

The Public and the Justice System: Attitudes, Drivers and Behaviour

A literature review

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This literature review aims to address a gap in our knowledge base in terms of what public attitudes to the justice system are, what drives them, and what works in regards to improving or maximising public attitudes. The review covered Scottish evidence where possible, though most research in this area is from other countries, such as England and Wales or the USA.

Main findings

- People's attitudes to the justice system are complex, and vary depending on whether the focus is confidence, satisfaction, trust or legitimacy, and what part of the system or aspect of performance is in question.
- The most important drivers of people's attitudes to the justice system are personal experience. This includes direct contact with justice system professionals, seeing or hearing from local police, experience and perceptions of the local neighbourhood, and stories about the experiences of other people.
- It is crucial that people feel that the justice system, as represented by people such as the police, demonstrates 'procedural justice' – that is that they value and care about individuals and the community, and behave fairly, respectfully, neutrally and take seriously the things that matter to people.
- Research shows that experiencing such procedural justice leads to higher satisfaction, confidence and perceived legitimacy of justice system professionals, which in turn is associated with people being more compliant and cooperative when they interact with the justice system.
- For parts of the justice system that fewer people have direct or vicarious personal experience of, such as sentencing, people make judgements from other information available to them, which may include media sources. The impact on people's attitudes depends on which media sources they use, and the degree to which information from the media aligns with their existing attitudes and experiences.
- Four broad types of activity have been found to improve public attitudes: procedurally fair treatment of system users, visibility of police and engagement with the public, improving neighbourhood conditions, and written communication.
- The key message from the evidence is that people's personal experiences of the justice system and of their local area is the most important influence on their attitudes to the justice system. Factors such as knowledge about the system, and the media, do not have the large direct influence that some might expect. The evidence shows that building responsive relationships between justice system professionals and individuals and communities can improve attitudes to the justice system, and by doing so may also improve people's engagement with the justice system and their wider behaviour.

Methods

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

Attitudes to the justice system

It was found that people's attitudes to the justice system and its constituent parts are complex, with varying levels of confidence in different aspects of performance (e.g. that the system 'provides a good standard of service for victims of crime', or 'deals with cases promptly and efficiently').

There has, however, been an increase in the percentage of Scottish Crime and Justice Survey respondents who are confident in a range of aspects of CJS and police performance over the past three survey sweeps, which may develop into a trend.

Evidence shows that across western jurisdictions, people tend to be more confident in police than in other parts of the system like courts. Attitudes to sentencing are complex and cannot be captured in general questions about the leniency of courts.

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

Drivers of attitudes

The review identified 10 potential drivers of attitudes to the justice system which have been examined by the literature. These are:

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

- **Perceptions of neighbourhood and anti-social behaviour (ASB)** – Evidence shows a relationship between people's perceptions of local ASB and neighbourhood cohesion, and attitudes towards the police. However, it may be that attitudes towards the police may reassure people about their neighbourhood conditions, and not the other way around.
- **Visibility and accessibility of police** – Evidence shows that visibility and accessibility of police in the local area increases confidence in the local police.
- **Communication from police** – Communication from the police that meets people's desires from such communication can increase positive attitudes, as it conveys police engagement with the community (though has a smaller effect than direct contact). There is a lack of evidence on communication from other parts of the justice system.
- **Wider social and political context** – The correlation between trust and confidence in justice agencies, and trust and confidence in government and other public institutions suggests there is a common source of attitudes, which is beyond the realm of justice. The different historical relationships between populations and their public institutions, both as a whole, and for specific groups within societies, is also relevant.
- **Media use** – This is a direct, yet small, driver. The media is a source of information where people do not have personal or vicarious experience to draw on, but people choose what media sources to consume, and contest messages that do not match their existing attitudes and experience.
- **Experience of crime** – Being a victim has a small direct effect on attitudes to the justice system, but having contact with the system as a result of such victimhood has a bigger effect (see above).
- **Demographics** – Attitudes to the justice system (police are most frequently studied) do vary by demographics, but to a small extent, and this may be due in large part to the diverse experiences different groups have with the system.
- **Knowledge about the justice system and crime** – While there are correlations between knowledge and attitudes, the evidence currently does not show a clear or large relationship. Possible mediating factors are the sources of information, trust in those sources, and levels of interest in information.
- **Sentencing attitudes and preferences** – Evidence shows people have nuanced sentencing preferences based on severity and circumstances of crime.

We also know people underestimate sentencing practice, and this correlates with negative views about judges. The size and strength of this relationship has to date not been tested.

We can see from this evidence that the most important drivers of people's attitudes to the justice system, especially the police, are personal experience. This includes direct contact with the system, seeing or hearing from the police, experience and perceptions of the local neighbourhood, and stories about the experiences of other people. Within these experiences it is crucial that people feel that the justice system – as represented by people such as the police – value and care about individuals and the community, and behave fairly, respectfully, neutrally and take seriously the things that matter to people.

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

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

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

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

Effect on cooperation and compliance

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

What works

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

Direct Contact – improving contacts in line with the tenets of procedural justice theory has been shown to improve satisfaction, confidence, trust, support and perceived legitimacy of the police (and in some cases the courts or prisons). This focus on procedural justice can be enacted both through system processes (for example processes around information provision to system users) and through system cultures (for example around how professionals are trained and expected to behave).

Visibility and Engagement – including police visibility and direct engagement with the public. There is some disagreement in the literature as to the relative importance of simple visibility of police officers to the community, and actual interaction and engagement between officers and the community. This may reflect differences in the needs and expectations of different communities.

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

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

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

Conclusions

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

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

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

This literature review has taken a comprehensive look at the evidence on what people think about the justice system, what influences those attitudes, how this impacts on people's behaviour in terms of cooperation and compliance, and how attitudes can be improved.

This evidence has direct and practical relevance both for justice policy, and for practitioners throughout the justice system. We have seen that public attitudes are not entirely within the control of the justice system itself and those working within it, but we have also seen that it is within the power of policy and practitioners to improve people's experiences with the justice system, and their attitudes towards it in terms of confidence, trust, and perceived legitimacy.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 7560.