘recall of key facts’ through the provision of information but, although the confidence of about a third of participants increased, ‘there was no clear relationship between improved scores on the knowledge questions and improved levels of confidence’ (Ibid., 35).

Salisbury (2004) built on the previous body of research and the experimental work carried out by Chapman et al. (2002) by providing a booklet to a sample of BCS respondents and conducting a follow-up interview two weeks later to see if their views had changed. A control group did not receive the booklet but still had a follow-up interview. Salisbury found that having received and at least glanced through the booklet increased the accuracy of people’s perception of crime trends, but not of criminal justice practice. However, the research concluded that increases in confidence could not be attributed to the impact of looking at the booklet or to increased awareness about crime and criminal justice.<sup>6</sup>

Singer and Cooper (2008) sought to update and improve upon these experimental studies<sup>7</sup> by exploring the relative effectiveness of different methods of providing information. Their approach to the design of the informational materials drew on marketing theory and sought to ‘inform, persuade and remind’ the recipient about key facts. Their peer-reviewed<sup>8</sup> study demonstrated that statistically significant increases in the accuracy of

public estimations of crime trends and certain facets of criminal justice practice could be achieved, at least in the short term, through the delivery of a carefully designed information booklet. The research also indicated that statistically significant increases in confidence (as measured by the general confidence measure from the BCS) could be achieved in the short term.

However, although the researchers found statistically significant differences between the control group and the experimental group (those receiving the booklet), they rather overstated the magnitude of the effect. The research found that the proportion of the control group who were confident that the CJS is effective increased 6.7 percentage points between the first and second interview, whilst the proportion of the experimental group who were confident that the CJS is effective increased by 11.4 percentage points. Based on this finding, the authors claimed that ‘a professionally designed booklet delivered through a personalised envelope or personal contact is a *very effective* way of raising public confidence in the CJS’ (Ibid., 20, *emphasis added*). The percentage point gain of the experimental group over the control was 4.7 percentage points. Sufficient effect magnitude for us to reject the null hypothesis, but to say that the intervention was ‘very effective’ seems somewhat misleading. Furthermore, the increase in confidence was only significantly different compared to the control group where the booklet was handed to the recipient as opposed to ‘delivered through a personalized envelope’.

The authors also notably fail to emphasise that of those who received the booklet only 40% actually read all or most of it and (unlike in the earlier study by Salisbury (2004)) there was no analysis of whether improvements in knowledge and confidence were seen even in those who received but did not read the booklet. It is therefore unclear whether it was the content of the booklet, or simply the fact of receiving a booklet, which produced the change in knowledge and confidence. It seems, then, that the authors may have been tempted to oversell the import of their findings, perhaps cognisant of the observation by Tonry and Green (2003, 494) that ‘qualified claims about modest but discernible sought-after effects, important though they are, seldom support a sense of excitement likely to lead to major new initiatives or changes in policy direction.’ Furthermore, although the study aimed to provide usable evidence for local practitioners one thing which is entirely missing is any information on the costs associated with the design, production, and distribution of the booklet. The reader cannot, therefore, know the cost of producing the relatively modest (and potentially fleeting) percentage increases in knowledge and confidence which the study claims.

## NOTES

1. The MORI study focused on how confident respondents were 'about the way that crime is dealt with' at the local and national levels (Page et al. 2004, 2).
2. The study asked respondents how much they felt they knew about the different agencies and then what effect they thought each agency had on crime in their area.
3. These were the following: creating a society where people feel safe, reducing the level of crime, stopping offenders from committing more crime, dealing effectively with street robbery (including mugging), bringing people who commit crimes to justice.
4. As discussed in Chap. 2, in the 1970s and 1980s many researchers expressed the opinion that the lack of public knowledge about crime and justice completely undermined the validity of general measures of opinion. They proposed instead the use of specific sentencing scenarios to elicit public preferences. It is interesting that less than 20 years later the preferred option is to attempt to manipulate general opinion through education, rather than to capture it in a different, and arguably more appropriate, way.
5. The authors contrast public perceptions of key statistics, with the actual figures, generating findings such as '[e]ight in ten respondents thought half or less of adult male burglars were given custodial sentences, although the actual proportion for 1999 was 72 per cent.' (Chapman et al 2002, 9). In other words, to be well informed appears to mean being able to give accurate estimations of criminal justice statistics.
6. 'Increases in confidence were not restricted to only those who received the booklet [and thus] were not solely attributable to looking at the booklet' (Salisbury 2004, 11). Furthermore, '[t]here was a significant increase in the proportion feeling that the sentences handed down by the courts are about right (from 15% to 25%) for those who received and looked at the booklet. However, there was also a significant increase (from 20% to 34%) for those who did not receive the booklet' (Salisbury 2004, 12). Salisbury also found that respondents who thought that taking part in the BCS had made them more aware of crime and criminal justice issues were no more likely than those who did not feel more aware to have increased in confidence (Salisbury 2004, 12).
7. Unlike Chapman et al. (2002) and Salisbury (2004), Singer and Cooper (2008), avoid committing the statistical error of failing to test the statistical significance of the differences between control and experimental groups. It is not statistically correct to claim that there is a difference between the groups unless this difference has been tested for significance (see Bland 2000).

8. The Home Office operates its own peer-reviewing system, the rigour of which has been critiqued by Hope (2008).
9. A search on the term ‘criminal justice system’ revealed that, in the British Library database of British Newspapers 1600–1900, the phrase did not occur at all, whilst in the *Times* newspaper, the term was not used in relation to Britain until 1973. Uses of the term during the 1970s were sparsely distributed and tended to be with reference to the US context (particularly the Watergate affair) or appeared to be prompted by, and often directly quoting from, academic or other research reports, or the words of the researchers themselves. The idea of criminal justice operating as a system, and thus the application of the term ‘criminal justice system’ began to become more prominent during the 1980s (See Bottoms 1995, 24).

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## APPENDIX 2: APPROACHING THE GENEALOGICAL ANALYSIS OF PUBLIC CONFIDENCE

Using the search engines of the Times Digital Archive and the Lexis Nexis digital archive of the *Guardian* and the *Times/Sunday Times* I carried out a quantitative content analysis to gain an initial overview of the prevalence and historical distribution of the term ‘public confidence’ used in relation to criminal justice matters within the print media. I found that the term public confidence occurred much more frequently in the last quarter of the twentieth century than at any time prior to this. Mentions of ‘public confidence’ in parliamentary debates also showed a definite upwards trend in the last two decades of the twentieth century, suggesting that at least some of the increase in use of the term public confidence in the newspapers reflected the increasing political salience of the term. In both the *Times* and the *Guardian* Newspapers there was a generally upward trend in use of the term ‘public confidence’ in each five-year period from 1985 to 2004.

Next I searched to see how many times the term ‘public confidence’ occurred along with either ‘police’ or ‘justice’. I searched for all articles using the term ‘public confidence’ where one of the article keywords was either ‘justice’ or ‘police’. The results of this search for each 50-year period from 1785 to 1984 are displayed in Table 1, below. These figures suggest that the notion of public confidence in justice had virtually no presence in the content of the *Times* newspaper prior to 1985, whilst the notion of public confidence in police had a limited presence from the late nineteenth century onwards, and became more frequently used during the twentieth century.



**Table 1** Frequency of use of ‘public confidence’ in relation to justice/police in the *Times* 1785–1984

	1785–1834	1835–1884	1885–1934	1935–1984
Justice	1 (<1%)	3 (<1%)	8 (<1%)	19 (<1%)
Police	0 (0%)	7 (<1%)	21 (1%)	105 (5%)

Percentages displayed correspond to frequency expressed as a percentage of all mentions of ‘public confidence’

**Table 2** Frequency of occurrence of ‘public confidence’ in same sentence as justice/police 1984–2009

		1984–1989	1989–1994	1994–1999	1999–2004	2004–2009
Justice	<i>Times</i>	25 (5%)	64 (10%)	57 (8%)	83 (10%)	102 (11%)
	<i>Guardian</i>	26 (8%)	57 (14%)	37 (6%)	37 (6%)	40 (7%)
Police	<i>Times</i>	22 (5%)	86 (14%)	33 (5%)	46 (6%)	55 (6%)
	<i>Guardian</i>	42 (13%)	55 (13%)	45 (8%)	24 (4%)	42 (7%)

Percentages displayed correspond to frequency expressed as a percentage of all mentions of ‘public confidence’

Table 2 (below) displays usage of ‘public confidence’ in the same sentence as the words ‘police’ or ‘justice’ in the *Times/Sunday Times* and the *Guardian* newspapers since 1984. These figures were obtained from the Lexis Nexis search engine. As can be seen, both in crude volume terms and in proportion to other uses of the term ‘public confidence’, there was a spike in the use of ‘public confidence’ in the same sentence as ‘justice’ or ‘police’ between 1989 and 1994. Analysing each of these years individually I found that during that five-year period the prevalence (numerical and proportional) of the term ‘public confidence’ used in the same sentence as the word police was at its peak in both newspapers in 1989 and 1990, but declined thereafter, whereas the prevalence (numerical and proportional) of the term ‘public confidence’ used in the same sentence as the word justice was highest between 1991 and 1993. In the *Guardian* in 1993, 21% of uses of the term ‘public confidence’ came in the same sentence as the word justice (18 articles in all).

Using the Lexis Nexis database I then counted how many articles from the *Times/Sunday Times* and the *Guardian* contained the specific phrase ‘public confidence in the criminal justice system’ in each year from 1985 to 2009.

The results indicate that the phrase only came into common usage in the media from 1992 onwards. It seems that during earlier periods the term ‘public confidence in the administration of justice’ was preferred, reflecting the fact that the term ‘criminal justice system’ was not widely used in relation to England and Wales prior to the 1970s.<sup>9</sup> Indeed, it was not until 1982 that the term ‘public confidence in the criminal justice system’ featured in media discourse, as the *Times* reported a speech in the House of Commons by the then Home Secretary William Whitelaw. The term had in fact first been used in parliamentary debate the previous year when Ivan Lawrence MP referred to it in relation to proposals by the Royal Commission on Criminal Procedure (1981) to establish an independent prosecution service. Usage of the term in debates was sparse in the 1980s, became much more prevalent in the mid-1990s, and had a significant spike in 2003/2004. Furthermore, the figures showed that the term was used much more frequently within parliamentary debates than it was in the content of the *Times* and the *Guardian* newspapers.

Using various digitised archival sources then, I was able to note that the use of the term ‘public confidence’ in relation to the issue of justice was virtually non-existent in *Times* newspaper content prior to the early 1980s. I was also able to identify 1981 as the first year in which the phrase ‘public confidence in the criminal justice system’ was used in a parliamentary debate, and 1982 as the first time that a discourse of ‘public confidence’ came together with that of the ‘criminal justice system’ in *Times* newspaper content. I also identified 1989–1994 as the period during which the use of the term ‘public confidence’ in the same sentence as justice or police became more frequent in newspaper content, and I identified a spike in the use of the term ‘public confidence’ in relation to police in 1989 and 1990, and a spike in the use of the term ‘public confidence’ in relation to justice from 1991 to 1993. The phrase ‘public confidence in the criminal justice system’ was most prevalent in newspaper content in 1992–1994, 1996–1997, 2000, 2003 and 2007. In parliamentary debates this exact phrase became more frequent between 1994 and 1997, in 2000 and between 2002 and 2004.

Gaining this quantitative overview of the historical content of the *Times* and the *Guardian* newspapers and parliamentary debates enabled me to familiarise myself with the data, to identify the newspaper articles and political debates which would form my sample for more detailed qualitative analysis, and to identify key points in time in the history of ‘public confidence in the criminal justice system’. To start the qualitative analytical

process, I reviewed every newspaper article since 1982 which contained the phrase ‘public confidence in the criminal justice system’. I coded these according to how and why confidence had been invoked in each of these articles (the material events and conditions it referred to), and any links which the article made to other texts (its intertextual relations). After this point, the selection and analysis of further texts was a perambulatory process: as I identified events and texts of interest so I used these to search for other texts, all the time building up a sense of the points at which confidence entered (or did not enter) and was transmitted through the discourse. The purpose of this journey through linked events and texts (a journey into the discourse) was to apply the Foucauldian strategy of ‘eventalization’:

making visible a singularity at places where there is a temptation to invoke a historical constant, an immediate anthropological trait, or an obviousness which imposes itself uniformly on all. To show that things “weren’t as necessary as all that” (Foucault 1991, 73)

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