

# **CRIME AND PUNISHMENT**

**STUDYING JUSTICE SYSTEM  
FOR SHAPING CRIMINAL POLICY**



**CENTER FOR  
THE STUDY OF  
DEMOCRACY**

The current publication analyses the findings of the survey on public trust in Bulgarian police and courts, including personal assessments about the level of corruption in these institutions and the subjective perceptions of fear of crime. Two main factors are moulding the public trust: the state institutions' effectiveness, their procedural justice and their distributive fairness towards citizens, as well as institutions' legitimacy, the legality of their actions and the shared moral principles, which build up the obligation to respect the rules and the decisions of these institutions.

The publication suggests that Bulgaria should introduce a system of indicators for assessing the public trust in the criminal justice system. These indicators would be instrumental for the more comprehensive definition of the problems, which criminal justice institutions face, and for more effective monitoring of public opinion fluctuations. The introduction of such a system would allow the Bulgarian government to focus on long-term security and justice policies. Unified indicators for measuring trust in criminal justice should be used in all European Union member states to stipulate comparability. This can be realised within the framework of the Stockholm Programme (2010 – 2014).

Authors:

**Dr. Todor Galev**, Senior Analyst, Economic Program, Center for the Study of Democracy (Part 1; p.2., p. 2.1. and p.2.2.2.)

**Alexander Stoyanov**, Director of Research, Center for the Study of Democracy (p. 2.2., p. 2.2.1, p. 2.2.3 and Appendix 3)

**Neli Dineva**, Sociologist (p. 2.1.)

**Nina Denisova**, Sociologist (p. 2.1.)

Editor:

**Dr. Maria Yordanova**, Director, Law Program, Center for the Study of Democracy



*The publication is supported financially by the Project EURO-JUSTIS, 7th Framework Programme of the European Commission. The information and views set out in this publication are those of the authors and do not necessarily reflect the official opinion of the European Communities. Neither the European Communities institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.*

**ISBN: 978-954-477-179-9**

© 2011, Center for the Study of Democracy

All Rights Reserved

Sofia 1113, 5 Alexander Zhendov Str.

tel.: (+359 2) 971 3000, fax: (+359 2) 971 2233

www.csd.bg, csd@online.bg

# TABLE OF CONTENTS

<b>Introduction</b> .....	5
<b>1. Trust-based policies in criminal justice</b> .....	7
1.1. Evidence-based policies .....	7
1.1.1. Crime statistics and evidence-based policies.....	9
1.2. Trust-based policies.....	11
1.2.1. Penal policies and procedural justice .....	14
1.2.2. Conceptual framework for studying trust in the criminal justice system .....	18
<b>2. Public trust in the criminal justice system in Bulgaria</b> .....	21
2.1. Public dispositions and attitudes to institutions in the criminal justice system in Bulgaria .....	24
2.1.1. Citizens about the police.....	25
2.1.2. Citizens about the court, prosecution service and probation service .....	33
2.2. Levels of public trust in the police and the court.....	39
2.2.1. Overall assessment of confidence in the police and the court.....	47
2.2.2. Structure of assessments of confidence in the police and the court.....	50
2.2.3. Adequacy of the concepts of trust in the police and the court.....	57
<b>Conclusion</b> .....	65
<b>Appendix 1.</b> Current indicators of public confidence – national efforts in Bulgaria.....	69
<b>Appendix 2.</b> Overview: Trust in justice, procedural and distributive fairness and fear of crime .....	79
<b>Appendix 3.</b> Methodology of the Euro-Justis Pilot Survey in Bulgaria .....	85



---

## INTRODUCTION

In the processes of formulating and implementing public policies in all spheres of public life over the last two decades, two interconnected trends have gained increasing prominence, concerning the advent of the concepts of **evidence-based policies** and **trust-based policies**. They are particularly clearly identifiable in the political processes of the countries with established democratic systems and developed civil society. On the one hand, they result from an aspiration to strengthen the democratic principle and citizens' participation in the governance of the nation state and the supra-national political structures (EU), and on the other, a necessary prerequisite for an increase of the effectiveness of this governance through application of scientific methods for policy planning and impact assessment. These two trends underlie public and political discussions whenever the question of assessment of the implementation of a given policy is raised or when new statistical data related to significant social issues are released. At the same time, a conflict is often observed between the positions of the official government institutions, supported and substantiated by the data, studies and objective facts produced by them (evidence-based policies), and the positions of civil or political actors, aiming at the trust in institutions as a key factor of the existence of the social order (trust-based policies).

**The creation of public policies in the field of justice – on the one hand, based on evidence, and on the other, on trust between citizens and the law-enforcement institutions (police, public prosecution service and court), is essential for achieving sustainable development** in a “knowledge society” based on the principles of good governance, social justice and solidarity.

Public trust in justice cannot be viewed separately from trust in the overall process of political decision-making and in democracy as a leading principle of state governance. The indicators measuring trust in the criminal justice system,<sup>1</sup> presented in the present survey, are based on the assumption that the effectiveness of this system should be assessed not only under narrowly defined criteria of crime control by means of the so-called crime statistics but also under broader criteria, related to people's trust in this system. The use of such indicators is not simply a tool for the implementation of particular policies but a political action

---

<sup>1</sup> The indicators are developed under the project Scientific Indicators of Confidence in Justice: Tools for Policy Assessment (**EURO-JUSTIS**), supported by the Seventh Framework Programme of the European Commission (<http://www.eurojustis.eu>). The adoption of these indicators in five European countries (Bulgaria, France, Italy, Lithuania and the Czech Republic) marks the beginning of comparative European studies of the connection between trust and law abidance, following the model of the US, Britain and other countries. In the autumn of 2011, the indicators elaborated was used in the fifth sweep of the European Social Survey, covering 28 countries. Its findings traditionally attract the interest of researchers and politicians since they provide up-to-date and reliable information about European public opinion on important social issues.

in its own right. In this sense two questions arise: first, to what extent policies and political governance can and must be reasonably defined as “evidence-based”<sup>2</sup> and, secondly, how to measure public trust and how it relates to concrete policies in the field of justice.

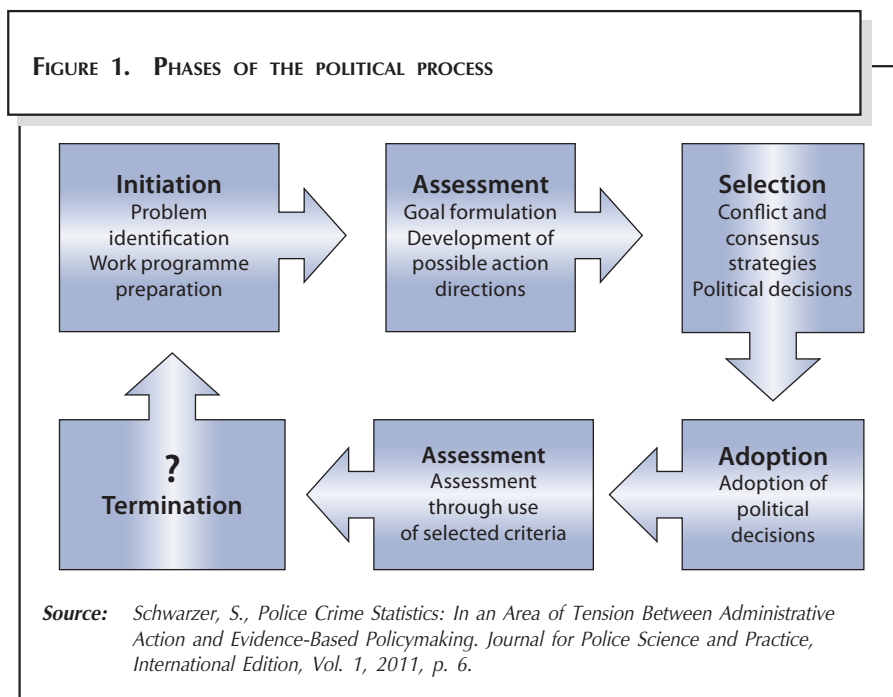
---

<sup>2</sup> Schwarzer, S., Police Crime Statistics: In an Area of Tension Between Administrative Action and Evidence-Based Policymaking. *Journal for Police Science and Practice, International Edition*, Vol. 1, 2011, p. 4.

# 1. TRUST-BASED POLICIES IN CRIMINAL JUSTICE

## 1.1. EVIDENCE-BASED POLICIES

The complex and varied political processes at national and European level evolve on the basis of legislation, which finds expression in the implementation of specific policies by means of hierarchically structured bodies of power focussed on particular problems and their solutions. Modern scientific approaches in political science, sociology, political anthropology, international relations, public administration and governance assume that the political process consists of separate phases which cover both the creation of the policy itself and its implementation. The differences between the approaches lie mainly in the definition of these phases, the participation of different actors and the participation principle, as well as whether the phases are regarded as clearly differentiated, successive or parallel.



The “linear” model, which was dominant in the second half of the 20th century and which describes policy making as a process of solving problems in which the decisions are made in a series of successive phases, starting with identifying the problem and ending with defining a set of actions for its solution, was rejected as inadequate at the end of the 1990s. Its two main characteristics were: on the one hand, the rationality of the political process, viewed as the activity of professional politicians, based on an objective analysis of the existing possibilities, and on the other, the separation of the policy from its implementation. The failure

of policies according to this model was mostly seen not as due to the policy itself but because of political or governance failure in the policy implementation – for example, for lack of political will or capacity of the respective political figures, bad governance or insufficient resources.

Unlike this model, **modern approaches regard policy making and its implementation as an integral part of a common process that is best understood as “chaos of purposes and accidents”**, in which the rationality of knowledge-based decisions is inseparable from the seem-

ingly chaotic and unpredictable actions and practices, dominated by political, social, cultural and economic forces and their alliances.<sup>3</sup> In this conceptual framework, “evidence-based policy” gains importance as a principle applicable to each phase of the political process and to each of the diverse actors involved in it. This concept originates from health policy, where “evidence-based practice is a process for making practical decisions in which practitioners integrate the best research evidence available with their practice expertise and with client attributes, values, preferences, and circumstances. When those decisions involve selecting an intervention to provide, practitioners will attempt to maximize the likelihood that their clients will receive the most effective intervention possible.”<sup>4</sup>

The use of the “evidence-based practice” concept in policy-making processes follows the standard-setting understanding that each administrative body must improve the quality of management of its activities. In this sense, **the “evidence-based policies” concept stresses the application of scientific experience and scientific methods of decision-making in each phase of the political process**, which significantly changes its focus. The study of the fields of political activity with scientific methods seeks to make politics react as quickly as possible to the changes and transformations in its specific sphere of action. The key prerequisite here is that the principal objective of political action is to maximize the effectiveness of governance and, respectively, policy. In the modern knowledge-based society and economy, the key condition for achieving greater effectiveness is for actions and decisions to be based on (scientific) knowledge.

“Evidence” is not simply knowledge that can be either produced by scientific methods or proceed from a practical situation, showing its effectiveness, but without being proven in the scientific sense. “Evidence” in the policy-making processes is structured according to a concrete science-based theory which makes it possible to link the variety of empirically establishable “facts” with a conceptual framework for their interpretation and methods of gathering and analysing the relevant empirical data.

**From a legislative point of view, in the past decade this trend has found expression in a series of initiatives for improvement of the regulatory framework in the EU,<sup>5</sup>** intended to introduce regular monitoring procedures for the better use of the limited resources of the Union

---

<sup>3</sup> Sutton, R. The Policy Process: An Overview, Working Paper 118, London, Overseas Development Institute, August 1999.

<sup>4</sup> Rubin 2008, cited in: Schwarzer, S., Police Crime Statistics: In an Area of Tension Between Administrative Action and Evidence-Based Policymaking. *Journal for Police Science and Practice*, International Edition, Vol. 1, 2011, p. 5.

<sup>5</sup> COM (2001) 428 final – White Paper on European Governance, Brussels, 25.07.2001; Presidency Conclusions of the European Council Meeting in Laeken, 14 and 15 December 2001, SN 300/1/01 REV 1;

COM (2002) 278 final – Communication from the Commission on the Action Plan on the Simplification and Improvement of the Regulatory Environment, Brussels, 05.06.2002;

COM (2002) 275 final – Communication from the Commission on the Action Plan for Better Regulation, Brussels, 06.06.2002.



and the Member States through the so-called “impact assessment” of policies. The idea is to make this method an integral part of the decision-making process – both at EU level and at national level.<sup>6</sup> In the political process at EU level this principle finds expression in the constant creation of new and the improvement of existing systems of governance assessment indicators. **From a financial point of view, the adoption of evidence-based policies in the EU leads to a shift in the priorities for financing research programmes at European and national level,** the aim being to encourage the utilitarian and instrumental nature of academic research. The financing priorities are identified depending on the needs of the European and national scientific and technological policies, academic research being seen as a means of economic and social development and not as science for the sake of science itself. This is particularly clear in defining the Seventh Framework Programme of the EC as “bundling all research-related EU initiatives together under a common roof playing a crucial role in reaching the goals of growth, competitiveness and employment; along with a new Competitiveness and Innovation Framework Programme, Education and Training programmes, and Structural and Cohesion Funds”.<sup>7</sup> Having started much earlier, in the last two decades this utilitarian shift in research leads not only to a change in research priorities but also to a shift in the general attitude of researchers – a desire for greater involvement and inclusion of the accumulated experience in society.<sup>8</sup>

### 1.1.1. Crime statistics and evidence-based policies

In the field of justice, evidence-based policies are generally seen as an analogue to government policy which is initiated and implemented by the official institutions of the justice system. And “evidence” in the form of empirical data, collected, aggregated and analysed according to a particular theory, is based on the information received and processed during the work of these institutions. **Specifically in the field of criminal justice, the so-called crime statistics produce the main evidence** used by the justice system and the executive to plan the national policy in this field. Crime statistics are viewed as essential indicators of the performance of criminal justice which determine both the future financing and the career development of officials. Crime statistics comprise three main groups of empirical data: recorded offences, registered offenders, and registered victims. Crime statistics are defined as decentralised primary statistics, the bulk of the output data being generated by inner-institutional information systems of the respective institutions in the form of their own activity report. Registration practices vary not only countries and among institutions in a national justice system, but sometimes even within a particular institution itself. The cases which are not reported or are reported but are not registered, the differences in

<sup>6</sup> Schwarzer, S., Police Crime Statistics: In an Area of Tension Between Administrative Action and Evidence-Based Policymaking. *Journal for Police Science and Practice*, International Edition, Vol. 1, 2011, pp. 4-15.

<sup>7</sup> [http://cordis.europa.eu/fp7/understand\\_en.html](http://cordis.europa.eu/fp7/understand_en.html).

<sup>8</sup> Solesbury, W. Evidence Based Policy: Whence it Came and Where it's Going. ESRC UK Centre for Evidence Based Policy and Practice, University of London, London, 2001.  
European Commission. Databases from socio-economic research projects for policymaking, SSH Studies and Reports, Brussels, Directorate-General for Research and Innovation, 2011.

the definitions and the resulting lack of comparability between the data from different stages and, respectively, institutions in handling cases, are only part of the main reasons why official crime statistics are incomplete and incomparable. At the same time, numerous surveys show that due to the natural propensity of any institution to seek to project a more favourable image of itself, especially when financing depends on results, the political importance and career opportunities of its staff serve to further distort the data.<sup>9</sup>

Partly in response to this criticism of statistical data generated by the official law-enforcement institutions, **regular national victimization surveys established themselves in the 1970s**, intended to collect data from the victims or witnesses of crimes themselves among the entire population. In this sense they are not restricted to crimes recorded by the law-enforcement authorities. Thus, in the US in 1973, two main reasons led to the First National Crime Survey: (a) the public debate on the extent to which a government agency interested in combating crime is able to provide an objective assessment of the level of crime, and (b) the evidence from earlier partial victimization surveys which show that not all crimes are reported to the police. Since then it has been conducted on a regular basis, and for most of the 1973 – 2001 period its data show that the level of crime is almost double the one officially recorded by the law-enforcement authorities.<sup>10</sup> The British Crime Survey, carried out since 1982, the International Crime Victims Survey, launched in 1989, the European Crime and Safety Survey from the same year and a number of national surveys, including in Bulgaria,<sup>11</sup> conducted over the last two decades, more or less confirm these conclusions.

The main differences and reasons for juxtaposition in the use of crime statistics and the results of victimization surveys by politicians and researchers as “evidence” for policy-making are in three areas. First, crime statistics claim to be exhaustive since they summarize at different levels data from all law-enforcement authorities, whereas victimization surveys are by definition sample surveys, i.e. ensuring representativeness of the results for a specific social group through statistical methods (for example, the adult population of the country) by aggregating and analysing the responses of an expressly selected sub-set (sample) of that group. Secondly, crime statistics are collected and summarized in accordance with the regulatory definitions classifying crime in compliance with the adopted primary and secondary legislation, whereas victimization surveys use defi-

<sup>9</sup> Catalano, S. *Criminal Victimization*, Washington D.C., US Department of Justice, 2006.

Van Dijk, J., R. Manchin, J. van Kesteren, S. Nevala, and G. Hideg. *Burden of Crime in the European Union: A Comparative Analysis of the European Crime and Safety Survey (EU ICS)*, 2005 (online at <http://www.gallup-europe.be/euics/Xz38/downloads/EUICS%20-%20The%20Burden%20of%20Crime%20in%20the%20EU.pdf>, accessed on 12.07.2011).

Van Dijk, J., J. van Kesteren, and P. Smit. *Criminal Victimization in International Perspective: Key Findings from the 2004 – 2005 ICVS and EU ICS*. The Hague, Boom Legal Publishers, 2008 (online at [http://rechten.uvt.nl/icvs/pdf/ICVS2004\\_05.pdf](http://rechten.uvt.nl/icvs/pdf/ICVS2004_05.pdf), accessed on 15.07.2011).

<sup>10</sup> Catalano, S. *Criminal Victimization*, Washington D.C., US Department of Justice, 2006.

<sup>11</sup> *Crime Trends in Bulgaria 2000 – 2010*, Center for the Study of Democracy, Sofia, 2011; *Conventional Crime in Bulgaria: Levels and Trends*, Center for the Study of Democracy, Sofia, 2009; *Crime Trends in Bulgaria 2000 – 2005*, Center for the Study of Democracy, Sofia, 2006; *Crime Trends in Bulgaria: Police Statistics and Victimization Surveys*, Center for the Study of Democracy, Sofia, 2005.

nitions of the manifestations of crime and their social context which are close to the respective concepts used by people in everyday life or serving to identify incidents in life which, however, depart substantially from the regulatory administrative definitions. Thirdly, crime statistics collect far more limited data, (targeting various fields of information) on the social context of crime than the victimization surveys. The latter include not only measuring unrecorded crime but also deal with questions related to the social context of the cases studied, including the psychological attitude of individuals, their practical knowledge of this context, and the assessment they make on this basis.

The purpose of producing “evidence” in political processes is to furnish the public sector with the necessary information on the current state of society and thus to make policy-making more purposeful and effective. But since the interpretation of any data depends on the specific theoretical and practical knowledge of the relevant context in which they have been collected, aggregated and analysed, **the political, administrative and social context must be taken into account in order to attain the broadest possible basis for the interpretation and elaboration of policies and to prevent wrong conclusions.**<sup>12</sup> This fundamental principle in policy-making processes is one of the main reasons why victimization surveys are used to correct and supplement the available official crime statistics. The need to analyse ever more complicated social phenomena and causal relationships, which underlie the building of individual attitudes and, hence, also of public attitudes, and determine the behaviour and assessments of individuals and social groups in society, requires a study of the social context extended beyond the possibilities offered by either victimization surveys or official crime statistics.

## 1.2. TRUST-BASED POLICIES

In December 1800, the then Chief Justice of the US Supreme Court, John Jay, declined automatic reappointment to the position, stressing as the main reason the fact that at that time the Court laboured under a judicial system so defective that, amongst its other problems, it did not possess “the public confidence and respect which, as the last resort of the justice of the nation, it should...”.<sup>13</sup> Invoking public trust as fundamental to the effective performance of the justice system is rooted in the very understanding of what trust means. The British researchers<sup>14</sup> note that “sociological work tends to portray trust as pervasive, inherent in and formative of many social situations, including both face-to-face

<sup>12</sup> Schwarzer, S. Police Crime Statistics: In an Area of Tension Between Administrative Action and Evidence-Based Policymaking. *Journal for Police Science and Practice, International Edition*, Vol. 1, 2011, p. 11.

<sup>13</sup> Rottman, D. and A. Tomkins, Public Trust and Confidence in the Courts: What Public Opinion Surveys Mean to Judges. *Court Review*, Fall 1999, p. 24.

<sup>14</sup> Bradford, B., J. Jackson, M. Hough, and S. Farrall, Trust and Confidence in Criminal Justice: A Review of the British Research Literature, EURO-JUSTIS Working Paper, London, November 2008.

encounters and the relationships between individuals and organisations, institutions or the state.”<sup>15</sup> As they point out, some sociological theories emphasise that trust reduces the complexity of the world we live in by “bracketing out” many possible events, freeing us up to act as if it was certain they were never going to occur. Trust, therefore, becomes necessary in situations of uncertainty and risk, particularly uncertainty regarding the motives, intentions and future actions of others on whom we depend. Other sociological theories focus on the fact that “trusting” assumes that those whom we trust will place our interests above their own individual, groups or institutional interest. In this sense, trust is embedded in our social relationships, and involves at its root an implied or overt expectation that those whom we trust will act predictably. Thus, trust creates a world that is predictable and stable. **With regard to justice, this means that if one trusts its institutions then one will assume that one’s contacts with police officers, court officials and all others in this system will proceed predictably according to the generally accepted roles and functions of the justice system.** One will accept that the various officials and the institutions in general are performing effectively and efficiently, with fairness and respect to all, ultimately representing the rule of law and the moral base of society. **For their part, citizens will act correspondingly,** and if they witness or become the victim of a crime and, respectively, if they are stopped or sought by representatives of these institutions, they will expect them to be effective and fair, to comply with the legal and moral norms and to act appropriately.

According to the cited researchers, “...trust in justice rests within the dynamic and situated nature of public encounters and cooperation with the police and the criminal justice system. Trust is **stated** – when we say that we would cooperate with the police and that we expect the police to behave in certain ways if we encountered them. Trust is also **revealed** – demonstrated by, and created out of, what we do and who we interact with. Challenged and revised through the specific dynamics of the encounter, in those moments of cooperation, compliance and deference, trust is created or undermined in situations where the individual is an actor, where they are actively involved in interactions with authorities and can make their own assessments of, for example, the fairness of police officers’ behaviours.”<sup>16</sup>

In the English-language tradition, **trust is associated with the individual encounter with representatives of the justice system** in a face-to-face situation; the assessment that is made on the basis of this momentary experience and the expectations one has of their behaviour. On the other hand, **confidence** is rooted in **people’s understanding of the role and nature of the criminal justice institutions** and involves rather abstract assessments of the effectiveness of the police or court as an institution, for example. As the cited research sums it up, confidence

<sup>15</sup> The presentation of the concepts of trust in this part of the text is based on the work of Ben Bradford, Jonathan Jackson, Mike Hough and Stephen Farrall. See Bradford, B., J. Jackson, M. Hough, and S. Farrall. Trust and Confidence in Criminal Justice: A Review of the British Research Literature, EURO-JUSTIS Working Paper, London, November 2008.

<sup>16</sup> Ibid., p. 2, italics in the original.

seems more of a 'system-level' institutionally-based attitude towards the activities of the criminal justice system. In this sense, confidence is based on the general assessment of the criminal justice system. While trust is the assessment formed by the current and situational encounters with representatives of the criminal justice system, confidence builds on this assessment and represents the conviction that criminal justice as a system of institutions operates effectively and fairly, represents the interests and expresses the values of the community. In this sense, confidence also rests on the individual assessment of adherence to the moral norms adopted by the community, by the institutions (e.g. the police) and by the criminal justice system in general. Although confidence seems a more stable and abstract structure in comparison with trust, it, too, is a subject to revision depending on the immediate practical experience and can be undermined, albeit by longer-term processes and events. This substantiates the conclusion that, once underway, the change in the directions of established confidence in the performance of a given institution is much more difficult and much slower to halt or reverse.

Discussing the concepts of trust and confidence in justice, the authors stress that they accept the differentiation made by Niklas Luhmann,<sup>17</sup> who analyses **trust as an active structure**, based on assessments of risk that inherently involve choice, emerging out of encounters and interactions. By contrast, **confidence is passive**, directed at the justice system as an institution, reflecting how the system acts in general and not specifically with regard to a specific person or case. This explains the fact that a single negative experience might severely decrease or damage trust – in the fairness of the police for example – while at the same time having much less impact on confidence that the police are effective in dealing with serious crime.

Besides trust and confidence, **legitimacy is the third key concept**, which helps to understand the social relationships between individuals and institutions or even more overarching structures such as the state. The concept of legitimacy is bound up with the rules which people acknowledge to a social institution having competences on some sphere in life, to manage this sphere and the agreement of people to conform to these competences and to obey this management. In the analysis **legitimacy is viewed as a normative category**, i.e. to the extent to which individuals recognize the legitimacy of the institutions. It must contain a normative element in the decision of the individual, whether conscious or not, that the institution shares a certain moral or ethical position. In this sense, the legitimacy, which individuals and society recognize to a given institution, gives it the right to exercise authority within the scope of its delegated powers. In the case of the justice system, legitimacy refers to the agreement of the individual to observe and obey the law and to cooperate with the institutions of this system. Here legitimacy overlaps conceptually with trust. But in a broader sense legitimacy concerns the

<sup>17</sup> Luhmann, N., Familiarity, Confidence, Trust.//Gambetta, D. (ed). *Trust: Making and Breaking Co-operative Relations*. Oxford, Basil Blackwell, 1988. pp. 94-108. Cited in Bradford, B., J. Jackson, M. Hough, and S. Farrall, Trust and Confidence in Criminal Justice: A Review of the British Research Literature. EURO-JUSTIS Working Paper, London, November 2008, p. 3.

moral justifiability of the power relations which are inseparably bound with the existence of the state and the justice system in particular. This envisages the legitimate use of force by the police, when this is not only in conformity with the law (legality of action), but also justified according to the moral and ethical norms accepted in society. **This normative aspect of legitimacy, which guarantees not only the legitimacy but also the morality of the exercised authority, is an important factor in forming assessments of the level of trust and confidence in the justice system.** At the same time, the recognition of a certain legitimacy of the justice system also has the opposite effect on individuals – they feel morally or ethically obliged to comply with the authority of its institutions, including by obeying police decisions, for example.

### 1.2.1. Penal policies and procedural justice

The crime containment measures in the modern democratic states abiding by the rule of law are at a crossroads between two types of policies.<sup>18</sup> The first are **penal policies, which rely mainly on simplistic crime control models**, distinguished primarily by a typical penal populism. These policies are characterised by the understanding that people are completely rational beings, for whom the strongest deterrent factor for breaking the law are the fear of sanctions and the varying degrees of risk with regard to the severity of the sanction, the level of certainty that any offence will be penalised, and the speed with which this will occur. Respectively, increasing the severity of sentencing and extending the reach of law-enforcement and of the respective policies is seen as an essential measure against crime. A characteristic feature of these policies is that they tend to treat defendants' rights as a constraint on effective crime control. **Policies of the second type, relying on more subtle models of crime control, recognise that institutionalised (criminal) justice is only one of the many systems of social control**, most of which have a significant normative dimension.<sup>19</sup> Policies of the first type focus on the question of why people break the law. Due to the nature of the political process, these policies tend to apply approaches to crime control that are designed to secure instrumental compliance with the law, i.e. the reasons for complying with the law are seen as based on rational choice, driven by self-interest mainly as regards the risk of sanction. From this point of view and since incentives and rewards cannot be applied to the abstract multitude of individuals who make up the population, formal justice relies almost entirely on disincentives or, in other words, punishment, for securing instrumental compliance. Policies of the second type address the question why people comply with the law and what the existing mechanisms are. This means that crime control approaches characterising them focus on the interplay between formal and informal system of social control and in particular the normative dimensions in individual attitudes to the law, i.e. a key reason is the feeling of moral or ethical obligation or commitment to comply with the law.

<sup>18</sup> For more about these two types of policies, presented briefly, see A Short Synthesis Report, Designed for Politicians and Officials, Summarising Deliverables D.3.1 & D.3.2. EURO-JUSTIS D.3.3, 2010 (online at <http://eurojustis.eu/fotoweb/44.pdf>, accessed on 20.08.2011).

<sup>19</sup> A Short Synthesis Report, Designed for Politicians and Officials, Summarising Deliverables D.3.1 & D.3.2. EURO-JUSTIS Working Paper D.3.3., London, 2010 (online at <http://eurojustis.eu/fotoweb/44.pdf>, accessed on 20.08.2011), p. 1.

Despite the existence of policies of the second type and the recognition of their effectiveness and currency, the theories and ideas behind them are frequently ignored in political and popular discourse about crime. The purpose of researchers is to support the process **of their development and adoption in the penal policies of the EU Member States**, and specifically the practical introduction of a specific sub-set: procedural justice theories.

In the last decade, the main principles extrapolated from these theories find practical application in the policies of countries with an Anglo-Saxon legal system (common law jurisdictions) and above all in the US, but also in Britain and Australia. The assertion of these principles can be perceived as an attempt to deal with the weaknesses of the penal policies to which the justice systems in these countries have adhered during the last half century. Similar developments are also seen in some European countries like Italy and France, although to a much smaller extent, since most of them remain focussed mainly on the so-called penal populism, typical to the policies of the first type.

According to procedural justice theories, the key mechanism for instrumental compliance with the law (i.e. compliance due to a sense of moral obligation) is a belief in the legitimacy of formal authorities. These theories presuppose specific relationships between the following components:

- the treatment people receive at the hands of the police or justice officials;
- the resulting trust that people have in the institutions of justice;
- the legitimacy people confer, as a consequence of this trust, on institutions of justice;
- the authority that these institutions can command on people if they regarded them as legitimate;
- and, as a result, people's preparedness to obey the police, to observe the law and to cooperate with the justice system.

Legitimacy is a concept central to procedural justice theories. Characteristically, these theories focus on whether the criminal justice system manages to command legitimacy in the eyes of society or, in other words, whether people who have come into contact with a criminal justice institution perceive this institution as legitimate. Hence, the concept of **perceived legitimacy has been applied**. If people willingly offer their obedience to systems of authority that command legitimacy in their eyes, **questions about the justifications and reasons of legitimacy become of central policy importance**. These questions can only be answered empirically since they concern the attitudes, behaviours and beliefs of concrete individuals when they come into contact with the justice system. In this sense, to the questions of whether this system responds to specific objective criteria – e.g. accountability, transparency, compliance with basic principles of political democracy, etc., are also added questions that can only be answered with quantitative and qualitative methods of research of these attitudes, behaviours and beliefs.

One of the leading procedural justice theorists in the US, Tom Tyler,<sup>20</sup> shows on the basis of various surveys in the last two decades that for the formation of the legitimacy of the justice system in the US the **public perception of the fairness** of its institutions is more significant than perceptions that it is effective. The key difference here is the assessment of justice that is based on a process (whether institutions act fairly) and the assessment formed on the basis of outcomes (measuring whether the institutions are effective). Tyler's findings suggest that procedural justice – i.e. fair and respectful treatment that conforms to the law, is more important to people than obtaining outcomes that they regard as fair or favourable to themselves. In other words, in encounters with the police the quality of the treatment people receive from police officers is more important than the objective outcome. In his analyses, Tyler focuses on the interactions between officials of the justice system and the public, and the ways in which the behaviour of these officials builds or erodes institutional legitimacy. But there are also other, more complex dimensions to legitimacy. To explain them Bradford et al. use the conception of Beetham according to which people confer legitimacy on institutions not simply because the latter adhere to certain rules but also because they regard the institutions as representing particular normative and ethical frameworks. In this sense, conferring legitimacy on the institutions is due to shared values, i.e. values that are generally accepted by the members of a given community and which are assessed as shared by the institutions and seen in the attitude their officials have in the process of contact with members of the community. This sense of **“moral alignment” is an essential and necessary component of legitimate authority**: the police communicates to citizens the shared moral positions through the availability and quality of procedural justice in its specific interactions with citizens in which it is a party.

In this way, legitimacy generates compliance with the law, because people grant society – and its justice system – the right to dictate appropriate ways to behave. Even when they may disagree with some provisions of these laws, they nevertheless obey them because they think that complying with the authority that enacted or enforces them is the right thing to do.

Procedural justice theories are furthermore important because of another circumstance. The justice system and politicians tend to seek increased effectiveness and professionalism of the institutions through measures concerning their activities, in general, and principally through efforts aimed at improving the institutions' attitudes towards society.

**Procedural justice theories focus on the relationships between the system and law-breakers** or those at risk of law-breaking, i.e. these groups whose compliance with the law is problematic. Achieving fairness as the main outcome of the activity of the justice system even when this

---

<sup>20</sup> Tyler, T. Procedural Justice. In: A. Sarat (Ed.), *The Blackwell Companion to Law and Society*, Malden: MA Blackwell, 2004, pp. 435-452.

Tyler, T. Legitimacy and Legitimation: Forward to a Special Issue. *Social Justice Research*, vol. 18, 2005, pp. 217-242.



is most problematic gains central importance. And fairness and complying with generally accepted moral and normative rules as part of the relationships with all members of society become fundamental for the attainment of this result.

The growing importance of these theories among politicians – mainly in the US and Britain, is primarily due to the marked tendency towards “penal populism”, which has been observed in those countries’ policies over the past decade. The main question here is whether this is a universal trend which also affects the other developed countries in Europe. In this context, the existence of a serious risk of such a trend in a number of EU Member States seems a plausible hypothesis. Its basic characteristics are the emergence of an increasingly simplified discourse about crime control which includes three key features:

- “common-sense”-based strategies to secure instrumental compliance from “criminals”, which exclude a thorough and scientifically substantiated study of complex social problems;
- greater responsiveness of the policy and of the justice system to the wishes of the law-abiding majority;
- greater responsiveness of the policy and of the justice system to the needs of crime victims, largely at the expense of ignoring or at least restricting the rights of law-breakers or of those at risk of law-breaking.<sup>21</sup>

Procedural justice theories regard this discourse as unproductive – if the justice system ignores the rights of the *policed*, this creates the potential for a growing deficit in the legitimacy of its institutions, which manifests itself in reduced compliance with the law in their future acts. The main reason for the simplified discourse about crime control is the consideration that greater consumer satisfaction on the part of the law-abiding majority will secure their cooperation with the institutions and thus enhance the effectiveness of these institutions in general. In turn, procedural justice theories direct the attention of researchers and politicians to the confidence-building processes between the institutions and those groups or members of society whose compliance with the law seems most problematic or who have some relationships with these institutions. **The primary purpose is to first secure compliance with the law, and only then to develop cooperation.** Studies of the mechanisms of procedural justice show that fostering trust and legitimacy through fair and impartial treatment of “the policed” by the justice system would produce positive effects among the population as a whole. Besides trust and perceived legitimacy, additional and competing motives to comply with the law are the individual’s perceived risk of sanction and personal morality. And individual assessments and perceptions are shaped in the processes of personal contact with representatives of the criminal justice institutions.

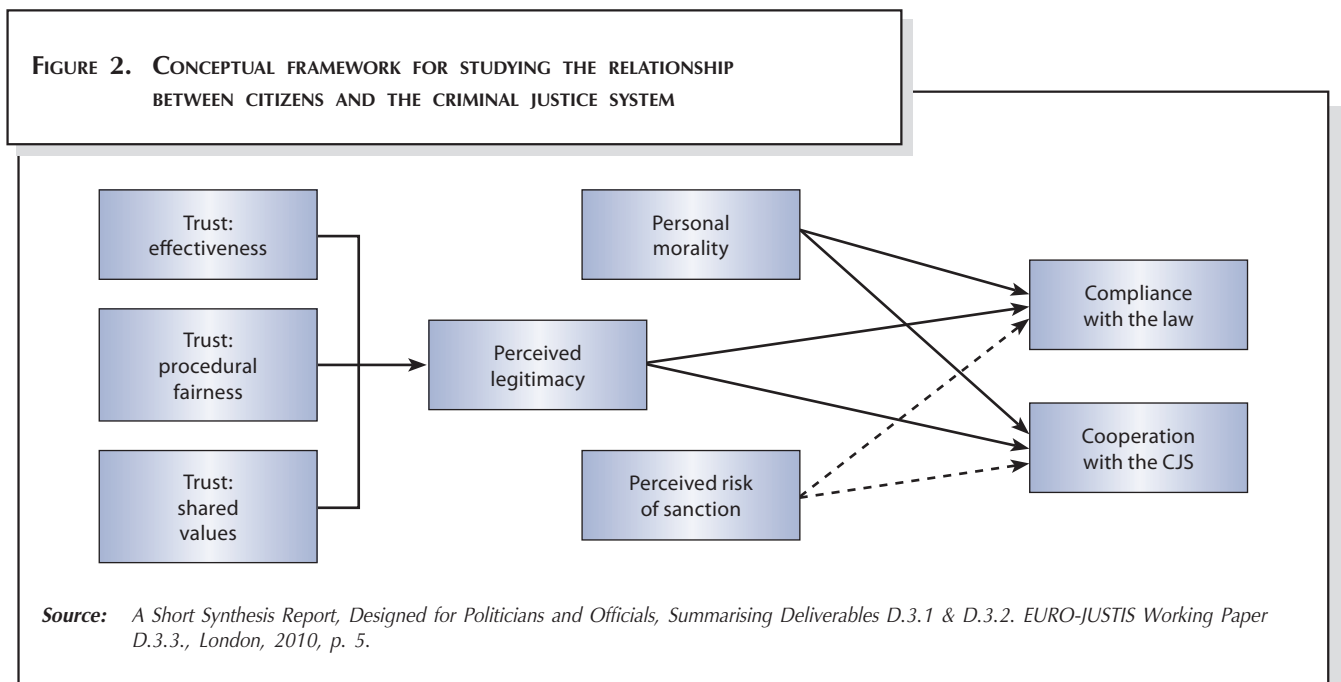
---

<sup>21</sup> A Short Synthesis Report, Designed for Politicians and Officials, Summarising Deliverables D.3.1 & D.3.2. EURO-JUSTIS Working Paper D.3.3., London, 2010, p. 7 (online at <http://eurojustis.eu/fotoweb/44.pdf>, accessed on 20.08.2011).

### 1.2.2. Conceptual framework for studying trust in the criminal justice system

The conceptual framework, elaborated on the basis of procedural justice models, makes it possible to test the applicability of these ideas, using three main sets of indicators:

- *First-level indicators:* a small number of indicators, complex in composition, measuring the concepts of trust, confidence and security;
- *Second-level indicators:* more detailed “batteries” of indicators that measure the different sub-components of these concepts;
- *Third-level indicators:* standard indicators, measuring the socio-demographic characteristics and economic and legal status of the respondents.



The indicators are based on the assumption that the effectiveness of the justice system should take into account not only narrow criteria of crime control but also broader criteria relating to people’s trust in this system. Trust and legitimacy are viewed as composite indicators reflecting two interrelated aspects of public opinion. The first one records public trust in the police and courts in terms of (a) effectiveness, (b) compliance with rules and procedures, i.e. procedural fairness, and (c) impartial treatment irrespective of citizens’ social, economic or political status as an expression of shared values. The second aspect covers opinions about the legitimacy of these institutions, i.e. on the one hand, society’s perceptions regarding the enforcement and observance of the fundamental principles of democracy, rule of law, and equal treatment of citizens in the activity of the institutions and, on the other, people’s belief that the institutions and their officials share and act in accordance with the same moral and ethical norms as they do. As a result, when used as a tool for political innovation, the system of indicators makes it possible to assess both the subjective perception of legitimacy and its normative aspect. The latter is measured through national-level indicators of accountability, transparency, principles of democratic governance, corruption levels, etc. In this

TABLE 1. KEY CONCEPTS AND THEIR SUB-COMPONENTS

First-level indicators	
Concept	Sub-components
Trust in CJS	Trust in the police
	Trust in criminal courts
	Trust in the prosecution service*
	Trust in prisons*
	Trust in probation services*
Confidence in CJS	Confidence in the police
	Confidence in criminal courts
	Confidence in the prosecution service*
	Confidence in prisons*
	Confidence in probation services*
Security (insecurity)	
Second-level indicators	
Trust in the police	Trust in effectiveness
	Trust in distributive fairness
	Trust in procedural fairness
	Trust in police priorities
Trust in criminal courts	Trust in effectiveness
	Trust in distributive fairness
	Trust in procedural fairness
Perceived legitimacy of the police	Obligation to obey the police
	Moral alignment with the police
	Perceived legality (complying with legal norms) of the activity of the police
Perceived legitimacy of the criminal courts	Obligation to obey the courts
	Moral alignment with the courts
	Perceived legality (complying with legal norms) of the activity of the courts
Cooperation with the police	
Perceived risk of sanction	
Personal morality	
Compliance with the law	

\* Indicators excluded from the survey due to practical restrictions.

**Source:** Jackson, J., M. Hough, S. Farrall, J. de Keijser, and K. Aromaa, *ESS R5 Module: Trust in the Police and the Criminal Courts: A Comparative European Analysis*, EURO-JUSTIS Working Paper, 2010 (not published).

sense, the developed system of indicators also provides the possibility to monitor the “capture of criminal justice by the executive”, i.e. of any unlawful or undue pressure and control over the police and courts by central and local government and by politically protected big business.

One of the hypotheses related to the application of procedural justice models is that, since they have been elaborated and studied mainly in the English-speaking countries with common law legal systems, they may not work well in countries with different cultural and institutional frameworks – for example, in continental Europe. Although previous research leads to the assumption that the principles of relationships between trust, perceived legitimacy and compliance with the law will be also valid in the European countries, there is a high probability that the perception of legitimacy will be driven by different forces and factors, especially in the new EU Member States which face serious and long-term problems with corruption. At the same time, **from a political point of view, it is precisely the high levels of corruption and the resulting decrease in the overall effectiveness and compromised guarantees of fairness and impartiality of the criminal justice system that raise the question of creating and implementing policies for building public trust** in these institutions as a necessary countermeasure against the adverse effects of long-standing corrupt practices. The use of simpler models of crime control, focusing on an enhancement of the scope and intensity of penal actions of the law-enforcement authorities and accordingly placing them at the centre of crime statistics as the main gauge of the activity of these authorities, would actually steer political actions to the results rather than to the cause of these problems. In this sense, **the use of evidence-based policies must be supplemented by planning and implementing policies for building trust in the criminal justice system.** In accordance with the concept of the nature of the political process, discussed above, it is necessary to identify the current state of trust, as well as to ensure regular monitoring of the changes arising as a result of the adoption of the outlined political measures. The introduction of a system of indicators enabling the fulfilment of these two tasks will provide an innovative political tool in the elaboration and implementation of public policies in the field of justice. The creation of such a system and its adoption moreover fully meets one of the fundamental priorities of the Stockholm Programme for EU development in the area of security and justice in the period 2010 – 2014.<sup>22</sup> An essential instrument and, at the same time, a challenge to the achievement of its goals is fostering trust between citizens and law-enforcement institutions both at the national and the European level. Terrorism, cyber crime, border control and migration are only some of the more notable areas for which the Stockholm Programme urges the adoption of trust-based policies.

---

<sup>22</sup> European Council, The Stockholm Programme – an Open and Secure Europe Serving and Protecting Citizens (2010/C 115/01).

---

## 2. PUBLIC TRUST IN THE CRIMINAL JUSTICE SYSTEM IN BULGARIA

In Bulgaria, public trust remains groundlessly underestimated as a criterion in the development and implementation of sustainable and long-term public policies. At the same time, forging public policies based on trust between citizens and institutions is seen by researchers as a key prerequisite for achieving sustainable development in a society founded on the principles of good governance and social justice and solidarity. This is so because public trust in institutions, as well as interpersonal trust among citizens, is directly related to the quality of life, which is conditioned by: (a) the objective living conditions, (b) the subjective perception of well-being, and (c) the degree of solidarity, social cohesion and stability in society. As a result, the essential factors affecting trust are: (a) level of economic development (GDP growth) and of modernisation (urbanisation, life expectancy, industrial development, educational levels of the population, etc.); (b) democracy (political rights and civil liberties) and good governance (government and public-sector spending, law and order, corruption index); (c) development of civil society and social heterogeneity.

Despite the direct link between trust and quality of life, trust – both interpersonal and public, is manifested to a different extent in the concrete spheres of public life. In respect of state governance, trust reflects citizens' overall assessment of the performance of government institutions: of the level of their effectiveness, of the need of reforms and of an impact assessment of measures already taken. This is particularly relevant in the field of criminal justice and crime control which define the quality of life. The police, the courts and the prosecution service need public support and institutional legitimacy in order to function effectively and in conformity with social and moral norms. In the *Judicial Anti-Corruption Programme*, developed by the Center for the Study of Democracy in 2003, public trust in the institutions is indicated as a key prerequisite for a successful judicial reform. Despite the numerous international and national initiatives for monitoring and assessment of these reforms, **policy-making in the field of justice still does not use indicators measuring trust in institutions**. Nor are there strategies aimed at building and maintaining high levels of trust in the criminal justice institutions. Instead, in pursuit of short-term political goals in recent years, procedural steps of the pre-trial phase of criminal proceedings have been overhyped – mainly through public arrests in cases of heightened public interest. Such police operations are presented as positive results of the fight against crime even though all too often eventually the detainees are not even charged.

At the same time, one of main obstacles to increasing trust in the criminal justice system and in government institutions in general is the per-

sistently high level of corruption in the judicial system and in the other spheres of public, economic and political life.

For the 2000 – 2007 period, the Corruption Monitoring System detected a steady tendency in public opinion regarding a high rate of corruption in the judicial system and the police – between 55 % and 70 % of the population. The occupations of police officer, judge, prosecutor and investigating police officer are invariably associated with corrupt practices, according to half of the country's adult population; only the occupation of customs officer exceeds these assessments by an average of around 10 percentage points.<sup>23</sup> A public opinion poll in EU-27 found that the share of Bulgarian citizens who believe there is corruption among those working in the judicial system increased from 64 % to 82 % in the 2007 – 2009 period, which ranks Bulgaria first in the EU (the EU-27 average stands at 37 %) in absolute terms and third in the rate of increase.<sup>24</sup>

The high levels of corruption in the justice sphere are not an isolated case but one of the manifestations of widespread corrupt practices both in the everyday life of the population and in the upper echelons of the country's economic and political elite. Even though real and potential corruption both in the Bulgarian population and in the economic spheres tended gradually downwards in the 2009 – 2010 period, this was mainly due to a decrease in the so-called "petty corruption" (everyday, unorganised), whereas "major corruption" (among senior government officials, politicians and businessmen) remains a serious problem in the country's social, political and economic development. Regardless of the tangible positive results achieved after the period of heightened corrupt activity (2005 – 2010), the downward trend of corruption in the business sector is probably not steady enough.

Similar conclusions are also reached by a number of other surveys, including international one (e.g. those conducted by Transparency International), according to which at the end of that period Bulgaria had a level of corruption comparable to the level in EU Member States such as Italy, Slovakia, Latvia, Lithuania and the Czech Republic or, on particular indicators, even lower than in countries like Greece, Poland and Romania. Notwithstanding, Bulgaria's corruption levels remain above the EU-27 average. Even after the country's accession to the EU in 2007 political corruption (among cabinet members, MPs, senior civil servants, mayors and municipal councillors) continues to be a serious outstanding problem. The management of state property, awards of public procurement and concessions emerge as areas of high corruption risk. Ever more people tend to believe that organised political corruption is growing and gets almost institutionalised in corrupt networks that have gained currency as "loops of companies".<sup>25</sup> At the same time, the main chal-

<sup>23</sup> Anti-corruption Reforms in Bulgaria: Key Results and Risks. Center for the Study of Democracy, Sofia, 2007, pp. 16-17.

<sup>24</sup> Attitudes of Europeans Towards Corruption, *Special Eurobarometer*, November 2009.

<sup>25</sup> Anti-corruption Reforms in Bulgaria: Key Results and Risks. Center for the Study of Democracy, Sofia, 2007, p. 7.

lenge facing the country remains the virtual impunity of corruption and organised crime in the upper echelons of power, as well as the frequent cases of conflict of interest. Yet another problem related to corrupt practices came to the limelight in 2008 – 2010: the capture of civil society by government institutions, senior civil servants, politicians and political organisations and representatives of local government. NGOs are turned into a convenient tool for illegitimate enrichment mainly related to the distribution of public resources and the absorption of EU funds.<sup>26</sup> During that period, significant cases of conflict of interest were detected ever more frequently among representatives of the legislative, executive and even judicial branches of government, civil servants and political leaders in connection with suspected corrupt practices. The last two phenomena are also related to organised crime in Bulgaria, which is establishing itself as the main source of political corruption in the country.<sup>27</sup>

These characteristics of social reality determine the fact that Bulgaria has established itself as a low-trust society in the past decade.<sup>28</sup> Comparative European studies conducted in the last five years show that of all the EU Member States, Bulgaria is the country whose citizens are least satisfied with the performance of the principal government institutions.<sup>29</sup> Modern Bulgarian society is a low-trust society both in terms of interpersonal trust and trust in institutions. Within the EU, Bulgarian citizens report the lowest levels of trust in the representatives of the political class and the institutions. In this respect, politicians rank first, followed by the political parties, Parliament, the judicial system, and the police.

---

<sup>26</sup> “The number of non-profit legal entities in Bulgaria increased eight-fold between 2000 and 2010, reaching a total of about 8,500. From 2008 to mid-2010, the increase was 40 percent which is equal to the number of active NGOs in 2002. [...] As elected officials and civil servants were prevented from holding shares or sitting on the managing boards of business, they switched to NGOs as optional means of benefiting their political and personal clientele and a safe heaven after public office. For example, 76 percent of the members of the 2005 – 2009 parliament, and the same share of ministers and chairpersons of state and executive agencies under the coalition government of the time, as well as over 90 percent of municipality mayors in Bulgaria were members of managing boards of NGOs at the end of 2008.” (Civil Society in Bulgaria: Trends and Risks, 2010, p. 27).

The manifestations and tendencies of the so-called “capture of civil society” are analysed in detail in two reports of the Center for the Study of Democracy: *Crime without Punishment: Countering Corruption and Organised Crime in Bulgaria*, 2009 (pp. 41-49) and in *Civil Society in Bulgaria: Trends and Risks*, 2010.

<sup>27</sup> *Crime without Punishment: Countering Corruption and Organised Crime in Bulgaria*, Center for the Study of Democracy, Sofia, 2009, p. 49.

<sup>28</sup> This thesis is defended in detail in Tilkidjiev, N., *Trust and Well-Being // Tilkidjiev, N. and L. Dimova, (comp.) Well-Being and Trust: Bulgaria in Europe? Comparative Analysis after ESS Rounds 2006/2009*. Sofia, Iztok-Zapad Publishing House, 2010.

<sup>29</sup> European Social Survey 2006 and 2009; European Quality of Life Survey 2003 and 2007; European Value Survey 2008.

## 2.1. PUBLIC DISPOSITIONS AND ATTITUDES TO INSTITUTIONS IN THE CRIMINAL JUSTICE SYSTEM IN BULGARIA

From the point of view of planning and monitoring the implementation of public policies, quantitative surveys of trust are undoubtedly more valuable since they make it possible to assess in quantitative terms the proportion of citizens who express a particular opinion. At the same time, these surveys have serious cognitive limitations which prevent an in-depth study of the phenomenon explored and a more comprehensive coverage of the specificities of the social reality which are essential for its understanding. To overcome these limitations, public dispositions and attitudes to institutions in the criminal justice system are analysed on the basis of qualitative data collected by the method of cognitive interviews.<sup>30</sup> Conceived and conducted primarily to test and assess the indicators developed for quantitative surveys of trust in these institutions,<sup>31</sup> their results can also help a better understanding of public dispositions to key institutions in the system of the police, court and prosecution service. The analysis reflects the specific picture of public dispositions at a particular point in time: the second half of 2009 and the beginning of 2010, which affects the political, social and economic specificities.

A series of events, on the one hand directly related to the performance of the judicial authorities, and, on the other, subject to a broad public debate both in the media and among specific social groups, proved to be particularly important. For these two reasons those events greatly influence current public dispositions to institutions in the criminal justice system. Against the background of facts reinforcing the perception of ineffectiveness of the police, prosecution service and court in serious crime cases such as homicide or organised criminal activity (lenience to popular figures of a high political, economic or social status, suspicions of corruption among the high levels of the judicial system, impunity of the organised crime “bosses”, etc.), the police carries out several high-visibility operations in cases of great public interest. They are presented as exceedingly significant positive results in the fight against crime, although a large part of them end with charges that do not stand in court or with judgments that do not meet public expectations of severe sanctions as a result of the publicised information on the offences committed.<sup>32</sup> The

---

<sup>30</sup> In two stages: June – July 2009 and December 2009 – January 2010, a total 48 interviews were conducted with a questionnaire testing the cognitive processes which occur in the individual when he/she objectifies his/her ideas and reasoning on a particular social fact (e.g. the importance he attaches to a particular concept, whether it is based on his/her own or others’ experience, what determining factors shape his/her understanding of this fact, etc.). The results of these interviews analysed by an expressly developed methodology of classifying the problems in the understanding and interpretation of the used concepts, means of expression and the way in which the questions of the prepared questionnaire were asked. In addition to this analysis, which serves only to create a system of indicators, the results of the interviews conducted are used here for the purposes of the analysis of public dispositions.

<sup>31</sup> The survey is limited to the performance of the court only in the sphere of criminal justice, i.e. its activity in the sphere of civil and administrative justice is left beyond this scope.

<sup>32</sup> The cases recurrently cited by the interviewees themselves include, for example, the trial in connection with the traffic accident caused by well-known Bulgarian figure skater Maxim Staviyski under the influence of alcohol, ending in the death of a boy and an extremely grave health impairment of a girl, for which he received a mere conditional sentence; the judgment



influence of these events on individual and public dispositions can tend towards the prevalence of a particular aspect, position or value over another, and that not because of the hierarchy of the individual's value system or the publicly accepted moral norms but because a particular aspect, position or value are topical at that particular point in time due to events and processes that get into the centre of public attention.

### 2.1.1. Citizens about the police

Two distinct age groups clearly emerge in citizens' individual opinions about particular police officers and about the police as an institution. **The "young" group, aged between 18 and 35, sees the police both as a law-enforcement authority, ensuring compliance with the legal norms, as well as a body protecting citizens' rights.** They see as important characteristics of the social order the existence and respect for the constitutional rights of the individual and the respective obligations of the State and its official institutions, including the police, *vis-à-vis* citizens. **In contrast to this requirement, the members of this group deny or do not recognize the existence of the respective obligations and responsibilities of the individual** to society and the State. In this sense, part of the "young" tend to disregard legal and social norms and to disobey the orders of the police. **For the more numerous "mature" group, which includes all interviewees aged between 35 and 65, the police is above all the body that takes care of law and order in the State.** Opinions of this type emphasise social prosperity and peace at the expense of personal prosperity and peace. To this group, citizens' individual rights are associated to a far greater extent with the reciprocal responsibilities and obligations to observe the accepted legal, social and moral norms, which ensures social prosperity and security.

An important peculiarity in the respondents' opinions about the police is its perception not through the prism of the institution but through the prism of the opinion of police officers – about their effectiveness, professionalism and integrity, compliance with procedural rules etc., and then most often as a result of personal experience from interacting with them. **This conclusion confirms the applicability of procedural justice theories in Bulgarian conditions as a basis for public policies in the field of criminal justice.**

The "young" are particularly emphatic about this aspect: they talk and think about the police mainly in terms of concrete subjects and concrete incidents with them. They form the basis on which the overall image of the police and the assessment of its performance as an institution are built. For the "mature", forming an opinion about the institution mainly on the basis of personal encounters with police officers is not

---

of the Sofia Appellate Court to dismiss a murder case against an individual fingered by the prosecution as one of the organised crime "bosses"; after the latter was arrested yet again on new charges (forming and leading an organised crime group engaged in narcotics distribution), the Sofia City Court relaxed the precautionary measure taken to secure his appearance from detention in custody to recognizance not to leave despite the arguments of the prosecution that he would thus be able to influence the witnesses and conceal evidence of his criminal activity. The investigation and arrest of an organised crime group which kidnapped influential figures for ransom, the crackdown on members of an illegal Bulgarian football betting pool in which over 30 suspects were arrested, etc., can also be cited as examples of high-profile police operations.

that categorical. It also rests on their more generalised assessment of the institution as a whole, based on a longer-term and more varied social experience, diverse information sources and ingrained social stereotypes. A sense of faith in the existence of an institutional whole is clearly perceived in this group, and this whole has common traits and produces common results, the concrete assessment given to individual subjects within this whole being irrelevant.

**This clear differentiation into two age groups is blurred, however, when it comes to the knowledge they have of the structure and functions of the various police units.** The police is mostly seen as a single institution, and the interviewees find it difficult to distinguish between its various structures because they are unfamiliar with them. This is furthermore confirmed by the misconceptions which quite a few of the respondents have of the work of the individual services. Some think that there exists a “civil” police which deals with “civil cases”, comprising “all activities for the protection of public order”. Similarly they see the existence of an “ordinary”, “common” police, which they distinguish from the police that is specialised for a particular mission. **Most interviewees identify the police with the structure that is most familiar to them** because of the most frequent direct or indirect encounters, viz. the Traffic Police services.<sup>33</sup> **For lack of familiarity with the various services and their functions, most interviewees speak about the police “in principle”,** without drawing a distinction between its various structures (with the exception of the Traffic Police structures).

The fact that most of the interviewees have not come into personal contact with the police (except with the structures of the Traffic Police) can be cited as a reason for this. The media remain one source of information, though part of the respondents are aware that the media can distort the information they present or shift the focus to a specific aspect of a given issue, while the other source is the secondary information derived from the opinions and experiences shared by friends and relatives.<sup>34</sup> The lack of personal experience is also the main argument cited to explain the lack of familiarity with the organisation and functions of the separate police structures. For part of the respondents, this is a problem for the general population for two main reasons. The first reason is **the lack of “civic education” in the formal education system** which is supposed to provide rudimentary knowledge about the institutional and legislative framework and of the functioning of the State. The second reason is **the lack of an adequate policy of the State, represented by the police** and the other executive and legislative authorities, which do not make the necessary efforts and do not allocate resources and time for training and explanation of the principal functions, powers and ways of effective communication with the police and with the criminal justice system in general. The civil society organisations are not sufficiently active in this sphere, either. For

<sup>33</sup> At the central level, the Traffic Police is a division of the Chief Directorate Security Police, and at the local level it is a sector of the Security Police Division of the respective regional police directorates, including the Sofia Police Directorate.

<sup>34</sup> Although information about the structure, bodies, functions etc. of the Ministry of Interior is publicly accessible on the Ministry’s Internet site, it is not organised in a particularly user-friendly manner and no efforts whatsoever are made to promote it.

this reason, the lack of concrete personal experience is often compensated by patchy and sometimes dubious information from other sources. In this way the interviewees piece together the jigsaw puzzle of what they know and think about the police.

The secondary experience, shared by relatives and acquaintances, which helps to form individual dispositions and ideas of the police, is largely seen as reliable, almost as much as personal experience. One of the key characteristics in shaping individual opinions of the police and its work on the basis of both personal and secondary “shared” experience is that they provide information about the less serious, conventional crimes such as theft or burglary, assault or road traffic accidents. Hence the individual opinions about the effectiveness of the police are formed primarily on the basis of people’s daily life: traffic conditions, neighbourhood hearsay and household woes.

To a much lesser extent, individual opinions about the police are shaped on the basis of familiarity with the activity of the criminal police and the organised crime control police structures, derived from information in the public domain and news media coverage. Compared to personal or shared experience, the information from public sources is less trustworthy. And since these sources project a rather negative image of the aforementioned structures and their work, this leads to rather negative assessments of their performance. At the same time, public sources provide a substantially larger amount of information about the changes and progress of these institutions, which creates the impression in a sizable portion of the respondents that the police structures handling serious crimes have undergone thoroughgoing reforms in a positive direction over the last few years. This is further evidence supporting the conclusion that **society lacks adequate information about the performance of the police which would help build public trust** in this institution.

#### 2.1.1.1. Police effectiveness

**Individual assessments of police performance vary from extremely negative to positive, but are never completely positive.**<sup>35</sup> The prevalent assessment is that the police tends to be ineffective for a number of reasons. The police as an institution is ineffective because it **does not liaise properly with the rest of the institutions** responsible for criminal justice: the prosecution service and the court. As a result, regardless of the work done by the police, the delay or stranding of cases in the other institutions affects the assessment of its own effectiveness. The “unproductive communication” among the institutions leaves the interviewees with a feeling that responsibility is blurred somewhere “down the chain”. Frequently, however, the problem of blurred responsibility or the case being “lost somewhere down the chain” is also an institutional problem of the police itself since it does not collect and does not

---

<sup>35</sup> One police service whose performance is assessed as very negative is the Traffic Police. The main reason for this opinion among the majority of respondents is their conviction that all or almost all officials in the Traffic Police structures are corrupt and biased in their attitude to the representatives of different social groups – distinguished mainly by their economic and power status.

present evidence which is sufficiently solid to press charges or to argue the prosecution's case in court.

The respondents also opine that the police is often engaged in administrative and record-keeping activities, "procedural steps" such as checks, passive observation and paper shuffling at the expense of "field investigations" producing practical results. This is one of the main reasons why a large part of the offences remain unsolved – due to a reluctance to solve the case or because field police action is not prioritised. These assessments combine two opposite opinions: on the one hand, that the police often deliberately fails to take the necessary measures, i.e. that it is **subjectively** selective in the investigated cases and the manner in which it investigates them. Despite the variety of reasons for such behaviour, they are all associated with acts of corruption at various hierarchical levels. **Corruption is cited among the main reasons for the ineffectiveness of police work:** the police treats subjectively the particular perpetrator or accused, it is susceptible to bribery in various forms and accordingly prone to influence evidence or persons in order to exonerate the power-holding, the rich or the popular perpetrator. On the other hand, **the act of bribe giving is sometimes identified as legitimate by citizens themselves** as necessary to make the system work. In most cases, however, giving a bribe is seen as a legitimate means only in the case of minor violations which do not endanger human life and do not involve drug distribution, rape, etc.

**Assessments of police effectiveness also vary by the type of offences,** all interviewees concurring on one common classification: street-level crimes and "socially significant" crimes.<sup>36</sup> The former include domestic rows, all sorts of problems with next-door neighbours, thefts of personal property and home burglaries. The second group includes the so-called "high-profile cases" or cases of significant public interest, which are most often important not only because of the gravity of the offence but also because they are seen as a test of the effectiveness of the justice system and of the State in general. The interviewees apply three main criteria to assess police effectiveness in dealing with the various types of crimes: **importance, speed of response, and level of difficulty to solve.** Most respondents agree that it would be difficult for the police to perform sufficiently well in all cases. Hence it must prioritise. This assumption is in itself problematic because according to the "good policing" concept, the police should apply uniform standards of quality and effectiveness regardless of the type of crime. It is precisely "street-level" and "petty" crimes that are assessed as the most important, yet at the same time as the easiest to solve, and the assessments of police effectiveness are based mainly on these. As regards the speed of response criterion, the respondents believe that the police should respond equally fast to any alert and crime, rapid response being one of the main factors determining the assessment of the effectiveness of its performance.

---

<sup>36</sup> Both this and the other distinction drawn between types of offences ("petty" and "serious" or, respectively, "minor" and "major"), used by all respondents, do not correspond to the adopted legal definitions.

Another key factor shaping individual dispositions and the assessment of police performance is **the idea of public visibility of its work** in two aspects. On the one hand, the reference is to the need of greater visibility of routine police work as well as of its results through **transparency and accountability of the police to the public**. Transparency and accountability are viewed as important since they are seen as a guarantee of compliance with legal and moral norms and as an expression of a publicly responsible behaviour of a government institution. In the interviewees' prevalent opinions, however, the police needs **"visibility among the people"**, i.e. a regular and steady police presence in public places and especially in high-risk crime zones. Albeit infrequently, the lacking or sporadic police presence leads to the assumption that the police is absent at all or that it does not perform its functions. There are two basic reasons why importance is attached to police presence: on the one hand, the sense of security it gives law-abiding citizens, and on the other, the sense of fear of a sanction in case of violation.

Even though in terms of all factors influencing the formation of individual dispositions and attitude to the police, mentioned so far, **most respondents tend to assess the police as rather ineffective, the reasons for this are often sought in structural weaknesses or defects outside the police itself**. If police officers are subjective in investigating a particular case, this is often due to pressure by superiors in the service hierarchy or by the political elite, including representatives of the executive, legislature and judiciary. If the police fails to respond to alerts sufficiently fast, this is due to the lack of sufficient human and material resources because the otherwise large budget of the police is spent ineffectively. If an individual police officer is corrupt, this is due to the fact that the police as an institution together with the other state bodies has not created the conditions necessary to motivate him to perform his/her duties, including by providing an appropriate remuneration. Another key obstacle to the "good" performance of the ordinary police officer is the **legal restrictions**, which prevent him from acting effectively in a particular situation. According to most respondents, police officers lack enough powers which does not allow them to cope "on site" as well as to take subsequent steps which lead to an effective solution of the case. **To a much lesser extent police performance is assessed as ineffective for lack of shared or unobserved socially accepted moral norms** on the part of its officers.

To the interviewees, police effectiveness means not only restoring order and solving a concrete case but also preventing future violations through preventive action. Prevention is seen as a far worse weakness in police performance compared to the imposition of sanctions. The police is most often accused of ignoring citizens' concerns and intervening only after the fact, or in other words – after an act has already been committed. Even when the police is alerted to a possible problem, unless a crime has been committed, the alerts are just noted and the police does not take any actions to prevent a future crime. The lack of preventive police actions and the failure to share the concerns of the community greatly undermine public trust in the police. This also leads to a lack of effective dialogue between police and the public, both sides being to blame for this. The prevalent opinion is that, on the one hand, the

police is not an active party and does not seek the opinion of citizens and, on the other, citizens themselves prefer to avoid contact with the police. Hence the encounters between them, when unavoidable, are not productive, either. Despite the low trust in the desire of the police to act preventively, citizens nevertheless approach it mainly for lack of an alternative. The attitude of the respondents to the police paints a detached picture of an institution that seems to remain outside everyday social interactions.

The interviewees see a solution to the existing situation in a change in both sides – in the citizens and in the police. To treat people well, the police must make efforts to develop mainly the “soft skills” of its officers and most of all to stress upon the observance of moral and ethical norms in its interactions with citizens. Police officers should be polite, concerned, attentive and trying to understand the problem of anyone who needs their help. They should act fairly and impartially in their work while not ignoring the normative aspect of the problem. In turn, citizens should not wait passively but should take a clearly expressed civic stance and a readiness to cooperate with the police. Besides the efforts for dialogue and cooperation, civil society structures also need to consistently carry out independent monitoring of police performance.

#### 2.1.1.2. Police legitimacy

Apart from effectiveness, legitimacy in the actions of the individual police officer and of the institution as a whole is another important aspect of the public opinion about the police. **Legitimacy is viewed mainly through the prism of police officers’ powers and the fairness of their actions**, both being closely related to the question about the limits of police intervention in each particular case. The respondents’ opinions can be divided into two almost equal groups. The first group acknowledges the legitimacy of the police to maintain and secure order and peace in the State and hence support the thesis of adequate, fair and yet sufficiently “strong” intervention of the police when necessary. To them, the use of force in dealing with a conflict situation is justified – provided it is legitimate and guarantees a deterrent effect in similar situations in the future. To the second group, the legitimacy of the police is not indisputable mainly for lack of long-standing traditions and good practices which would guarantee adequate and fair police intervention in conformity with both the law and moral and ethical norms. This assessment is often associated with the fact that under socialism the police (the then *militia*) was part of the repressive apparatus of the party-state and despite compliance with the laws it did not possess legitimacy in the eyes of a large part of the ordinary citizens. This group supports its attitude to the police by some recent cases in which police officers exceeded their powers – e.g. when they dispersed a student protest outside Parliament in 2009.

An important peculiarity of the assessment of police legitimacy is the fact that when this assessment is rather negative, the respondents themselves formulate the need that the police undertake changes building public trust in it. The possible solutions of this problem include:

- sharing good practices and practical experience with police forces in other countries where the police traditionally enjoys high public trust and legitimacy;
- improving the police officers' training, preparedness and professional qualification, as well as improving and providing proper equipment and accoutrements;
- creating "good laws" that vest the police with sufficient powers while guaranteeing citizens' rights as well. This measure is seen as a must by the majority of respondents, but at the same time the prevalent opinion is that the legislative framework can have a positive effect only if it is enforced effectively, and then not only by the police but by all other institutions in the criminal justice system as well. The "failure" of one of these institutions in this respect would imply the failure of the efforts of the rest as well.

### 2.1.1.3. Police procedural and distributive fairness

As noted above, police legitimacy is related to the assessment of the fairness of police actions, but **this fairness tends to be perceived by the respondents as a moral rather than a normative category**, related to the application of legal postulates. Although most respondents believe that the police "acts fairly", listing fairness among their top priorities, they invariably stress what can be improved in its performance in this direction. Normative fairness is viewed mainly through the prism of a match between offence/law-breaking and punishment, but subject to the condition that the normative category conforms to the moral one. In this sense fairness means assessing the moral aspect of any action and only then the impartial and legally conforming assessment of the concrete situation. This view of the morality of police actions fully corresponds to the concept of moral alignment as defining the legitimacy of the police institution according to procedural justice theories and offers additional arguments in support of the hypothesis that they are applicable outside English-speaking countries.

Besides morality, the impartial treatment of citizens, regardless of their social, economic and political status, is a defining criterion of the distributive fairness of the police – both of the institution and of its individual officers. **It is precisely with regard to the principle of distributive fairness in decisions and actions that the police in Bulgaria lends itself to the strongest criticism after the assessment of its corruption.** At the same time, it is precisely corruption that is the mechanism through which distributive fairness is most often compromised. Distinct factors prompt the breach of this principle. At the individual police officer level, a bribe of money most frequently induces these breaches, while at the institution level the inducement is the political and economic power wielded by either individuals or official government institutions.

Still, individual police officers or the institution in general do not always breach the principle of distributive fairness as a result of a pursuit of ill-gotten gains or fear of authority. Sometimes this is due to a prejudice that the police shares in respect of particular groups of people.

These are particularly the ethnic minorities and above all the Roma, the members of subculture groups, and repeat offenders. Most interviewees, however, share this prejudice and although they often acknowledge that this way of thinking is unfair from an abstract moral point of view, they justify their existence by their own practical experience with representatives of these social groups. However, the prejudice of the police in respect of other social traits common to all members of society is perceived in a different way. In such cases, police prejudice, if any, is not seen as “right”. An example is the view shared by most interviewees that the police is prejudiced against the young because they are presumed as potential troublemakers due to their hot temper and unpredictable behaviour, as well as against the oldest persons who, on the other hand, are most likely to seek police intervention for “minor” matters which additionally hampers the work of the police.

It is precisely the prejudice that is shared by citizens as well that leads to the assumption that there cannot be “absolute fairness” in police actions and decisions from the point of view of equal treatment of citizens because there is no such equal treatment between members of society in general.

#### **2.1.1.4. Trust in, and obeying the police**

The low trust in the police, in combination with the negative assessment of its effectiveness, also predetermines the disposition for obeying police orders. Obeying the police in most cases is due to fear of sanctions and is far less often perceived as due to the police because of its specific competence to deal with particular situations. On the other hand, the respondents share the opinion that obeying the police decisions is a necessary prerequisite for the existence of social order and security, in most cases at the cost of renunciation of certain rights by citizens. Part of the respondents sees this renunciation as temporary: everybody must obey the police, even when this violates some of their rights, so that a particular situation could be taken care of, but they can subsequently appeal the decisions imposed on them before the competent authorities. This group argues that the police usually acts according to established rules and procedures, but even then there is a risk of mistake and it is precisely these mistakes that are appealable in court. At any rate, however, the court is not seen as a guarantor of a fair decision as it would lend more credibility to the word of the police than to the word of an individual citizen or group of citizens. For this reason, such an appeal would only make sense if it concerns a particularly important problem, whereas minor and routine police actions, regarded by citizens as a violation of some of their rights, are usually left without consequence. Obeying the police decisions is often perceived as a result of unfamiliarity with statutory instruments, as well as of the fact that Bulgarian citizens as a rule are unfamiliar with their own rights and obligations or with the powers of the police. Therefore, they are disposed to obey the police, on the one hand because they lack a reliable criterion to assess the lawfulness of its actions and, on the other, because of a fear of violating norms unknown to them, for which they would incur a sanction.



Against the background of the overall negative assessment of the police as rather ineffective, with the low public trust it enjoys and the low level of recognized legitimacy by part of the respondents, most of them nevertheless find that in the last few years the police has started, albeit slowly, to change for the better. They largely credit this to the process of European integration and the requirements and regulations imposed by the EU institutions.

### 2.1.2. Citizens about the court, prosecution service and probation service

The effective operation of the criminal justice system requires that the police and the court, along with the other institutions of the criminal procedure system (prosecution service, prisons and probation services), cooperate within the powers vested in them by the law so as to prevent a crime when possible, or if a crime has been committed, to promptly detect and punish it in compliance with the law and morality. i.e. to guarantee an effective and fair administration of justice. According to procedural justice theories, the more general condition for effectiveness of the justice system is people's trust in it. Building trust is a prolonged process and insufficient mutual familiarity of the two sides, citizens and justice system, further impedes this process.

As already pointed out, citizens' familiarity with the various police structures and their functions is limited and boils down mainly to information about the work and functions of the security police, including the traffic police, with which they have come into personal contact, but regarding the work of the criminal courts, in most cases they lack even scanty knowledge. The court<sup>37</sup> is discussed in general terms, "in principle", no distinction being made in most cases between the various judicial authorities and instances. The only distinction, moreover without any claim to legal precision, is drawn between the operation of "lower" and "higher" courts, and the cases examined by the court are divided into "petty" and "grave" crimes.

The main reasons for citizens' lack of familiarity with the work of the various components of the judicial system are the lack of direct contact (the respondents have had some contact with the court only in isolated cases, and then mostly in civil rather than criminal cases), as well as what they see as insufficient information in the public domain about the work of the judicial system outside the political issues related to it.

Nor are the respondents familiar with the separate phases of judicial proceedings, or with the basic legal procedures, including the rules for publicity of court hearings. Although this publicity is enshrined even in the Constitution,<sup>38</sup> the respondents claim that cases in Bulgaria are deprived of publicity, in contrast, say, to the US court system, with knowledge of the latter often being mixed up with information obtained from various reality TV court shows. Moreover, on the basis of these TV programmes and film productions, conclusions are drawn about the transparency of

---

<sup>37</sup> Here and hereafter in the text, "court" is used in the sense of "criminal court".

<sup>38</sup> Article 121 (3) of the Constitution of the Republic of Bulgaria states: "All courts shall hear the cases in sessions open to the public, unless otherwise provided for by the law."

the cases examined in the respective countries. These facts are important since they show that lack of familiarity with the national judicial system is not an exception but rather part of the overall lack of familiarity of Bulgarian citizens with essential characteristics of the judicial systems in the large European countries and in the US.

As far as citizens' personal experience with judicial institutions is concerned, it is most often intermediated by various sources: accounts of acquaintances and media coverage, the latter presenting information about the court mainly in the form of newscast reports, which are most often politically tinged and seldom provide additional knowledge about the performance of the court beyond reporting court statistics. In the case of courts of lower instances (regional and district courts), the respondents' opinions are based on the experience of people in their inner and broader circle. In this case, the media do not exert a significant influence as a source of information. However, they do play an important role in creating impressions in citizens regarding "high-profile" criminal cases and, respectively, about the work and effectiveness of some higher courts instances within whose jurisdiction these cases fall. On the whole, the media image of the judicial system is rather negative, as in most cases it is described as ineffective and dysfunctional. This often reinforces the negative assessment of the performance of the court among the respondents, too. At the same time, the media are the main source of information about reforms in the judicial system which, according to some of the respondents, misleads the population about positive changes in it.

Even when the respondents assess the performance of the court in positive terms, this opinion goes hand in hand with an overall treatment of the problems and weaknesses existing in the Bulgarian judicial system. The respondents see the main shortcomings of the administration of justice in Bulgaria in the excessively slow progress of the trials, the ineffective operation of the Bulgarian courts, the lack of independence of court officials and of the court, and the lack of transparency.

In the cases of negative assessments of court performance, the main factors are corruption in the judicial system, bad working conditions, and weaknesses in the working arrangements. In the assessment of police performance, the court is cited as a reason for the blurring of responsibility and for the slow progress of cases, which is also confirmed by the assessments of the performance of the court. At the same time, the reasons for the negative assessment of court performance are rarely if ever sought outside it – in other institutions, such as the prosecution and investigation service. In support of this view, **"the blurring of responsibility" and the low effectiveness are cited as characteristics of the court even when it comes to interaction among the courts of different instances, as well as among the various components of the judicial system.** Bulgaria's judiciary, according to the Constitution, consists of three principal components: court, prosecution service and investigation service which, however, is routinely ignored by public opinion, which associates the concept of judicial system mainly with the court.

While the respondents say that they have scanty and incomplete information about the court, they unanimously identify the prosecution service as the institution which prepares and brings charges if there is reason to believe that criminal offences have been committed. They also state the functions of prosecutors to check and control the collection of evidence by the investigating authorities. Even though the functions of the police, the prosecution service and the court are related, and the performance of the court directly depends on the results of the performance of the police and prosecution service, the respondents acknowledge a link only when they express an opinion about the prosecution service. In assessing the performance of the court and the police, they regard these two institutions as relatively independent of each other as well as of the prosecution service. This difference in the understanding of the interconnections among the three institutions in the criminal justice system is of key importance because the interviewees use it to differentiate their explanation of the failures of these institutions. On the one hand, the failures and weaknesses of the prosecution service are largely attributed to the failure or ineffectiveness of the court and of the police. On the other, the reasons for the failures of the court and of the police are sought not only in them but also in the performance of the prosecution service. This shows that the larger part of society is unfamiliar with the criminal procedure and, in particular, with the fact that by virtue of the law the prosecutor directs the investigation and is responsible for the work of the investigating authorities. The media are the principal source of information about the performance of the prosecution service since the interviewees lack personal experience with that institution. The prosecution service itself uses the media rather one-sidedly – mostly for “self-promotion” and publicising successes of pre-trial proceedings (high-profile arrests of popular figures – e.g. a former government minister, a judge etc.), instead of explaining to the public the role of investigators and prosecutors. **The overall assessment of the effectiveness of the prosecution service is relatively good, with an emphasis on the opinion that it is effective in bringing charges** but copes less successfully in respect of the speed of preparing these charges and maintaining them in court. According to the respondents, the blame for this rests largely with the investigating authorities which do not collect sufficiently solid evidence, although in practice the prosecution service directs the investigating authorities and if they do not cope, the prosecution service shares the blame. As a result, a significant part of the interviewees justify the prosecution service which, in their opinion, makes the efforts necessary to fulfil its obligations, but being bound to other less effectively functioning institutions such as the court, investigation service and police, its performance is impeded or its results are called into question. They reiterate the existing deficit of knowledge about the principal institutions of the criminal procedure and their powers, as well as the one-sided presentation of events by the prosecution service itself. In the cases when the performance of the prosecution service is assessed in negative terms, the main reasons are the high level of corruption in it, the ostentatious and insufficiently substantiated bringing of charges, the breach of the principle of impartiality in the treatment of different social groups with regard to economic and political status or ethnic identity (distributive fairness), as well as the low level of education and lack of

professionalism among part of the prosecutors. In this sense, there is a widespread opinion that only the “small fry” get charged, while the “real criminals” get away with murder.

**The overall assessment of the effectiveness of the court is quite low for two main reasons: the discrepancy between the sentences passed and the crimes committed and the exceedingly slow criminal procedure.** As to the first of these reasons, the interviewees find two essential problems. On the one hand, the legislative framework, which is often described as inadequate to present-day conditions and ensuring too many “loopholes” in the laws, which create conditions for the lack of transparency of court trials and a broad scope for judicial discretion, and are also often conducive to manifestations of corruption among magistrates and court officials. On the other hand, the disproportion between the sentences passed and the crimes committed can also be attributed to factors such as political and financial interests under whose influence the outcome of trials often favours the defendants.

The imperfect laws are also the underlying reason for the excessively slow progress of court cases, which “drag on for years”, serving certain political or economic interests. The slow judicial procedure is also directly linked to the high level of corruption in the judicial system. Despite the really high salaries of magistrates (especially in the higher courts), which are above the average income level in the public sector and even in many private business sectors, the respondents identify the low financial motivation and inadequate physical assets as one of the main obstacles to the successful fulfilment of magistrates’ obligations. Because of the above-mentioned peculiarity of the Bulgarian Constitution regarding the structure of the judiciary, the legal status of judges, prosecutors and investigating police officers is identical: they are independent, in the performance of their functions they are subservient only to the law, they enjoy functional immunity, etc. This is why they are often referred to as magistrates in public space – a term belonging to the political and journalist vocabulary for which there is no express legal definition. Despite the blanket term, in everyday life the negative public dispositions most often target the court and judges, even when the reference is to the rest of the magistrates as well or only them.

**The slow progress of cases in the Bulgarian courts is regarded as a problem also for the preventive function of the judicial system** since criminally active persons remain at large for a long time and will probably reoffend. A feeling of impunity is furthermore fostered among various social groups, and even the legitimacy of the Bulgarian judicial system is shaken.

Another important factor in the shaping of individual assessments of the effectiveness of the Bulgarian judicial system proves to be the look “from the outside” – of experts and observers from other European countries, as well as of EU institutions’ representatives who confirm the observations about ineffectiveness and lack of transparency of the judicial system in Bulgaria. Particularly significant in this respect are the reports from the European Commission on progress in Bulgaria under

the Cooperation and Verification Mechanism,<sup>39</sup> introduced after the country's accession to the EU in 2007. The latest, fifth report of 2011,<sup>40</sup> lists among the main challenges facing the reform process the lack of the necessary level of transparency of important appointments within the judiciary, weaknesses in the collection of evidence, the protection of witnesses, investigative strategies, the management, structures and cooperation between the judiciary and other investigative bodies. The report recommends considerable improvements in transparency and accountability of the judiciary, of judicial practice in criminal cases, strengthening legislation and improving the overall coordination of activities to fight organised crime and corruption.

**The commonly shared opinion about the fairness of the judicial system is extremely negative.** The interviewees do not see fairness towards "ordinary man", and the isolated cases of fair judgements are the exception rather than the rule in judicial practice in Bulgaria. The main factors determining the outcome of court cases are neither the legal norms nor any shared values but solely the personality of the defendants and the defence. Arguments for these assessments are the exceedingly lenient sentences and in some cases even acquittals for grave offences, whereas the penal sanctions imposed for minor cases of crimes such as "petty theft" are disproportionately severe.

**The assessment of the distributive fairness of the court is also strongly negative,** further reinforced by the opinion that magistrates do not treat all parties in a trial with the same respect. Contrary to the principles of equality rights and impartiality towards participants in the judicial procedure, enshrined in the work of the court, the respondents find that Bulgarian courts are biased towards particular social groups and, as a result of that, the court does not apply the law in a principled and consistent fashion towards all members of society. The principle of impartiality is breached in two aspects. On the one hand, the court takes a negative view of particular social groups (such as people with a low educational attainment, with a record of previous offences and convictions, or the minority groups in Bulgaria) and pass on them harsher sentences than the offences committed warrant. Conversely, the court is favourable to specific persons because of their economic or political influence, as well as because they are friends or relations to the magistrates.

Similarly to their attitude to the police, in their attitude to the courts the interviewees are not prepared to accept court decisions unconditionally if they disagree with them. They mention the appealability of the court judgment before a higher domestic court or even an attempt to seek protection of human rights from the European Court of Human Rights in Strasbourg or from other international institutions. The main reasons for

---

<sup>39</sup> Mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime, established by Commission Decision 2006/929/EU of 13 December 2006 (OJ L 354, 14.12.2006, p. 58).

<sup>40</sup> Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Cooperation and Verification Mechanism, Brussels, 20.7.2011, COM (2011) 459 final.

disagreement are not sought in the concrete facts but in the structural faults of the judicial system: a large number of contested sentences, subjectivism in adjudication, a high level of corruption, etc. The main problems of the Bulgarian judicial system and the feeling of a lack of fair judgments invite the conclusion that many of the sentenced persons or victims give up the idea of appeal because they find it pointless.

Against the background of the ideas and knowledge about the prosecution service and the court, which the interviewees more or less have, all of them, without exception, have absolutely no knowledge about the existence and functioning of probation services. One reason is that the penal sanction of probation was introduced relatively recently, in 2006, as well as the pronounced lack of any information on this subject in the media. The concept that evokes any associations, especially among older people, is “community service”, which they associate with the legal norms effective before 1989.

Unlike probation services, the interviewees have more information about the principal penitentiary institutions and about prisons as an important part of the criminal justice system, on the basis of which they form a positive assessment of their activity. Although citizens do not have direct contact with prisons, the media prove to be the necessary important and sufficient source of information. Proceeding from the individual ideas formed, it can be concluded that the traditional print and electronic media cover the work of prisons in a positive light, whereas the information from content generated by users on the Internet presents a far gloomier picture. A particularly strong influence in this case is exerted by video files sharing sites in which videos from prisons themselves are uploaded, stressing the poor physical-welfare conditions and the lax control on the part of the personnel.

The prevalent positive assessment of the work of prisons is based on the opinion that Bulgarian prisons successfully perform their functions in the implementation of penal sanctions and prevent prisoners’ escapes. The principal shortcomings are the bad treatment of the persons deprived of their liberty by the personnel, the bad relationships between the prisoners themselves, as well as the bad physical-welfare and hygiene conditions. Particularly problematic is the re-educational function of prisons, since the sentenced persons “become greater criminals” after serving custodial sentences. This is also confirmed by statistical data for the 2007 – 2009 period, according to which almost half of all persons serving custodial sentences are recidivists.<sup>41</sup>

The analysis of the dispositions and attitudes to the court, the prosecution service and the penitentiary institutions based on the cognitive interviews conducted identifies the following clear trends in the opinions of citizens:

- **First, a strongly negative assessment of the performance of the courts both in respect of effectiveness, procedural and distributive**

---

<sup>41</sup> For further details, see Markov, D. and M. Yordanova, *Penitentiary Policy and System in the Republic of Bulgaria*, Center for the Study of Democracy, Sofia, 2011, p. 53.

**fairness of the judicial procedure and of respect of the interaction among the courts of the separate instances and between the court and the rest of the institutions** in the criminal justice system. Particular attention should be paid to two facts. On the one hand, there is a widespread lack of familiarity with the structure, functions and role of the court within the framework of this system, which is largely due, among other things, to the lack of information in this respect both in the curricula of the formal education system and in the public sources of information (the media and the competent public institutions). The information about the court available in the public domain is derived mainly from media coverage of cases of embezzlement, suspicions of corruption, conflict of interest and magistrates' undesirable connections with organised crime, which deepens even further citizens' anyway negative idea of the court. On the other hand, the main factors of the negative assessment of court performance among all interviewees without exception is the slow judicial procedure and the belief that, on the whole, the court is not guided by the principles of respect for the law, procedural and distributive fairness but is influenced by corrupt mechanisms or another type of bias.

- **Second, the assessment of the performance of the prosecution service, although comparatively better, takes into account the fact** that many of the basic weaknesses of the whole judicial system are evident here, too: suspicion of corruption among magistrates, inadequate professional qualification of prosecutors and officials, bad physical assets, and dependence on various undesirable interests.
- **Third, the positive assessment of the performance of prisons is determined mainly by the understanding of their ability to perform their role of isolating** criminals and preventing escapes. From this point of view, the re-socialising function of prisons and the measures for prevention of recidivism are ignored in shaping the assessment of their performance.

## 2.2. LEVELS OF PUBLIC TRUST IN THE POLICE AND THE COURT

As shown by the results of comparative European surveys, the low levels of trust in the principal government institutions have been a persistent disposition of a steadily growing proportion of Bulgarians since 2003. The analysis of public dispositions and attitudes to the criminal justice system, based on qualitative data, confirms these conclusions. The nationally representative survey of public trust in criminal justice conducted in Bulgaria makes it possible to complement and expand these conclusions, and the application of the system of indicators quantifying the levels of trust opens an opportunity to plan and implement policies based on the procedural justice model.<sup>42</sup>

---

<sup>42</sup> The pilot survey representative of the country's adult population (EURO-JUSTIS Pilot Survey, October 2010) was conducted in October 2010 to test the adoption of the developed conceptual framework, following the procedural justice models, as well as to collect up-to-date information about the levels of public trust. The methodology of the survey is presented in Appendix 1.

Measuring trust in the judiciary and the police has many different aspects which, in turn, can give rise to varied consequences when the results of such measurement are used for political purposes. The main questions facing researchers are:

- To what extent do measurement methods and techniques reflect adequately the different aspects of the functioning of the system of the judiciary and the police? To what extent do important functions, which as a rule shape the public image of these systems, remain outside the scope of these measurements?
- To what extent can it be claimed that the registered levels of trust are measured objectively? To what extent are these measurements valid and sustainable? In short, to what extent can such assessments be assumed to correctly reflect the picture of public trust in the respective institutions, services and functions?
- To what extent do the assessments of trust rest on the basis of real familiarity with the peculiarities of the respective systems, and can these assessments be easily manipulated through the actions of different social actors?
- What should be the status of the assessments of trust: is this simply yet another in a series of reports about the power-holders (the executive and the leaderships of the respective systems), or does it represent and is it perceived as an important public assessment of the public usefulness of the court and police? In other words, from a political point of view it is of crucial whether the assessment of public trust is regarded as an illustration of 'what ordinary citizens think' or as a public assessment of the expediency and public usefulness of these two social systems.

A series of analyses show that the judicial system and the police, and especially their leaderships tend to underrate the importance of the assessments of public trust, viewing them as one of many possible assessments of the respective systems. Moreover, for the critics of the public trust concept, these are assessments that are based on the subjective unenlightened opinion of the majority of citizens (who are unfamiliar with the specificity and procedures of the functioning of the court and police); assessments which reflect the attempts of various actors to manipulate public opinion in their favour; assessments that reflect the emotional link of a part of citizens as clients of the court, the prosecution service and the police (defendants and victims). Considering the listed possibilities of "distortion" and "bias" in the assessments of trust, many experts, researchers and politicians argue that a correct and reliable assessment of the performance, effectiveness and public usefulness of the criminal justice system must be made by those who are familiar with its work and results and can objectively take into account the specificity of these systems. Even though this viewpoint prevails, in some countries the management of the criminal justice system uses this type of assessments as a basis in decision-making on a reform or reorganisation of the court and/or police.

It should be noted that the assessments based on expert knowledge also have their shortcomings. The most significant defect is the conflict of



interest. Expert opinions always invoke the lack of expertise of “ordinary citizens” but rarely take into account the fact that their assessment of the system of which they have expert knowledge is actually an assessment of their own efforts and achievements. In this sense, their assessment is not less biased and/or manipulative than the assessment of ordinary citizens. The rational choice between these two groups of assessments does not presuppose so much that one type of assessment or another is underrated and/or discredited as unserious but rather delimits their specific scope of application and hence what they should be used for. Neither the court nor the police exist for their own sake. In this sense, the assessments of their expediency, effectiveness and public usefulness may have an entirely different purpose and significance. From the citizens’ point of view, these two systems exist like black boxes: the mechanism and specificity of their action are obscure but the effect of their functioning affects everybody in varying degrees. Ideally, the court and the police are supposed to their public function as defined by citizens minimising the consumption of resources and maximising the results they produce. In the ideal case from the point of view of the police and the court, they achieve a professionally perfect organisation and the public is willing to provide all resources and powers they request. There is practically always a certain balance between the interests of citizens and of the court and police: neither citizens are fully satisfied, nor are the demands and proposals of the court and police fully reckoned with.

An important element in these dependencies related to the assessments of trust in the court and the police is that the different types of assessments refer to different things. Respectively, different decisions should be taken on their basis. Citizens’ assessments, which are essentially obtained through systematic surveys, reflect their assessment of the *raison d’être*, public usefulness and expediency of the functioning of the court and the police and reflect the interest of those who finance both systems as taxpayers. In this sense, citizens’ assessment of trust is largely (by nature) a political assessment. It is quite possible that this assessment should not concur with expert opinions. In turn, expert assessments are very specific. They take into account the extent to which a particular system is effective or ineffective under particular conditions. For their part, by their assessments citizens show whether they want to support such an effective or ineffective system. Clearly, if citizens assess a given system as publicly inexpedient, any arguments that this system is “the best possible solution under the existing laws and logistical conditions” will be left without public support.

As shown by the preliminary survey,<sup>43</sup> the attitude to the assessments of trust in the court and the police varies depending on the level of development of the respective countries, the specific historic heritage and national culture. Thus, in countries with a higher level of development and widespread egalitarian attitudes (e.g. Finland) the status of citizens’ assessments is higher: they are perceived as a gauge of the public inter-

---

<sup>43</sup> See: Jokinen, A., E. Ruuskanen, M. Yordanova, D. Markov, and M. Ilcheva (eds.), *Review of Need: Indicators of Public Confidence in Criminal Justice for Policy Assessment*, JUSTIS Project Working Papers, Publication Series No. 59, HEUNI, Helsinki, 2009.

est and accordingly help to develop policies and initiatives. Conversely, in the less developed countries with more modest democratic traditions, the expert community tends to underrate the assessments of trust and rather turn to the use of expert analyses and design of evidence-based policies.

The use of citizens' assessments of trust in the court and the police in any of the enumerated aspects necessarily presupposes a good knowledge of their peculiarities. The presentation below is intended to outline the main results of a pilot survey of the system of indicators designed to measure public trust in the court and the police. The focus of this analysis is not so much on the specific significance of the indicators of trust. Important as it is, this specific significance is in itself difficult to interpret. More important is the comparison with trust in other systems of society and above all the behaviour of the values of a given indicator over time. The existence of a set of measures, covering even time intervals, would make it possible to trace the dynamics of trust in the court and the police in direct dependence on the changes in the legal and institutional framework of the judiciary and police performance. In this sense, the results of the application of this system of indicators in Bulgaria, discussed below, should rather be viewed as setting the input values needed for making future comparisons. From this point of view, the analysis of the used indicators of trust in the court and the police has a two-fold objective: on the one hand, to reflect the concrete values of trust or distrust and, on the other, to answer the following methodological questions:

- to make a methodical and methodological assessment of the level of adequacy and capacity of the concepts used to measure trust in the court and the police;
- to assess the degree to which the separate sub-components and their indicators are linked and to take into account the specific contribution of various measurements of trust to the overall assessment of trust and confidence in the police and the court;
- to assess the various options of aggregating the used concepts of assessment, i.e. to make a comparative analysis of the adequacy of different models which produce summary overall assessments of trust on the basis of the applied set of simple indicators.

As already noted, the system of indicators developed to measure trust and confidence in the police and the court includes two types of indicators: direct, where respondents directly give their assessment of the level of trust, and indirect, where respondents assess a set of theoretically defined indicators, expressing different aspects of trust and confidence. As a rule, the set of simple assessments provides a clearer idea of the elements of trust which, according to legal and social theory, are supposed to reflect the main target functions of the systems of the court and the police. Their advantage is awareness of exactly what components of the system are assessed. The shortcoming of indirect assessments is that the individual subjective criteria of the actors (i.e. obtained through the direct criteria of assessment) and the theoretically defined parameters of assessment of the court and the police might diverge. It is precisely

in this sense that direct and indirect assessments can be regarded as reflecting two types of value systems: direct assessments express citizens' subjectively biased opinions, and indirect assessments express citizens' assessment of the expert-defined criteria for assessment of the systems of the court and the police. One of the important objectives that the analysis of the application of this system of indicators sets itself is to assess the degree of approximation (or remoteness) of these two types of assessments and to identify the factors which condition them.

Table 2 presents the set of indicators through which the direct and indirect assessments of trust in the police are obtained. The simple indicators/questions are a means of theoretical disaggregation of the main sub-components behind the concept of trust in the police. According

**TABLE 2. SUB-COMPONENTS AND SIMPLE INDICATORS OF TRUST IN THE POLICE AND THE COURT**

Item number	Sub-components of trust in the police	Simple indicators/questions	Sub-components of trust in the court	Simple indicators/questions
C7/C40	Simple concept: Overall confidence in the police	Taking into account all the things the police are expected to do, would you say they are doing a good job or a bad job?	Simple concept: Overall confidence in the courts	Taking into account all the things the courts are expected to do, would you say they are doing a good job or a bad job?
	<b>Sub-concept: Trust in police effectiveness</b>		<b>Sub-concept: Trust in court effectiveness</b>	
C26/C49	Effectiveness in dealing with violence	Based on what you have heard or your own experience how successful do you think the police <sup>44</sup> are at preventing crimes in [country] where violence is used or threatened?	Effectiveness in passing sentences	Please tell me how often you think the courts make mistakes that let guilty people go free?
C27	Effectiveness in dealing with burglaries	And how successful do you think the police are at catching people who commit house burglaries <sup>45</sup> in [country]?		

<sup>44</sup> Again the generic name for all police in [country] should be used. The question itself and those that follow provide specific cues to respondents that might limit the frame of reference to a specific group/type of police in some countries. However this should be achieved by the crime referred to and NOT by amending the name of the specific police referenced.

<sup>45</sup> House burglary is when someone breaks into a property or enters uninvited with the intention of stealing.

**TABLE 2. SUB-COMPONENTS AND SIMPLE INDICATORS OF TRUST IN THE POLICE AND THE COURT (CONTINUED)**

Item number	Sub-components of trust in the police	Simple indicators/questions	Sub-components of trust in the court	Simple indicators/questions
	<b>Sub-concept: Trust in police effectiveness</b>		<b>Sub-concept: Trust in court effectiveness</b>	
C28	Speed of response to crime alerts	If a violent crime <sup>46</sup> or house burglary were to occur near to where you live and the police were called <sup>47</sup> , how slowly or quickly do you think they would arrive at the scene?		
	<b>Sub-concept: Trust in police distributive fairness</b>		<b>Sub-concept: Trust in court distributive fairness</b>	
C24/C51	Distributive fairness according to the social status	When victims report <sup>48</sup> crimes, do you think the police treat rich people worse, poor people worse, or are rich and poor treated equally? <ul style="list-style-type: none"> <li>• Rich people treated worse.</li> <li>• Poor people treated worse.</li> <li>• Rich and poor treated equally.</li> </ul>	Distributive fairness according to the social status	Suppose two people – one rich, one poor – each appear in court, charged with an identical crime they did not commit. <ul style="list-style-type: none"> <li>• The rich person is more likely to be found guilty.</li> <li>• The poor person is more likely to be found guilty.</li> <li>• They both have the same chance of being found guilty.</li> </ul>

<sup>46</sup> "Violent crime" meaning crimes where violence is used or threatened.

<sup>47</sup> "Called" in the sense of telephoned.

<sup>48</sup> "Report" in the sense of "report in person" so that the police can see them.

**TABLE 2. SUB-COMPONENTS AND SIMPLE INDICATORS OF TRUST IN THE POLICE AND THE COURT (CONTINUED)**

Item number	Sub-components of trust in the police	Simple indicators/questions	Sub-components of trust in the court	Simple indicators/questions
	<b>Sub-concept: Trust in police distributive fairness</b>		<b>Sub-concept: Trust in court distributive fairness</b>	
C25/C52	Distributive fairness according to the race or ethnic status	And when victims report crimes, do you think the police treat some people worse because of their race or ethnic group or is everyone treated equally? <ul style="list-style-type: none"> <li>• People from a different race or ethnic group than most [country] people treated worse.</li> <li>• People from the same race or ethnic group as most [country] people treated worse.</li> <li>• Everyone treated equally regardless of their race or ethnic group.</li> </ul>	Distributive fairness according to the race or ethnic status	Now suppose two people from different race or ethnic groups each appear in court, charged with an identical crime they did not commit. <ul style="list-style-type: none"> <li>• The person from a different race or ethnic group than most [country] people more likely to be found guilty.</li> <li>• The person from the same race or ethnic group as most [country] people more likely to be found guilty.</li> <li>• They both have the same chance of being found guilty.</li> </ul>
C38/C59	Independence of political influence	Please say to what extent you agree or disagree with each of the following statements about the police in [country]: The decisions and actions of the police are unduly influenced by pressure from political parties and politicians.	Independence of political influence	Please say to what extent you agree or disagree with each of the following statements about [country] nowadays: The decisions and actions of the courts are unduly influenced by pressure from political parties and politicians.
C54			Independence of political and economic influence	Please say to what extent you agree or disagree with each of the following statements about [country] nowadays: Courts generally protect the interests of the rich and powerful above those of ordinary people.

**TABLE 2. SUB-COMPONENTS AND SIMPLE INDICATORS OF TRUST IN THE POLICE AND THE COURT (CONTINUED)**

Item number	Sub-components of trust in the police	Simple indicators/questions	Sub-components of trust in the court	Simple indicators/questions
	<b>Sub-concept: Trust in police procedural fairness</b>		<b>Sub-concept: Trust in court procedural fairness</b>	
C29	Treating people with respect	Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect		
C30/C50	Fairness and impartiality of decisions taken by the police	About <sup>49</sup> how often would you say that the police make fair, impartial <sup>50</sup> decisions in the cases they deal with?	Fairness and impartiality of decisions taken by the court	How often do you think the courts make fair, impartial decisions based on the evidence <sup>51</sup> made available to them?
C31/C60	Respecting the citizens' rights	And when dealing with people in [country], how often would you say the police generally explain their decisions and actions when asked to do so?	Respecting the citizens' rights	Please say to what extent you agree or disagree with each of the following statements: The courts are generally more concerned <sup>52</sup> about offenders' rights than victims' rights
C38/C59	Independence of political influence	Please say to what extent you agree or disagree with each of the following statements about the police in [country]: The decisions and actions of the police are unduly influenced by pressure from political parties and politicians.	Independence of political influence	Please say to what extent you agree or disagree with each of the following statements about [country] nowadays: The decisions and actions of the courts are unduly influenced by pressure from political parties and politicians.

*Source:* Questionnaire for EURO-JUSTIS Pilot Survey, October, 2010.

<sup>49</sup> "About" in the sense of approximately or roughly.

<sup>50</sup> "Fair, impartial" – in British English the use of both of these words clarifies the meaning of "fair" in the context of this question. Countries should ensure that impartiality is conveyed.

<sup>51</sup> "Evidence" refers to the "testimony" a witness gives verbally in court AND other materials presented to the court.

<sup>52</sup> "More concerned" – as in "give more weight to".

to this concept, a high level of trust would exist if citizens give good or very good assessments to three key qualities of police performance: effectiveness, distributive and procedural fairness. The direct indicator of trust (confidence) in the work of the police is presented through a question by which citizens give an overall assessment of the quality of police performance. The more important questions in connection with this concept of trust in the court and police are:

- To what extent are the separate sub-components of the concept measured adequately through the proposed system of simple indicators/questions?
- What are the aggregated assessments of each measurement of trust in the police and the court and, respectively, the overall aggregate assessment of trust in the police and the court obtained on the basis of summarising the system of indirect assessments?
- To what extent is the system of indirect assessments related to the respondents' direct assessment of confidence in the police and court?
- What are the main conclusions of the stratification of trust on key content, social and demographic indicators: media exposure, fear of crime, gender, age, education, income, settlement, etc.?

### 2.2.1. Overall assessment of confidence in the police and the court

The main hypotheses in the analysis of confidence in the court and the police can be outlined on the basis of the cognitive interviews and previous surveys. In summary, they may be formulated as follows:

- Citizens are relatively unfamiliar with the specificity of the work of the court and police, their structure and the way they perform their functions.
- Citizens are relatively unfamiliar with the laws, as well as with their own rights.
- Citizens' opinions and assessments are conditioned by their contact with the media, their immediate social experience and the assessments they obtain in contact with the immediate social environment (fellow workers, neighbours, acquaintances, and friends).
- Citizens' assessments are exposed to various manipulative influences. Hence there is a relatively high risk of these assessments not presenting an objective assessment of the actual state of the systems of the court and of the police (police performance).

These hypotheses are verified through transformation of the set of primary simple indicators and formation of aggregated indicators (synthetic indicators) in two main areas:

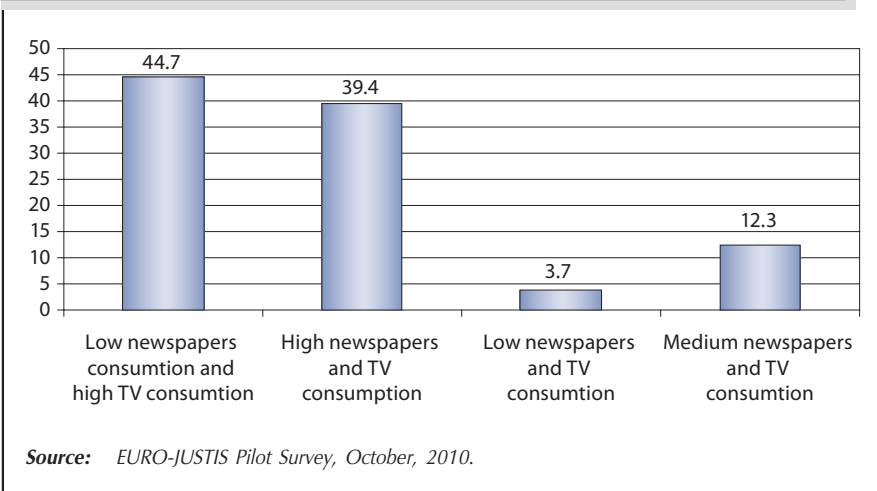
- **Media exposure.** This indicator reflects the extent to which television and newspapers are used as the two main information channels which have a direct bearing on knowledge about court and police performance. Many surveys show that citizens often use the images insinuated by these two media to interpret the social worlds that surround them. Citizens often borrow the positions and assessments presented in the media and, in this sense, newspapers and television are of great importance both in the formation and in the manipulation of public opinion. The synthetic

indicator<sup>53</sup> of media exposure divides citizens into four main categories. The group which relatively seldom reads newspapers but often watches television takes up the largest share (44.7 %). The second largest group (39.4 %) often reads newspapers and watches television. Next come the groups with a moderate or low frequency of watching television and reading papers, which combined account for 16 % of the country's population aged 18 and over.

- **Fear of crime.** This indicator reflects the assessment of the risk of citizens becoming victims of a burglary or violence/threat of violence in the coming 12 months. In this sense, the fear of crime reflects the quality of the environment both in terms of the intensity of the criminogenic situation and in terms of personal protection against criminal trespasses. The risk would be low if the preventive work of law-enforcement institutions is effective and if the criminogenic environment is at a certain level (which is usually the case with a high level of trust and strong mechanisms of formal and informal social control). The "fear of crime" indicator subsumes two sub-indicators: fear of theft/robbery and fear of threat/assault, the respondents being divided into three main categories:<sup>54</sup>
  - people who clearly fear that they may be attacked and robbed: a total 16.4 % of the country's adult population fall into this category;
  - people who are not worried about being robbed or attacked: 57.6 % of the country's adult population;
  - people who are fairly worried about being robbed or attacked: 26.0 %.

Although the dominant group comprises people who are not afraid of becoming crime victims in the coming 12 months, the proportion of those who fear this is significant: 42.6 %.

**FIGURE 3. TYPES OF MEDIA CONSUMPTION (PERCENTAGE OF THE POPULATION AGED 18 AND OVER)**



These two synthetic indicators (media consumption and fear of crime), along with the overall assessments of confidence in the court and the police, make it possible to assess the extent to which: high media exposure leads to heightened or reduced fear of crime; media exposure influences citizens' assessments of confidence in the court and the police; the fear of crime is a factor conditioning the assessments of confidence in the court and the police. The analysis of the empirical data shows that **these three groups of indicators are relatively independent:**

<sup>53</sup> The cluster analysis method (K-means cluster) has been used for the grouping.

<sup>54</sup> The cluster analysis method (K-means cluster) has been used for the grouping.



1. **The level of media exposure does not affect appreciably citizens' assessment of the risk of becoming crime victims.** The monitored correlation coefficient shows a statistically significant ( $p < 0.05$ ), but weak dependence ( $\Phi = 0.124$ , Cramer  $V = 0.087$ ). Evidently, there is a combined action of two factors. On the one hand, the media messages differ in that they do not act in the same way in heightening or reducing the fear of crime. On the other hand, citizens clearly use the media as only one of their sources of information and, in this sense, they take into account the objective circumstances of the criminogenic situation rather than identify with one media message or another. Therefore, the frequent claims that the media spread instil perceptions of the state of crime in the country should be regarded with a large dose of scepticism, at least because it cannot be proved.

2. **Media exposure does not influence the general assessment of confidence in police performance.** The observed relationship is statistically negligible ( $p < 0.17$ ). This result clearly shows that citizens' opinions about the police do not directly depend on the impact of the media. In other words, media impact has different effects on citizens. They apparently make their assessments on the basis of a number of factors, the media being only one of the means of information they use. The hypothesis that people who more keenly follow crime-related stories might make different assessments of police performance is not confirmed, either. Insofar as there are certain differences among the groups with different media exposure, they concern mainly the group with low media consumption, which is more critical of the performance of the police. On the whole, this difference does not lead to the existence of dependence between media exposure and the assessment of police performance, and this is due mainly to the fact that this group is small (about 3.7 % of the country's adult population) and thus cannot influence the prevalent dispositions in society established by the high media consumption groups. Therefore, the difference observed for this group proves insignificant.

3. **Media exposure has a relatively weak influence on the overall assessment of confidence in the performance of the court.** Unlike the assessments of the police, the assessments of confidence in the performance of the court show a more pronounced yet still relatively weak dependence on media exposure. The observed correlation coefficient is low ( $\Phi = 0.202$ , Cramer  $V = 0.117$ ) but statistically significant ( $p < 0.001$ ). The dependence is expressed in the fact that with the decrease of media exposure the assessments of the performance of the court get more critical. The weak correlation in turn means that the differences are small. Insofar as they exist, they rather reflect factors implied by high or low media exposure, e.g. educational attainment, civic stance, social experience, etc.

4. **The fear of crime does not influence either the overall assessment of confidence in the police or the overall assessment of confidence in the court.** In this respect, there is a difference between the assessments of the court and the police. The relationship between the assessment of confidence in the court and the fear of crime is statistically insignificant ( $p < 0.196$ ), while the relationship between the assessment of confidence

in the police and the fear of crime is statistically significant ( $p < 0.05$ ) but weakly expressed ( $\Phi = 0.135$ , Cramer  $V = 0.095$ ). The statistical analysis of these two dependencies shows that in the citizens' mind the fear of crime is bound (albeit weakly) mainly to police performance. The weak correlation is rooted in the fact that people are still unable to feel the practical effects of good police performance: only about 1 % of the respondents in the survey assess the performance of the police as "very good". Thus, the criminogenic situation evolves irrespectively of police performance or, in other words, the police still does not control the criminogenic situation to an extent capable of influencing people's sense of security or insecurity.

To sum up, the explored dependencies warrant the conclusion that citizens' opinions, assessments and ideas of the criminogenic situation in the country, on the one hand, and their assessment of the performance of the court and the police, on the other, can be regarded as relatively independent. Regardless of their bias and possible subjectivity, the opinion of citizens in the country is not particularly susceptible to manipulative influences. The aggregated opinions assess the performance of the police and the court on their merits or defects rather than on the basis of their fears and various media attempts to interpret reality in a positive or negative way. It is obvious that interests and concrete everyday experience are foremost in forming the assessments of trust in the court and the police. Hence, it may be assumed that these are assessments which **adequately reflect** the level of public usefulness that the police and the court have according to citizens with the level of financing, organisation and criminogenic situation existing in the country. As to the concrete values of the assessments of confidence in the court and the police, the shared opinion of citizens is that they finance a court and a police which meet their expectations to an average extent.

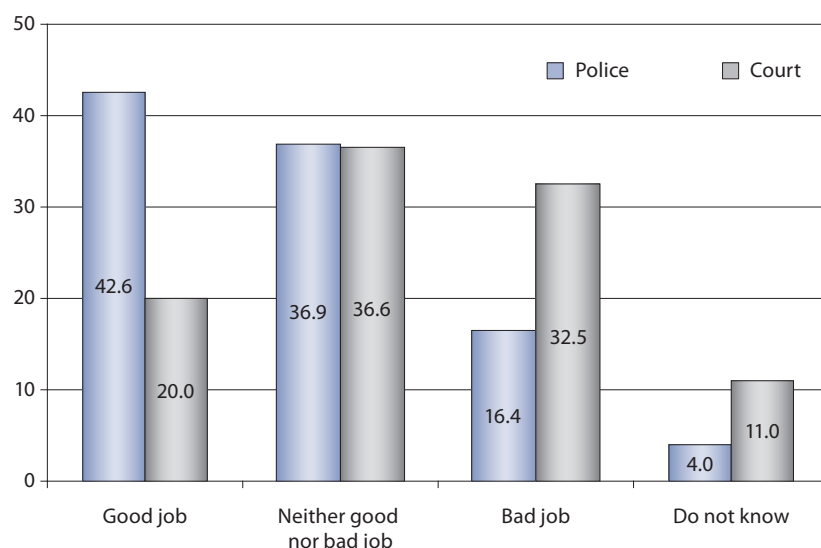
### 2.2.2. Structure of assessments of confidence in the police and the court

At the end of 2010 less than half of the Bulgarian citizens (42.6 %) gave an overall positive assessment to the performance of the police, while one in five (20.0 %) thought the same of the court.<sup>55</sup> In both cases there are no significant differences in the assessments of men and women. Notably, over one third of the Bulgarian citizens give a neutral overall assessment to the performance of these two institutions, but subsequently, when they have to assess their effectiveness, impartiality and compliance with procedural rules/laws, this proportion increased by about 10 percentage points. This means that in most cases almost half of Bulgaria's citizens consider that the police and the court cope with their obligations and responsibilities "somehow" – without trying hard enough to deserve a positive assessment by citizens, but also without grossly or frequently breaching generally shared values and legal norms.<sup>56</sup>

<sup>55</sup> The levels of statistical error for the respective relative shares are given in Appendix 2.

<sup>56</sup> The neutral assessment is not due to citizens' ignorance or reluctance to express an opinion. Regardless of what aspect of the performance of these institutions is assessed, between 10 % and 20 % have no answer or are unwilling to report it.

FIGURE 4. ASSESSMENTS OF POLICE/COURT PERFORMANCE IN BULGARIA (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

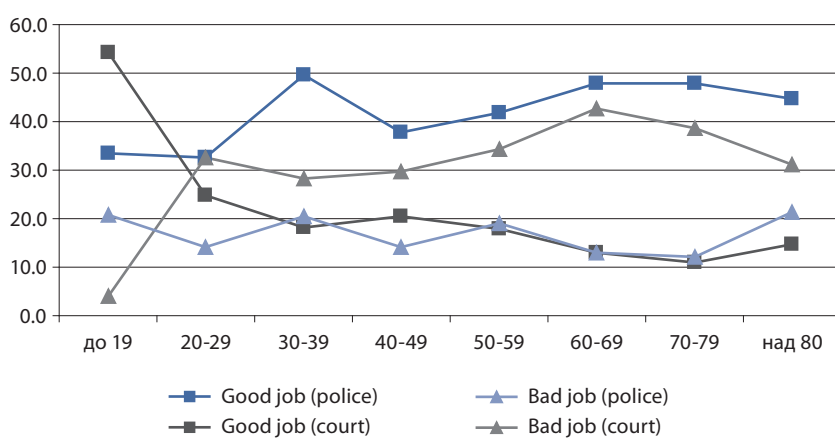
About one third of the young – aged up to 29, give a positive assessment to the performance of the police, while among the other age groups the share of those who positively assess its performance is significantly larger, with most people aged 60 and over (between 44.7 % and 48.0 %) sharing the opinion that the police is coping well in its work. As regards the court, exactly the opposite trend is observed, with the proportion of citizens assessing its performance in positive terms declining as their age increases.<sup>57</sup> This is particularly true about the youngest, those aged up to 19, almost half of whom (54.2 %) share the confidence that the court performs well,

while this proportion drops to 12.8 % for respondents aged between 60 and 69 and to 10.9 % for those in the 70-79 age group.

### 2.2.2.1. Trust in the police: effectiveness, procedural and distributive fairness

In addition to the overall assessment of the performance of the police and the court, trust in these two institutions is regarded as subsuming

FIGURE 5. ASSESSMENTS OF POLICE/COURT PERFORMANCE IN BULGARIA DISAGGREGATED BY AGE GROUP (%)

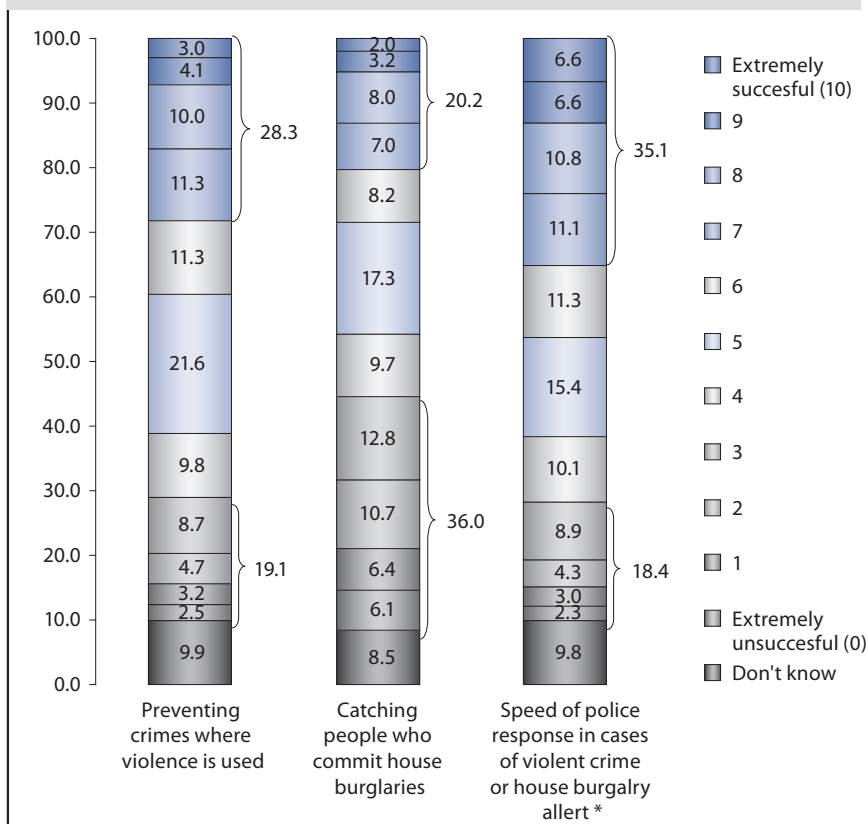


Source: EURO-JUSTIS Pilot Survey, October, 2010.

three sub-components: trust in police effectiveness, trust in distributive fairness, i.e. the principle of impartiality in its decisions or actions regardless of the social, economic or political status of the policed, and trust in procedural fairness. With regard to the first of these components, the largest share of people (35.1 %) assesses the effectiveness of the police according to the speed of response to crime alerts. Significantly fewer (28.3 %) believe that the police acts effectively in the prevention of violent crimes, while the lowest assessment is given to police

<sup>57</sup> The oldest age group (those aged 80 and over) was the only one where approval of court performance was higher than in the preceding age group (aged 70-80 years).

FIGURE 6. HOW SUCCESSFULLY DOES THE POLICE ACT (%)



\* Recalculated only for crime witnesses.

Source: EURO-JUSTIS Pilot Survey, October, 2010.

effectiveness in apprehending minor criminals like home burglars.

Trust in police distributive fairness is significantly lower, with more than half of the citizens (56.9 %) believing that the police extends a worse treatment to poor people, and nearly one third (32.8 %) saying that representatives of a different ethnic group or race are subject to negative treatment. With minor exceptions these opinions are shared by people regardless of their age, gender, economic status or type of settlement.<sup>58</sup> Among them the youngest (aged up to 19) and people aged 70 and over are half the number compared to the other age groups. At the same time, **half of the citizens (49.6 %) assume that the police makes decisions and acts mainly under pressure from politicians and political parties.** This may be regarded as the most serious problem for

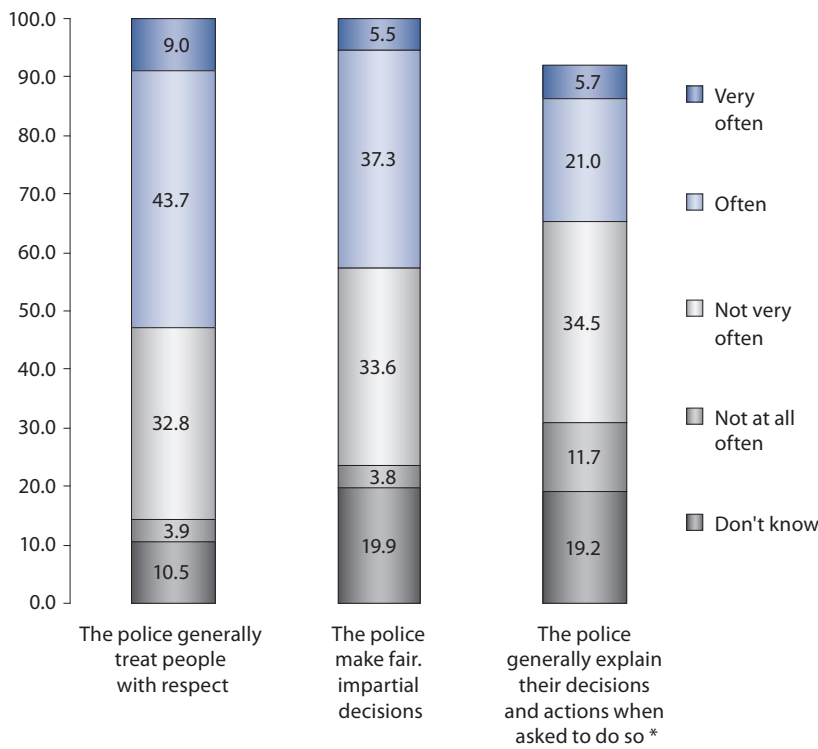
the independence of the police and, hence, as one of the key reasons for the low it enjoys, considering that fewer than one in ten citizens (9.0 %) believe that political pressure is not decisive. It seems logical that among those who believe that the police treats the poor unfairly, the largest share (43.3 %) is people in the lowest monthly income group. At the same time, when the opinions of people in the different groups are disaggregated by income, this opinion does not change as the income grows; on the contrary, the proportion of people who share it increases in each group of a higher economic status. However, there are no statistically significant data about the group of those who may objectively be ranked among the “rich”, since 85.5 % of all respondents state that their monthly household income does not exceed BGN 2,080.<sup>59</sup>

Trust in the procedural fairness of the police is relatively high. More than half of the population believes that, conforming to written rules, the police treats people with equal respect in its encounters with them,

<sup>58</sup> Settlements are divided into the following types: large city, large city suburbs/outskirts, medium or small town, village.

<sup>59</sup> According to the National Statistical Institute, the average monthly household income in Bulgaria stood at BGN 785.60 in 2010. (NSI, 2011).

FIGURE 7. PROCEDURAL FAIRNESS OF THE POLICE (%)



\* The sum total is less than 100 % due to a response outside the defined scale.

Source: EURO-JUSTIS Pilot Survey, October, 2010.

and to 42.8 % this results in police officers making fair and impartial decisions. One of the problematic areas which erode trust in the procedural fairness of the police is its reluctance to give reasons for its decisions and actions even when this is demanded by citizens. At the same time, this characteristic in the treatment of the police is probably a result of the fact that albeit small, part of the population (8.0 %) thinks that nobody would ask the police officers about the reasons behind their decisions or actions. To half of the citizens (49.6 %) political interference in the decisions and actions of the institution and its officials is another problematic area which significantly reduces the possibility of respecting the procedures and rules provided for by law.

Again, with minor exceptions, trust in procedural fairness is not influenced by the socio-

demographic characteristics of the population. One exception are the residents of the suburbs or outskirts of large cities: according to more than half of them the police often fails to take fair and unbiased decisions, while only one in four give a positive assessment in this respect, which is about 10 percentage points less than the average for the other types of settlements. Another exception are the youngest (aged up to 19) and the oldest (80 and over), with 45.8 % of the former, or 10 percentage points more than the average for the population in general, believing that the police very often does not observe the rules, while only 12.8 % of the latter, or less than half of the average for the population in general, share the same opinion. These figures confirm the conclusions regarding the other sub-components of public trust and show that in many cases the youngest are most critical, while the oldest are least critical.

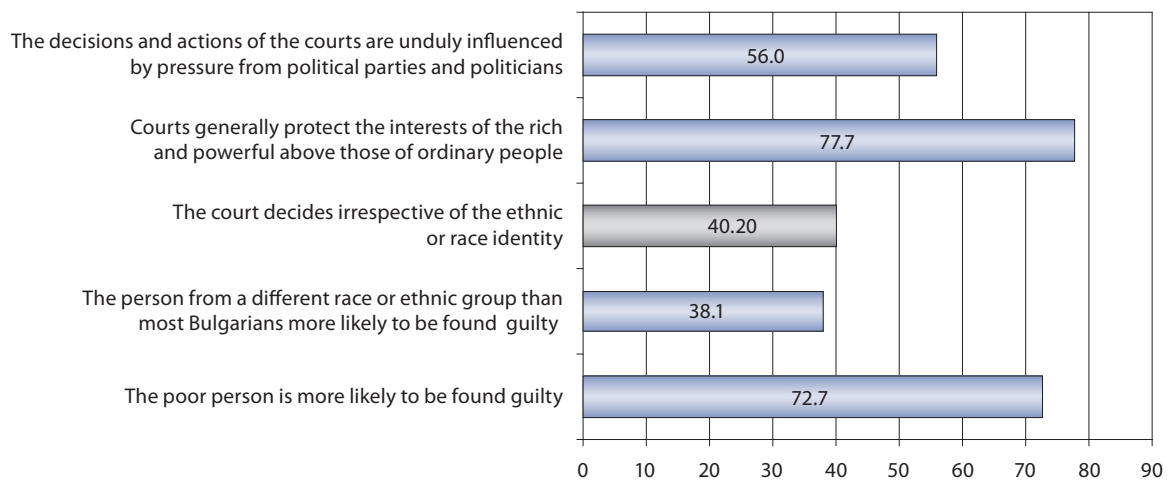
#### 2.2.2.2. Trust in the court: effectiveness, procedural and distributive fairness

Trust in the effectiveness of the court is relatively lower than in respect of the police. Almost half of the citizens (45.3 %) say that in most cases the courts misjudge, making it possible for the guilty to be acquitted without getting the punishment they deserve. Only 14.2 % are of the opinion that rarely if ever Bulgarian courts do not allow guilty persons

to go unpunished due to omissions and mistakes in the work of the court. The majority (over 60 %) of those who assess the performance of the court in positive terms reside in villages and small towns, and about two-thirds of them are members of households within the lowest income groups (with an average monthly income of less than BGN 800). At the same time, there are no significant age or gender differences among them, which shows that public opinion of court effectiveness in these settlements is relatively homogeneous unlike the capital and the large cities. There, though distinct tendencies are lacking, people’s opinion is divided into numerous groups with different socio-demographic characteristics, and this is probably due to the much higher degree of social heterogeneity of these communities.

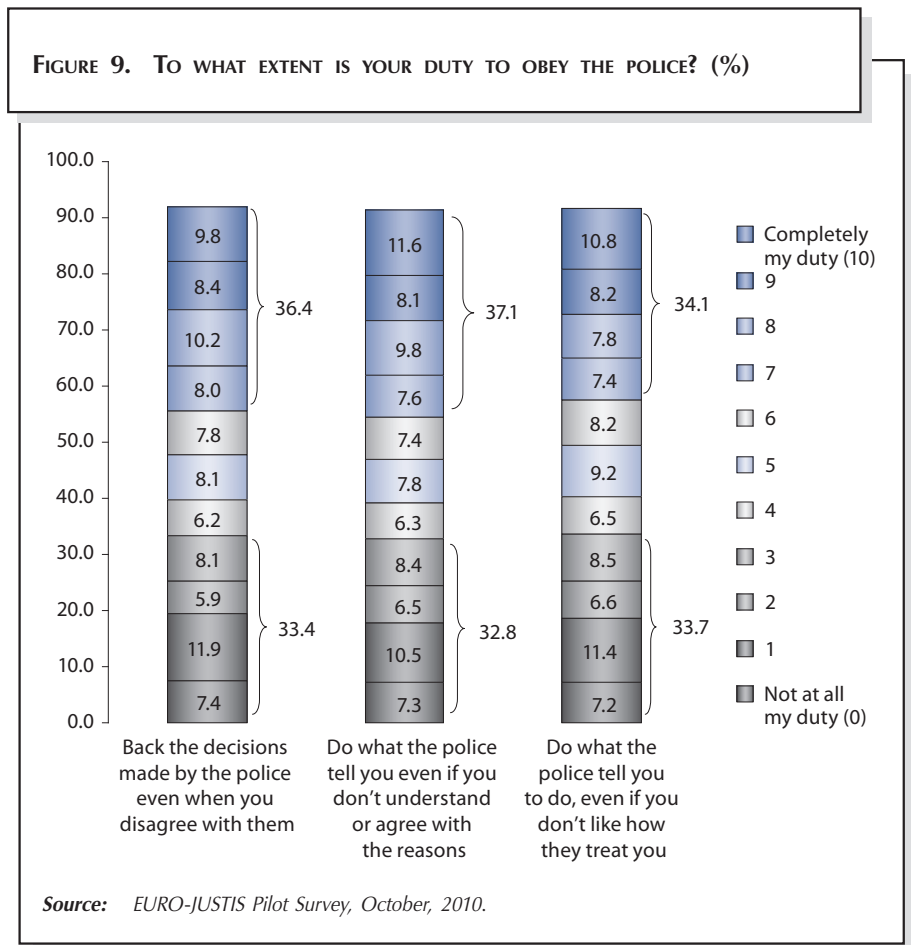
Public opinion is even more negative about the application of the principle of distributive fairness in the performance of the court. Over two-thirds (77.7 %) of the citizens assume that the courts defend the rich and powerful, wronging unfairly the poor through their decisions. To more than half of the citizens (56.0 %), political influence or direct pressure by politicians and parties is another factor of the discriminatory treatment by the court. As to the ethnic identity of the accused, public opinion about the distributive fairness of the court is divided into two equal groups. According to the first, the court is not influenced by ethnic identity, and according to the second, the representatives of minority ethnic groups are deliberately wronged. In all these assessments the youngest (aged up to 19) are most critical, while the representatives of the other age groups vary in their positions. These dispositions among the larger part of the population correspond to the lack of a clear position on respect for procedural fairness on the part of the court, as most citizens find it difficult to determine how often the court takes just and fair decisions based on evidence.

**FIGURE 8. FAIRNESS OF THE COURT (%)**



Source: EURO-JUSTIS Pilot Survey, October, 2010.

### 2.2.2.3. Police legitimacy



The trust in the readiness of the police to treat citizens impartially, with respect and in dialogue, observing the established rules as an expression of generally shared values and legal norms, is related to citizens' belief in the legitimacy of the police from the point of view of: (a) the duty of citizens to obey the police; (b) the disposition that the police as an institution and its officials as persons share the moral values established in society;<sup>60</sup> and (c) the assessment of legality of police performance, measured through the assessment of the levels of corruption in the institution. The dispositions to obey the police, shaped among the population, are extremely stable, including with regard to their diverse components. As a result, the adult population can conventionally be divided into three groups: just over one-third (varying by component

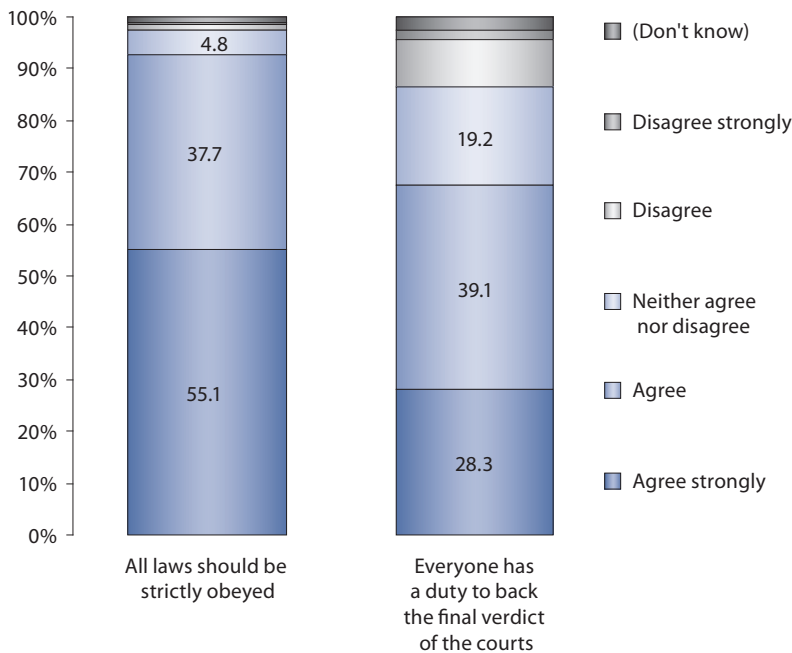
from 34 % to 37 %) share the opinion that it is their duty to obey the police, to support its decisions and actions, even if they do not understand the reasons for them and regardless of their own opinion. To the other two-thirds of the population, however, the legitimacy of the police in this aspect is insufficient and they either express a neutral opinion or do not consider themselves duty-bound to obey. Nevertheless, almost half of the adult Bulgarians (46.7 %) share the disposition that the police respects the same moral and ethical norms valid for society and for themselves.

### 2.2.2.4. Court legitimacy

Despite the low level of trust in the effectiveness and fairness of the judicial institution, almost all citizens (92.8 %) are firmly convinced that all laws must be observed, and according to a not insignificant group among them this should happen even when it looks as if the right action runs counter to their norms. This apparent contradiction is reconciled in the opinion of two-thirds of the population (73.2 %) that the court should pass harsher sentences on offenders. In other words, the larger part of the Bulgarian population recognises the legitimacy of the laws, but not

<sup>60</sup> This attitude is expressed by the concept of moral alignment, which is key for the understanding of the concept of legitimate authority.

**FIGURE 10. DUTY TO OBEY THE LAWS (%)**



Source: EURO-JUSTIS Pilot Survey, October, 2010.

the legitimacy of the institution which is supposed to apply them. The lack of a significant difference in people’s opinions according to their socio-demographic characteristics shows that the moral norms, which are at the basis of the laws, are perceived as vital for the existence of the social order and, hence, for personal and public security and safety. From this point of view, the perceived legitimacy of the court could be increased through a persistent application of these moral norms in its work – both at the individual and at the institutional level.

**2.2.2.5. Legality and corruption in police and court**

The low levels of credited legitimacy of the police and the

court are largely due to the strongly negative assessment of the legality of their actions as a result of citizens’ opinion about the level of corruption in these institutions<sup>61</sup>. The proportion of citizens who say that police officers and judges never accept bribes is within the limits of the statistical error, while those who believe that the frequency of corrupt actions is very low in these institutions are, respectively: for the police, less than one-tenth (9.4 %), and for the court, only one-twentieth (5.0 %) of the citizens. All other<sup>62</sup> consider that, albeit with different frequency, the police and the court accept bribes, and most of these respondents believe that this happens in more than half of the cases. There are also small but statistically significant groups in society, according to which this happens always or almost always. Despite the existing minor differences in public opinion about the police and the court, the group of those who give the most negative assessments has exceedingly similar characteristics. Most of its members are:

- low income recipients: in both cases over 60 % of them have an average monthly household income of less than BGN 900, even though with regard to the court this level is raised to households with an income of less than BGN 1,000 – 1,160, which is the average income for all Bulgarian households;

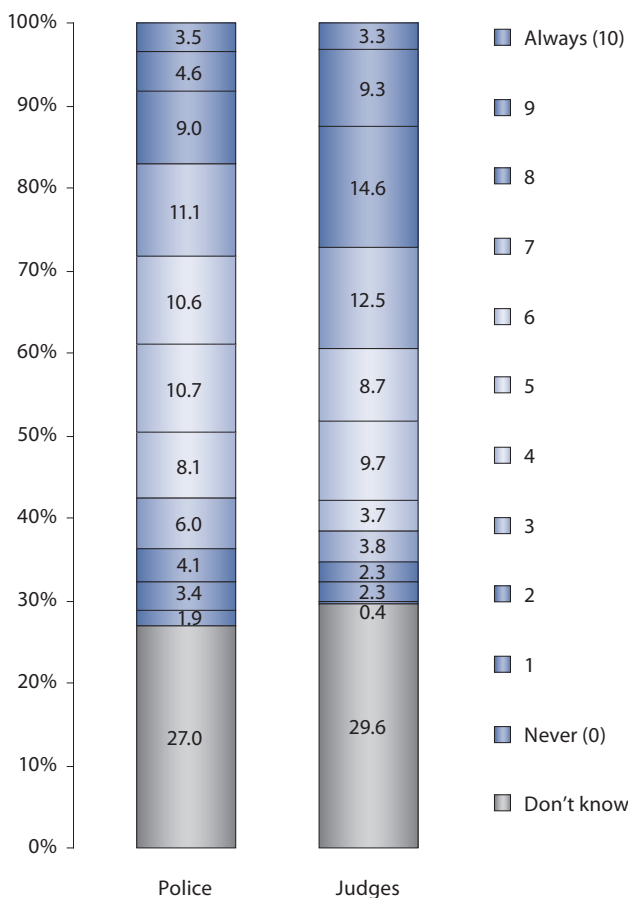
<sup>61</sup> Public opinions and dispositions about legality in the actions of the police and court will be discussed comparatively because the assessment of the levels of corruption in these two institutions is a key factor of their explanation in both cases.

<sup>62</sup> With the exception of those who are undecided (27.0 % for the police, and 29.6 % of the population for the court, respectively).



- people of working age: over 60 % of them are aged between 20 and 59, and the most critical ones are evenly distributed among the various age groups, but again with respect to the court the upper limit also includes the next age group, up to 69;
- there are no dependencies according to the type of settlement or gender, with the distributions according to these two indicators following the distributions of the population in general.

FIGURE 11. HOW OFTEN DO THE POLICE/JUDGES ACCEPT BRIBES (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

As shown, these results are part of a stable and long-term trend in public opinion about a high growth of corruption in the judicial system and the police at least since 1998, which is registered by all national and international surveys and which ranks Bulgaria in one of the first places in Europe.

A somewhat positive sign, however, is the fact that a significant proportion of the population lacks enough information to assess the level of corruption in the police and the court. This group, together with those who assess this level as low, can be an immediate target group for a new type of policy with the objective of building public trust in the criminal justice system. The group of the “information have-nots” has consistent socio-demographic characteristics which make it easily identifiable. Most of them – over 60 %, reside in villages and small towns, and are predominantly (72.1 %) people with very low incomes, a monthly average of under BGN 800 per household, they

are almost evenly distributed by age (with the exception of the youngest, aged up to 19, who are not represented among them) but with a heavy prevalence of women (over 68 %) in this group.

### 2.2.3. Adequacy of the concepts of trust in the police and the court

As already pointed out, the elaborated system of indicators is based on a broad theoretically defined concept of trust in the court and the police. It includes three main dimensions: effectiveness, distributive fairness, and procedural fairness. Each of these dimensions is disaggregated into simple indicators which reflect its specific characteristics (Table 2). Although each of these indicators has significance in its own right, gen-

erating summary indicators for each dimension is of great importance for making political decisions in implementing the concept of trust-based governance. In this aspect the analysis of the data obtained faces several key questions:

- to assess the extent to which it is methodically and methodologically correct to measure the concept of trust in general and on the basis of the indicators included in each dimension;
- to assess the degree of correlation between the overall assessment of confidence in the police and the court and the aggregated indicators of the three-component assessment of trust in the court and the police;
- to outline the main results obtained for each indicator of the applied concept for measurement of trust in the court and the police.

### 2.2.3.1. Adequacy of the concept of trust in the police

The approach to analyse the adequacy of the concept of trust in the police includes the following steps:

1. **Verification of the internal consistency (adequacy) of each dimension of trust in the police.** In practice, this means to assume that the indicators of each dimension are perceived as simple measures of the same common quality (effectiveness, distributive or procedural fairness), and it is statistically verified whether such a hypothesis can be confirmed. The chosen verification method is factor analysis.<sup>63</sup> It shows the strength of the relationship of each indicator with the statistically construed “common factor”,<sup>64</sup> the latter reflecting each of the three dimensions of trust. The results of the final phase of this analysis are presented in Table 3 and show that **the indicators used to measure all three concepts of trust in the police are sufficiently adequate to assume that they measure a common quality.**<sup>65</sup> In practice this means that the simple indicators of each sub-component can be subsumed under three summary indicators: effectiveness, distributive and procedural fairness, without any significant loss of information.
2. **Formation of aggregated indicators.** The K-means Cluster Analysis was used for the purpose. It makes it possible to group the respondents in several categories on the basis of several simple indicators, thus arriving at an overall idea of the assessments on the three main dimensions of trust in the police. The grouping data show several significant peculiarities:

First, Bulgarian citizens relatively clearly identify and assess the indicators of police effectiveness. The aggregated assessment of the indicators of

<sup>63</sup> The Extraction Method: Principal Component Analysis is used.

<sup>64</sup> The value in the table (factor weights of components) shows the correlation between each indicator and the extracted “common factor” (min = 0.0, max = 1.0).

<sup>65</sup> Tests for different combinations of factors led to the exclusion of variable C38 (level of dependence of the police on pressure by political parties and politicians) from the analysis since its inclusion worsens rather than improves the explanatory value of the model.

TABLE 3. FACTOR MODEL OF TRUST IN THE POLICE

	Factor weights of components (simple indicators)		
	Effectiveness	Distributive fairness	Procedural fairness
<b>Effectiveness</b>			
C26 Effectiveness in preventing violence-related crimes	0.874	-	-
C27 Effectiveness in dealing with robberies	0.875	-	-
C28 Speed of response to alerts about violence or robbery	0.815	-	-
<b>Distributive fairness</b>			
C24 Impartiality depending on social status	-	0.868	-
C25 Impartiality depending on racial or ethnic status	-	0.868	-
C38 Independence from political pressure	-	Not included in model <sup>66</sup>	-
<b>Procedural fairness</b>			
C29 Respect of citizens' rights and dignity	-	-	0.810
C30 Fairness of decisions made	-	-	0.786
C31 Compliance with procedures	-	-	0.781
C38 Independence from political pressure	-	-	Not included in model <sup>67</sup>
<b>Proportion of variation explained by the model</b>	<b>73.2 %</b>	<b>75.3 %</b>	<b>60.5 %</b>

Source: Own calculations based on data from EURO-JUSTIS Pilot Survey, October 2010.

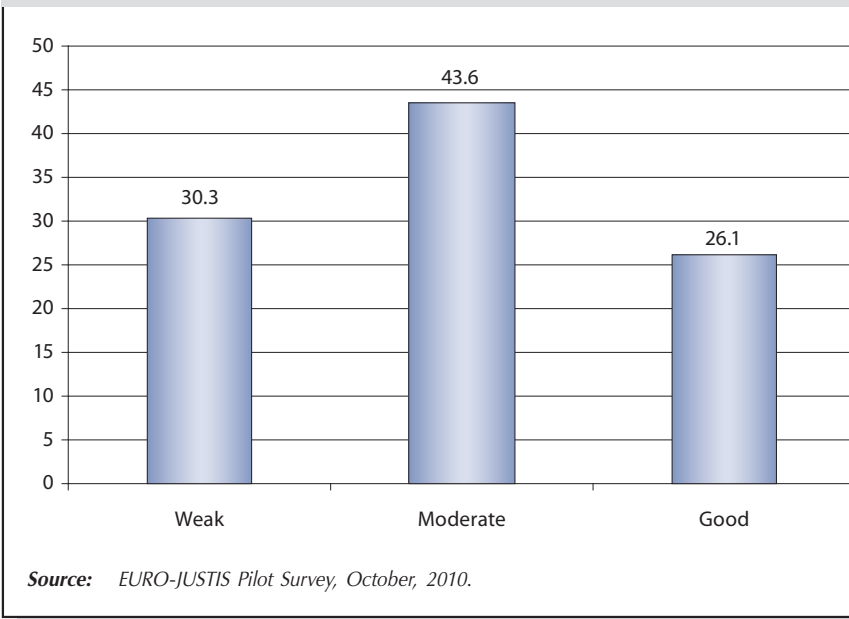
police effectiveness is unfavourable. On the whole, very good assessments are practically lacking. The aggregated assessment is closely related to the overall assessment of police performance. The relationship is strong and statistically significant ( $\Phi = 0.541$ , Cramer  $V = 0.383$ ,  $p < 0.001$ ). In the assessments of police effectiveness there are relatively few undecided respondents.

Second, the concept of police distributive fairness is relatively difficult to assess. The two principal categories of the aggregated assessment of distributive fairness are actually formed on the basis of whether respondents are decided or undecided in their opinions. In the larger group (80.3 %), most

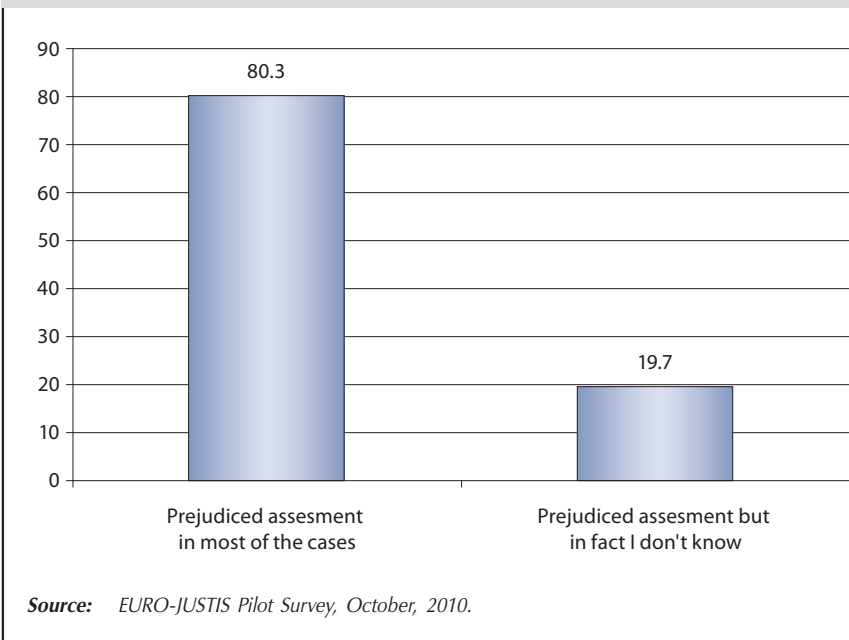
<sup>66</sup> The inclusion of variable C38 in the factor model, reflecting police impartiality, reduces the explanatory value of the model: the variation explained by the model is reduced from 75.3 % to 58.7 %. It was therefore decided to exclude this variable from the model of police impartiality.

<sup>67</sup> See the previous footnote.

**FIGURE 12. AGGREGATED ASSESSMENT OF POLICE EFFECTIVENESS (%)**



**FIGURE 13. AGGREGATED ASSESSMENT OF POLICE DISTRIBUTIVE FAIRNESS (%)**

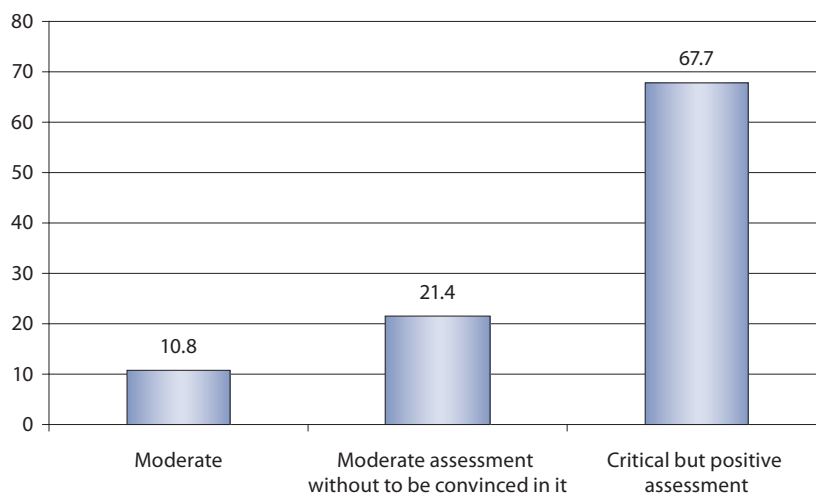


of the respondents are convinced that the police extends a worse treatment to poorer people, whereas regarding race or ethnic group the opinions are evenly divided between those who think that certain prejudice exists and those who believe that the police is neutral in respect of citizens' racial or ethnic status. The second group comprises people who are generally undecided in their assessments on this indicator or who give critical assessments to distributive fairness. Similar to effectiveness, the assessment of distributive fairness can be rated as unfavourable. From the point of view of the relationship of this assessment with the overall assessment of police performance, the picture differs significantly compared to the assessments of effectiveness: the statistical analysis shows lack of a statistically significant relationship. In practice this means that citizens ignore the distributive fairness of the police in their overall assessment of its performance. A key factor in this respect is the deficient legal and democratic culture allowing them to form a clear opinion and assessment. In this respect, the assessment is determined by prejudice and partiality rather than by civil rights.

Third, the assessments of police procedural fairness are similar to the assessments of distributive fairness in that the proportion of undecided respondents is quite

large. This also affects the manner of structuring of the aggregated assessment of procedural fairness. On the whole, the assessment on this indicator can be rated as average (moderately positive). The relationship of procedural fairness with the overall assessment of police performance is weakly expressed and statistically significant ( $\Phi = 0.139$ , Cramer  $V = 0.099$ ,  $p < 0.05$ ). This again means that procedural fairness is not a significant factor in arriving at the overall assessment of police performance.

FIGURE 14. SUMMARY ASSESSMENT OF POLICE PROCEDURAL FAIRNESS (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

Fourth, as shown by the statistical analysis,<sup>68</sup> the relationship of the extrapolated aggregated assessments with the overall assessment of police performance has two components: on the one hand, the assessment of police effectiveness and, on the other, the assessments of distributive and procedural fairness. While the former factor is closely related to the overall assessment of police performance, the latter two are practically unrelated. The shared element of the assessment of distributive fairness and of procedural fairness share is sceptical lack of familiarity. The shared element of the assessment of police effectiveness police is the speed and adequacy of its

response to alerts about crimes and breaches of the law. It appears that the way in which the police works (impartiality and compliance with the rules defined by the law) is not determining for the general assessment of citizens. Effectiveness is clearly the more visible and easier indicator to assess. As to the second group of indicators, the assessments there are obviously more complex and citizens' knowledge is rather modest. It is furthermore important to note the significant fact that although critical, the assessments of distributive and procedural fairness do not determine (in the sense of being unrelated) the assessment of police performance: the probable explanation of this is that citizens do not have a clear idea of how the police should respect citizens' rights and comply with the legal procedures in its work. The lack of an "ideal model" makes the assessment difficult and/or highly susceptible to bias. In fact, the "ideal model" does exist but it is limited to a small range of assessment indicators related to the elements of police effectiveness.<sup>69</sup>

### 2.2.3.2. Adequacy of the concept of trust in the court

Applying the same scheme of analysis to the indicators of effectiveness, distributive and procedural fairness of the court produced the following more significant results:

First, the factor model of simple indicators establishing the concept of trust in the court, presented in Table 4, shows that the elements of

<sup>68</sup> Again, factor analysis (Principal Component Analysis) was used to assess the level of similarity between the three summary assessments of trust in the police.

<sup>69</sup> From this point of view it is quite understandable that the high frequency of reports of police operations and arrests over the last couple of years actually improves the image of the police. The procedural details linked to these actions prove to be less significant details according to the pilot survey.

TABLE 4. FACTOR MODEL OF TRUST IN THE COURT

	Factor weights of components (simple indicators)		
	Effectiveness	Distributive fairness	Procedural fairness
<b>Effectiveness</b>			
C49 Effectiveness in dealing with robberies	Not subject to factor analysis (only one indicator)		
<b>Distributive fairness</b>			
C51 Impartiality depending on social status	-	0.833	-
C52 Impartiality depending on racial or ethnic status	-	0.833	-
<b>Procedural fairness</b>			
C50 Fairness and impartiality of decisions made	-	-	0.690
C60 Respect of citizens' rights and dignity	-	-	0.815
C59 Independence from political pressure	-	-	0.795
<b>Proportion of variation explained by the model</b>	-	<b>69.5 %</b>	<b>59.1 %</b>

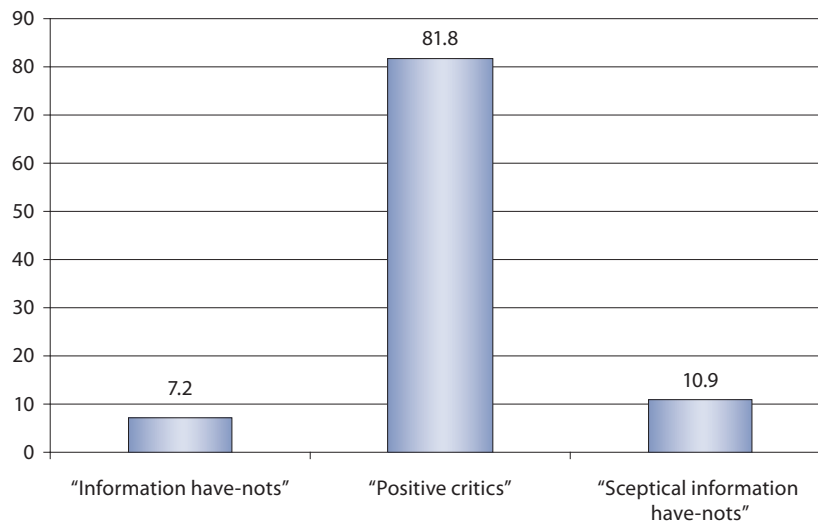
Source: Own calculations based on data from EURO-JUSTIS Pilot Survey, October 2010.

each sub-concept are well represented through the respective indicators. Within each sub-concept the factor weights show that the different indicators can be presumed to measure one common quality and consequently may be aggregated to obtain aggregated assessments.

Second, the aggregated assessment of the court's distributive fairness is unfavourable. It consists of three main groups. The group of "information have-nots" comprises people who predominantly believe that they are unable to assess the distributive fairness of the court. The group of the "positive critics" comprises people in whose opinion the court is strongly dependent on the respondents' social status and at the same time are they are almost evenly divided about court dependence on ethnic/racial status (44.5 % think that the court is dependent, and 47.5 % assess it as independent). The group of the "sceptical information have-nots" is dominated by the idea that the court is dependent on social status (81.8 %) and by an impeded assessment of the dependence of the court on ethnic/racial status.

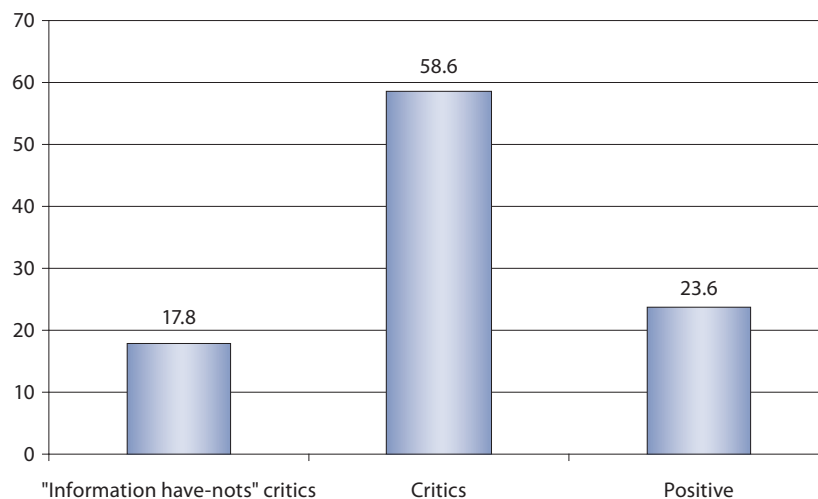
Third, the summary assessment of the court's procedural fairness is unfavourable. People who are unable to form an assessment figure prominent-

FIGURE 15. AGGREGATED ASSESSMENT OF COURT DISTRIBUTIVE FAIRNESS (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

FIGURE 16. AGGREGATED ASSESSMENT OF COURT PROCEDURAL FAIRNESS (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

ly in two of the groups formed through a Cluster analysis. This applies mainly to the group of the "sceptical information have-nots", who are unable to assess the procedural and distributive fairness of court judgments and are critical of the court's dependence on political impacts and whether the court defends the rights of the accused more than the rights of the victims. Unfavourable assessments on all indicators predominate in the group of the "critics", while in the group of the "positive" the assessments on all indicators are mainly at the positive end of the assessment scales.

Fourth, the aggregated assessments of trust in the court are on the whole bound to the overall assessment of confidence in the court. The strongest relationship is that of the overall assessment with the aggregated assessment of court effectiveness: the relationship is statistically significant and strongly expressed ( $\Phi = 0.701$ , Cramer  $V = 0.313$ ,  $p < 0.01$ ). Slightly weaker but statistically significant are the relationships between the overall assessment of confidence in the court and the aggregated assessments of procedural fairness ( $\Phi = 0.534$ , Cramer  $V = 0.378$ ,  $p < 0.01$ ) and impartiality ( $\Phi = 0.359$ , Cramer  $V = 0.254$ ,  $p < 0.01$ ). The verification of the factor dependence between the three aggregated

assessments shows that they can be reduced to two main components. The first one comprises the aggregated assessments of effectiveness and procedural fairness, and the second one comprises the aggregated assessment of distributive fairness. As evident from the presentation above, this means that the factor of lack of familiarity and/or impossibility to assess the specificity of the performance of the court appears to be determining for the general attitude to it. Compared to the police, however, the definiteness is significantly greater. Although court effectiveness

predominates as a key factor of confidence in the court, the other two dimensions of trust also contribute to this. Therefore, the assessment of the performance of the court is far more balanced (in the sense that it takes into account all dimensions of trust) compared to the assessment of trust in the police.



---

## CONCLUSION

Bulgaria lacks established traditions of planning and implementing trust- and evidence-based policies in the interactions between citizens and the respective institutions. The only exception is represented by the cases of using data produced solely in the process of internal administrative accountability of the legislative and executive institutions and characterised by the natural propensity of each institution to present itself in a positive light. This problem started to attract attention as recently as with the progress of the pre-accession process and, above all, after the country's admission to the European Union. The last decade, mainly under the pressure from two external factors, we have been witnesses of a gradual abandonment of the practice internally produced data to serve as the only source of assessment of the institutions' effectiveness. The first factor is the growing role and efforts of the formal and informal organisations of civil society to participate as a corrective in political decision-making processes. Arguing their positions, these organisations often resort to an independent analysis of data external to the institutions, as well as to assessments of public opinion regarding the relevant problems. The other important factor of the change is the EU requirements for use of standardised methods for the impact assessment of public policies. Responding to these requirements, new procedures of data collection and analysis started to be developed and applied by the institutions themselves as well as by their environment. Despite the combined impact of these two factors, Bulgaria still lacks an established practice of making public policies based on evidences and on trust between citizens and the respective institutions.

A number of scientific and political analyses, both in Bulgaria and abroad, prove the existence of a direct link between trust and quality of life. In respect of state governance, trust reflects citizens' overall assessment of the performance of government institutions: of the level of their effectiveness, of the need of reforms and of an impact assessment of measures already taken. This is particularly relevant to the field of criminal justice and crime control which are determinant for the security of citizens and have a significant impact on the quality of life. The police, the courts and the prosecution service need public support and institutional legitimacy in order to function effectively and in conformity with social and moral norms. **Despite the numerous international and national initiatives for monitoring and evaluation of these reforms, indicators measuring trust in the institutions are not yet used when policies in the field of justice are made and implemented in Bulgaria.** Partly due to this deficit, we also lack a purposeful national strategy following the example of Great Britain, Italy and the US, which seeks to build and maintain high levels of trust in the criminal justice system. In a bid to fill this gap, the institutions in the system, instead of seeking a beneficial cooperation with each other, often try to compensate the traditionally low levels of trust among citizens by overexposing isolated and

often transient successes of the pre-trial phase of criminal proceedings, as well as by shifting the blame for failures onto other institutions within the justice system or onto other public spheres such as, say, law-making process or the legislation itself.

Politicians' attitude to the assessments of public trust in the criminal justice system varies by the level of development of democratic governance and market economy of the respective countries, the specific historical legacy and national culture. Thus, in countries with a higher level of social, political and economic development and widespread egalitarian dispositions, the assessments of public trust enjoy a higher status: these assessments are perceived as a gauge of the public interest and, accordingly, serve for developing policies and initiatives. Conversely, in the less developed countries with more modest democratic traditions, the expert community tends to underrate the assessments of trust and rather turn to using expert analyses and design of policies based on data produced by the institutions themselves.

The first-time use of the system of indicators for assessing public trust in criminal justice system in Bulgaria invites several basic conclusions:

- Developed on the basis of procedural justice theories, this system of indicators is applied successfully in countries like the US and Britain. It is now applied for the first time in countries with a different tradition and institutional structure of the justice system, such as Bulgaria. The analysis shows that from a scientific point of view, the indicators measuring effectiveness, distributive and procedural fairness as sub-components of public trust in the police and the court can be used in Bulgaria as well, despite the existing national specificities.
- There are significant differences as to which of these sub-components are determining in the formation of citizens' overall assessment of the performance of the police and the court.
  - **The overall assessment of the performance of the police and, accordingly, public trust in it, is determined primarily by the assessments of its effectiveness**, whereas the assessments of distributive and procedural fairness, although critical, are of minor importance. The explanation probably lies in the fact that the majority of citizens do not have a clearly shaped idea and sufficient knowledge either about the principles which the police has to apply or about the ways of their practical application – both with regard to respecting citizens' rights and with regard to the relevant regulatory procedures.
  - **The overall assessment of the performance of the court and, accordingly, of the trust in it, is far more balanced** and despite the prevailing importance of one of the sub-components – the assessment of the effectiveness of the court, the other two sub-components are also significant albeit not equally so: of the two, the significance of trust in the procedural fairness of the court is considerably greater than the trust in its distributive fairness.

These differences in the formation of public trust in the police and the court make it possible to outline the **areas of implementing future policies for building trust** in the criminal justice system.

- On the one hand, the improvement of the effectiveness of the police and, respectively, of the various factors measuring this effectiveness, could lead to an enhancement of public trust in the police, especially in the short or medium term. **The deficit of public trust, however, could not be overcome without a long-term strategy addressing the problems which give rise to negative assessments of the distributive and procedural fairness of the police**, including through accompanying activities to familiarise citizens with the results achieved in addressing these problems.
- On the other hand, the efforts to improve both the effectiveness and the procedural fairness of the court would have a positive effect on the public trust in the court in a short and medium term, whereas **achieving better distributive fairness of the judicial institutions remains a major problem in the long term.**
- Regardless of the subjectivity of individual assessments, public opinion in Bulgaria regarding the performance of the police and the court and, respectively, the trust in them, is not influenced to a significant degree either by the media coverage of this subject or by the fear of crime and the assessment of the overall criminogenic situation. In this sense, both **the summary assessments of each of the sub-components of public trust in the police and the court and the general assessment of their performance adequately reflect the level of public usefulness** that the police and the court have according to citizens, in the conditions in terms of institutional, regulatory and financial framework existing in the criminal justice system, as well as in terms of the existing level of the criminogenic situation. This comes to show yet again the applicability of measuring public trust as a tool for planning and implementing public policies in the sphere of criminal justice.



## APPENDIX 1. CURRENT INDICATORS OF PUBLIC CONFIDENCE – NATIONAL EFFORTS IN BULGARIA<sup>70</sup>

### 1. GENERAL OVERVIEW

In Bulgaria, no comprehensive and regularly applied system of indicators measuring public confidence in criminal justice exists. There are occasional studies and surveys of public confidence in the entire judiciary or its individual branches but there is no comprehensive and uniform system of indicators measuring public trust in the criminal justice system as a whole. Most of these surveys are not regarded as comprehensive enough, objective and impartial, and they have not influenced the design of criminal justice policies in the country, and do not meet adequately the overall needs of such indicators.<sup>71</sup>

The research related to confidence in the criminal justice system and fear of crime (victimological surveys in general), were not a priority for the totalitarian regime in Bulgaria. The only research centre supposed to deal with those two subjects at that time was the Council for Criminological Research with the Prosecutor General's Office. The Council was created in 1968 as a state-public body for research on crime and policy-making on criminal justice and crime prevention.

In 1968 – 1990 in Bulgaria, no single victimological survey or survey on public opinion about the criminal justice bodies was conducted. After the start of the democratic changes (1989), the first victimological surveys appeared, at first inspired by outside factors, but then gradually occupying a permanent and systematic role in the assessment of the situation of crime and criminal justice policy in the country.

At the beginning, surveys were done sporadically and unsystematically by different institutions and organisations, under different methodologies, which made them incomparable and fractured. Most of the initial ones had foreign funding and/or were conducted by NGOs:

- One of the first surveys was conducted in Sofia by the Council for Criminological Research under the international project of the Humboldt University “Social Change and Crime” of 1993

<sup>70</sup> Peev, P., M. Yordanova, D. Markov and M. Ilcheva, Current indicators of public confidence – national efforts in Bulgaria, in Jokinen, A., E. Ruuskanen, M. Yordanova, D. Markov, and M. Ilcheva (eds.), *Review of Need: Indicators of Public Confidence in Criminal Justice for Policy Assessment*, JUSTIS Project Working Papers, Publication Series No. 59, HEUNI, Helsinki, 2009, pp. 38-46.

<sup>71</sup> See Chapter 2 of Jokinen, A., E. Ruuskanen, M. Yordanova, D. Markov, and M. Ilcheva (eds.), *Review of Need: Indicators of Public Confidence in Criminal Justice for Policy Assessment*, JUSTIS Project Working Papers, Publication Series No. 59, HEUNI, Helsinki, 2009.

- Two local surveys in Sofia (1997, 2000) were done by the United Nations Interregional Crime and Justice Research Institute.
- Open Society Foundation financed in 1996 the first victimological indexes, which were published. The financing was cut the following year, but in 2002 the Foundation financed again a national victimological research project.
- The United Nations Development Programme in Bulgaria also conducted an annual representative victimological survey for some years at the end of the 1990's and the beginning of 21st century (field work was done by Gallup, short commentary was published in the annual reports on Bulgaria).
- Most of the victimological surveys, conducted by the Center for the Study of Democracy through its sociological unit Vitosha Research in 2000 – 2006, partly used the methodology of UNICRI.

The state research centres of various institutions have also conducted several victimological surveys:

- The National Statistical Institute (NSI) conducted an unpublished survey in the middle of the 1990s with a sample of over 17,000 respondents.
- Two comparable victimological surveys were done by the NSI in 2002 and 2005 and were entitled "Unregistered Criminality in the Republic of Bulgaria in 2001/2004"<sup>72</sup>
- The National Centre for Surveying Public Opinion also conducted two studies in 2001 and 2007, directed specifically towards violence against women and children, and another one in 2003 on victims of domestic violence.
- The Ministry of Justice conducted in 2006 an unpublished national representative victimological survey for the purposes of drafting the Law on Assistance and Financial Compensation of Victims of Crime.
- In 2004, the Ministry of Interior through the Centre for Police Research with the National Institute of Forensics and Criminology conducted a survey on public opinion about the police, containing data on public confidence in justice and fear crime.
- Some sociological agencies have also taken interest in this subject – the private sociological agency Analytical Creative Group Ltd has maintained victimological indexes since 1997, but access to data is liable to a charge. The Noema sociological agency has also conducted a representative national victimological survey on domestic violence, but its results are not accessible either.

Regarding the activity of the sociological agencies mentioned above, they constantly survey public opinion on the ratings and confidence in persons and institutions (Gallup International, Alpha Research, etc.). In the last few years, a significant international actor has come on stage, as regards the measurement of confidence in institutions – Eurobarometer by Eurostat (surveys are done by the National Statistical Institute). Almost all data from the last 2-3 years of the preaccession period and after Bul-

<sup>72</sup> <http://www.nsi.bg/SocialActivities/Crime.htm>

garia's accession to the EU, concerning the confidence in criminal justice institutions, comes from the Eurobarometers.

Some human rights non-governmental organisations have also conducted such surveys. The Bulgarian Lawyers for Human Rights, the Bulgarian Helsinki Committee and the Open Society Institute ordered a survey called "Police and Civil Society", conducted by the Analytical Creative Group, which reflects the public perceptions and attitudes towards criminal justice actors and especially the police (countered by the study of the National Institute of Forensics and Criminology in 2004).

## 2. CONFIDENCE IN CRIMINAL JUSTICE

Almost all surveys look at the level of reported crime (only some types of crime, between 14 and 30) and hidden crime, making conclusions about citizens' confidence primarily in the police. Conclusions are similar almost everywhere: Bulgarian citizens do not trust the police, and the high ratings of the Ministry of Interior (MoI) as an institution (much higher than that of the judiciary) are given by people who have not had contact with police officers, while victims of crime and other people who have been in contact with the police express a rather negative opinion and open distrust towards the institution. In fact, it seems that the less people know about a certain institution, the more they trust it.

In Bulgaria, the registered figures on crime appear to be much lower than the number of actual crimes occurring. The most profound analysis in this sense is offered by the "Police and Civil Society" survey, as well as by its counter-survey "Public Opinion on Police", done by the Ministry of Interior. The first study says that: "As a whole, the public is ambivalent in its perceptions of the police. On one hand, public anxiety about criminality, which increased in transition years, and the memory from totalitarianism, when crime was low, leads people into thinking about the "iron hand" of socialist militia as the main duty of new police. On the other hand, the civic uprising poses issues like the protection of civil rights and freedoms and the primacy of the citizen over the institutions. This puts police in the uncomfortable situation of receiving criticism from both sides. The very negative attitude in the society is, however, also related to the actual defects of today's police, which, in some cases, shows unprofessional attitude, corruption, unjustified violence or ethnic intolerance (mostly towards Roma)." In the same survey, there is data about people's experiences and, in particular, information from persons deprived of their liberty, on physical violence they have been subjected by police officers. It is concluded that there is a need for civic and not political control over police activity.

All the surveys mentioned have little information on confidence in the bodies of the judiciary. Most surveys include a question on confidence in institutions, most often offering the court, the prosecutor's office and the investigation service as options. In any case, citizens' confidence in

the three institutions is lower than their confidence in the police, even though they have much less contact with these institutions than with the police. In most surveys the police are trusted the most, followed by the investigation service, the prosecutor's office and the courts. The distrust, respectively, follows the opposite order – people are most distrustful of the courts, followed by the prosecutor's office, the investigation service and the police. It should be noted, however, that most surveys contain a large number of respondents who have not answered or who do not express their opinion. An interesting detail about the three institutions of the judiciary is that the share of those not expressing opinion in most surveys is almost two times higher than those not expressing opinion about the police – in some surveys these are about 2/5 of all people surveyed. This can lead to the conclusion that the ratings are not always correct, since a significant number of the population is left out of the surveys on confidence. In this sense minorities as a whole have lower levels of confidence towards all institutions, which is most clearly expressed among the Roma.

According to the sociological agencies surveying public opinion, there are certain differences in the ranking of the institutions mentioned above, but as a whole the levels of confidence are fairly similar. With time, the confidence in all institutions of the judiciary is gradually dropping. This is most clearly expressed in the data of the Eurobarometer. According to the Eurobarometer of spring 2006, Bulgaria had the highest level of distrust in the judiciary compared to all Member States, which had increased by 7 points and had reached the highest level (73 %) among all states surveyed (Member States, candidate countries and other European countries). A connection is seen between high distrust and dissatisfaction with life as a whole. The same situation was reported by Eurobarometer in spring 2008, published shortly before the report of the European Commission on the progress in Bulgaria's reforms in July 2008. Confidence in justice/judiciary had fallen to 13 %.

The low levels of confidence in the judiciary are rarely theoretically interpreted, but are rather explained by the collapse of state institutions after the start of the transition, the high level corruption, and the quit-rates of professionals, for example. The large numbers of studies on corruption are also confirming this in a sense (most of them being done by the Center for the Study of Democracy). The indicators produced by the Corruption Monitoring System of the anti-corruption initiative Coalition 2000 have been applied on a regular basis since 1998 by Vitosha Research (a sociological unit of the Center for the Study of Democracy) and are measuring, among other things, the public perceptions of the spread of corruption in the judiciary and law enforcement institutions.

In its theoretical aspects, the issue of confidence in the criminal justice system has not been directly tackled by anybody, except in some analytic parts of the victimological surveys mentioned above, some indirectly related reports by the Center for the Study of Democracy and the Open Society Institute and some articles in the legal journals "Pravna misal" and "Obshtestvo i pravo".



**Box 1. METHODOLOGY OF THE CORRUPTION MONITORING SYSTEM INDICATORS**

The corruption indexes summarise the main indicators of the Corruption Monitoring System (CMS) of Coalition 2000. Each index sums up several research questions and allows comparative analysis over time. Corruption indexes assume values ranging from 0 to 10. The closer the index value is to 10, the more negative the assessments of the corruption situation. The values close to 0 indicate proximity to the ideal of a corruption free society.

The corruption indexes are based on the system of indicators reflecting patterns of corrupt behaviour and attitudes to the various forms of corruption. The theoretical model of corruption underlying the CMS surveys distinguishes between the following aspects and elements of corruption:

**1. Corruption victimisation**

Acts of corruption fall into two main types – giving a bribe and accepting a bribe. These occur in two basic situations:

- 1) When citizens give bribes in order to obtain something they are entitled to by law (otherwise known as “greasing the wheel”);
- 2) When citizens give bribes in order to obtain something they are not entitled to by law. The registered frequency of acts of corruption characterises its level in the country. The wording of the questions to respondents is of essential importance. In this respect, the CMS approach includes several elements meant to ensure neutrality, objectivity and anonymity:
  - a) Rather than the term “bribe”, the phrasing employed is “providing money, gifts, or favours”;
  - b) The respondents are not asked to provide information about how much they gave and to whom, to “have a problem of theirs solved”; instead, the survey simply registers the act of “giving”;
  - c) In addition to information about giving bribes, respondents are also asked about the solicitation of bribes, i.e. how often they come under corruption pressure from public officials and employees. The Corruption Indexes constituted on this basis are the following:
    - Personal involvement. This index reflects the frequency of self-reported instances of “providing money, gifts, or favours” in order to have a particular problem addressed. Essentially, this index shows the level of real corruption in this country in a particular period of time.
    - Corruption pressure. This index reflects the frequency of cases, as reported by citizens, when asked to “give money, gifts, or favours” in order to have a problem of theirs solved. What the index shows is the level of potential corruption in this country in a particular period of time.

It should be noted that indicators concerning acts of corruption do not reflect assessments, opinions or perceptions but rather the reported incidences of particular types of activities. It is these kinds of indicators that underlie the methodology of victimisation studies that have a long tradition and have been used to assess actual crime levels. The emphasis is on actual incidence since, for a number of reasons, not all crimes are reported and only some of those registered with the police actually reach the courts.

**2. Value system and moral preconditions**

Although they do not directly influence the level of corruption, values and norms play an important role in shaping citizens’ behaviour. Of the numerous indicators in this area, CMS monitors a set of

**BOX 1. METHODOLOGY OF THE CORRUPTION MONITORING SYSTEM INDICATORS  
(CONTINUED)**

attitudes having an impact on corruption: 1) The level of tolerance of various forms of corruption; 2) The level of awareness of the various types of corruption; 3) Citizens' inclination to resort to corrupt practices in order to address emerging personal problems.

The Corruption Indexes reflecting this aspect include:

- Acceptability in principle. This index accounts for the level of tolerance of acts of corruption by MPs and ministry officials.
- Susceptibility to corruption. The index sums up a series of questions exploring citizens' inclination to resort to corrupt practices when dealing with everyday problems.

Both indexes in this group reflect assessments and opinions. The positive shift in their dynamics shows deepening intolerance of corruption in general and reinforced moral norms proscribing involvement in acts of corruption.

### 3. Perceived spread of corruption

Citizens' subjective perceptions of the spread of corruption reflect the prevailing public perception of institutions with respect to corruption. These perceptions do not directly account for the level of corruption since they stem from notions and impressions shaped by the ongoing public debate, the media coverage of corruption, personal impressions, etc. In more general terms, they reflect citizens' opinion on whether those in power serve their interest or take advantage of public office in pursuit of private benefits. This aspect of corruption is covered by two indexes:

- Perceived spread of corruption. This index provides mean values of respondents' perceptions of the spread of corruption in society and in particular institutions/occupational groups.
- Practical efficiency. The index provides mean values of the perceived efficiency of corruption as a problem-solving tool. The perceived efficiency is another indicator for the spread of corruption: high efficiency makes it feasible to resort to corruption and means it is a popular way of solving problems.

### 4. Corruption-related expectations

Expectations related to corruption reflect the degree of public confidence that the problem of corruption can be addressed successfully. These expectations are the combined product of respondents' perception of the political will demonstrated by the government and of their opinion of the magnitude and gravity of the problem of corruption.

*Source:* Center for the Study of Democracy ([www.csd.bg](http://www.csd.bg))

### 3. FEAR OF CRIME

The measurement of fear of crime is done mostly by questions deriving from the methodology of UNICRI – measuring the fear of going out late at night, protection measures that citizens have undertaken for themselves and for their property, their expectations to become victims of specific crimes in the future, the feeling of protection among those surveyed. Almost all the related Bulgarian surveys contain similar questions or questions close in meaning. Depending on the time they have been conducted and the research apparatus, different levels of those indicators have been reported.

Almost all surveys look at the levels of hidden crime and crimes reported to the police, but do not always consider those in the international context. Some of the international surveys, however, show that the levels of criminality for certain types of crime in Bulgaria have not reached the levels in the other EU Member States or other industrialised countries and are still far from them. At the same time those who have comparable data (collected using a uniform methodology throughout the world – e.g. UNICRI in 1997 and 2000) note much higher levels of fear of crime in Bulgaria compared to other countries. This contradiction, however, has never been analysed, only described.

It is only the surveys commissioned by/under the auspices of the Ministry of Interior and the Ministry of Justice, which try to explain this phenomenon – by indicating that fear is a direct consequence of the actual increase in the level of crime, compared to the preceding peaceful period. It is argued based on these surveys that some socio-demographic factors play a role in the emergence of fear, and that the feeling of non-punishability which correlates to the attitude of citizens towards the whole system of criminal justice, is a significant factor for the higher levels of fear. The media also influences the fear of crime, especially after the beginning of the democratic changes, when the subject of crime appeared in the public domain. It has also been argued that the media mostly influence those who are protected and much less those people who feel less protected or have already been victimised. Accordingly, it has been suggested that the feeling of being protected is directly related to experiences of personal victimisation, and that many people who fear crime, are actually influenced by their distrust in the police. The conclusion in the study of the Ministry of Interior is that acts of criminality lead to an increased feeling of unprotectedness, increased fear of crime and, as a whole, significantly diminish confidence in the police and other institutions.

The public significance of crime for Bulgarians is also a subject of constant interest. An interesting detail is that right after the start of the democratic changes crime was ranked among the most important problems in the society together with low income, poverty, unemployment and political conflicts. The surveys of the last few years place it even higher, ranking it second after low income (or, in some surveys, unemployment). One of the latest surveys even points to criminality as the country's biggest problem.

The first report “Crime Trends in Bulgaria: Police Statistics and Victimization Surveys”, developed and published by the Center for the Study of Democracy in 2005, used a crime victimisation survey as an alternative analytical tool to make an independent assessment of the crime situation in Bulgaria for the period 2001 – 2004. The crime victimisation surveys poll people’s experiences with crime. This report is different from any previous analysis of the crime situation in Bulgaria in several ways:

- It examines the crime trends for the period 2001 – 2004 by comparing the crime level according to the police-registered crimes with the victimreported crime data from two victimisation surveys. The surveys were conducted in July 2002 and November 2004 using a methodology developed by the United Nations Interregional Criminal Justice Research Institute (UNICRI).
- The report uses data from several international crime victimizations surveys to compare the crime level in Bulgaria with the crime situation in 15 industrialised countries.

#### BOX 2. CRIME TRENDS IN BULGARIA 2001 – 2004

*Crime trends:* According to results of the victimisation surveys, during 2001 – 2004 the crime rate in Bulgaria decreased. This trend is in accordance with that of policeregistered crime data. The share of adults that became crime victims during that period fell from 17 % per year to 14 % per year. The total number of crimes came down from close to 600,000 in 2001 to around 300,000 in 2004.

*Crime level:* The level of crime in Bulgaria is comparable with crime levels in most EU countries and the United States. For most categories of crimes, the risk that a person could become a crime victim is lower in Bulgaria than in other industrialised countries. Bulgaria ranks 14th among the 16 countries compared. In 2001, for instance, 17 % of the population (over 15 years of age) had become a victim of one of the eleven crime categories examined in the victimisation survey. This is lower than in most other countries – USA (21 %), Poland (23 %) and Australia (30 %).

*Unreported crimes:* Victims of crime in Bulgaria do not report about 53 % of the criminal incidents to the police. The percentage is different for different crime categories. While 81 % of stolen vehicles are reported, only 30 % of robbery victims look for police assistance.

*Police crime data:* The police do not record a significant share of crimes that citizens report. The internal police-performance evaluation methods create stimuli for hiding and manipulating crime reports. Such actions lead to understatements of the real crime rate from the district to the national level. Such practices are observed mostly for non-violent crimes, such as thefts from vehicles, but also for robberies, about 75 % of which are registered as thefts or pick-pocketing incidents.

*Factors of the falling crime rate:* The most important factors for the decreasing crime rate are the fall in unemployment; the aging of the population and the reduction of the number of young males (15-25 year olds) due to low birth rate and emigration; the emigration of many criminals to the EU after the establishment of a visa-free regime with most European countries; and the anti-crime efforts of the police and the judiciary.

**Source:** Center for the Study of Democracy, *Crime Trends in Bulgaria: Police Statistics and Victimization Surveys*

In May 2006, the Center for the Study of Democracy released its second report "Crime Trends in Bulgaria 2000 – 2005". Like the first one, this report presents information about Bulgaria's crime rate from an alternative source – victimisation surveys – and attempts to make a systematic comparison of the crime level according to victim-reported crime and police crime data. The crime situation in Bulgaria is also compared to crime in a number of European countries. The findings of three national crime victims surveys, referred to throughout this report as National Crime Surveys (NCS), offer an opportunity to assess street crime in Bulgaria in the period of 2000 – 2005.

The NCS 2002 and NCS 2004 examined only 11 categories of offences against households and persons, while NCS 2005 also incorporated 11 categories of offences against companies. The 11 categories of offences included in the NCS correspond to about 80 % of all police-registered crimes in Bulgaria. The report does not cover corruption, drug-related or organised crime offences.

The report concludes that toward the end of 1990s and, particularly after year 2000, as the prospect of EU membership became more likely, greater political stability and economic prosperity in Bulgaria led to a gradual decrease in crime. This trend, which was most perceptible in the period of 2000 – 2005, was the result of several factors. Declining unemployment, rising incomes and economic growth provided alternatives to many individuals with criminal incomes. Demographic processes and emigration also contributed to the reduction in crime. Further strengthening of the judiciary and the law-enforcement systems, in an attempt to meet EU-set requirements, revived the criminal justice system, which in 2004 issued six times more sentences than it did in 1993.

A comparison of the NCS 2005 with the European Union International Crime Survey (EUICS) shows that Bulgaria's level of street crime has remained lower than the average level of EU countries. Whereas in 2004 the average EU prevalence rate for the eleven crime categories among citizens above 15 was 15.6 %, the prevalence rate in Bulgaria was 12.9 %. The dynamics of some types of crimes, however, calls for special attention.



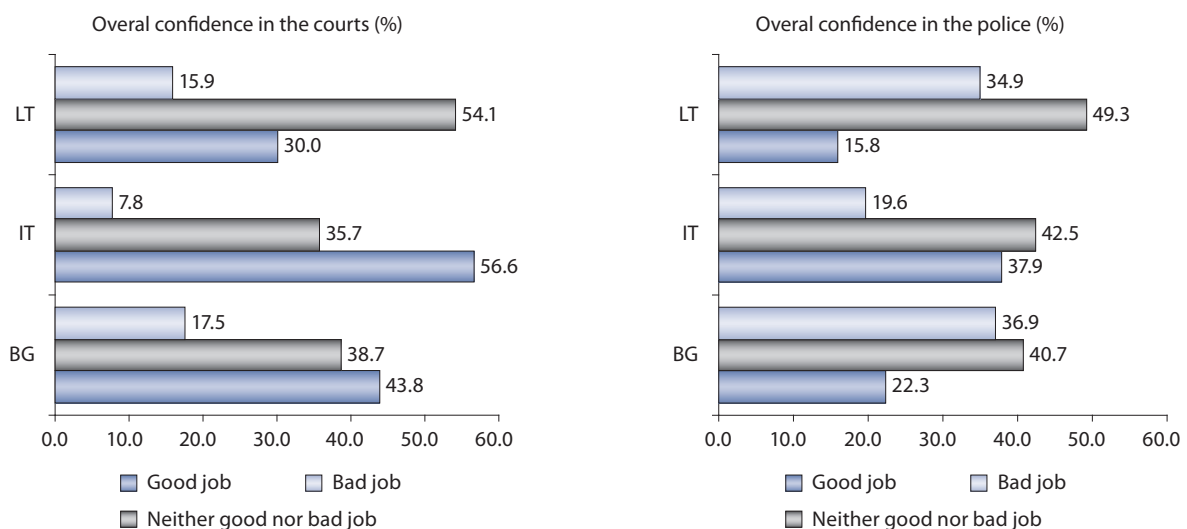
## APPENDIX 2. OVERVIEW: TRUST IN JUSTICE, PROCEDURAL AND DISTRIBUTIVE FAIRNESS AND FEAR OF CRIME<sup>73</sup>

This section presents headline findings on levels of trust in justice, perceptions of fairness and fear of crime for the three countries – Bulgaria (BG), Italy (IT), and Lithuania (LT) – in which the first wave of piloting was carried out.

### *Ratings in overall performance*

Consistent with findings in other countries, overall public confidence in police performance is much higher than in the courts in all three countries. Figure 17 shows differences between the three countries in responses to our ‘top-line’ item which asked in very general terms how good a job different justice institutions were doing. Italy had the highest positive ratings and the lowest negative ratings for both the police and the courts; Lithuania scored lowest and Bulgaria was in the middle.

**FIGURE 17. OVERALL EVALUATION OF POLICE AND COURTS PERFORMANCE (%)**



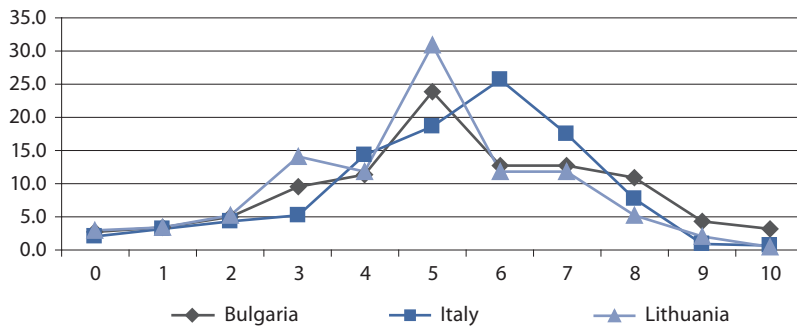
**Source:** EURO-JUSTIS Pilot Survey, October, 2010.

<sup>73</sup> Trust in Justice: Why it is Important for Criminal Policy, and How it can be Measured – Final Report of the EURO-JUSTIS Project, HEUNI Publication Series, No. 70, Helsinki, 2011. pp. 24-30, 107.

*Ratings of police effectiveness*

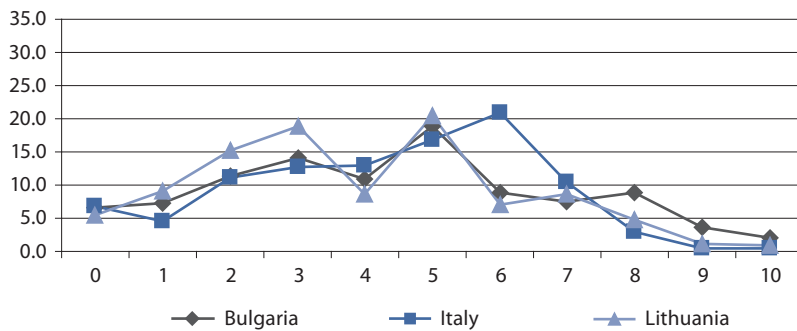
Figure 18 shows the results of three more focused questions on police effectiveness. Here respondents were mostly positive and a large proportion of people in all three countries chose the positive end of the scale when asked how successful the police are in preventing crimes and in arriving at the crime scene when they are called. However, trust in the police effectiveness is much lower for catching burglars. These items invited scores on an 11-point scale, running from negative to positive. Italy's ratings appear to be slightly higher than Bulgaria's and Lithuania's.

**FIGURE 18. POLICE EFFECTIVENESS (% SELECTING EACH POINT OF THE SCALE)**



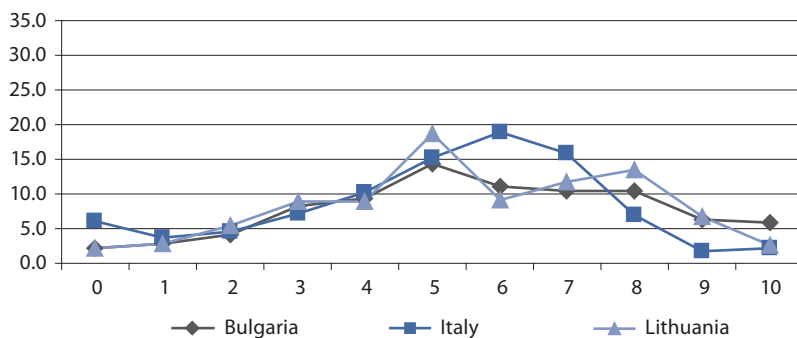
*Based on what you have heard or your own experience how successful do you think the police are at preventing crimes in [country] where violence is used or threatened?*

Source: EURO-JUSTIS Pilot Survey, October, 2010.



*And how successful do you think the police are at catching people who commit house burglaries in [country]?*

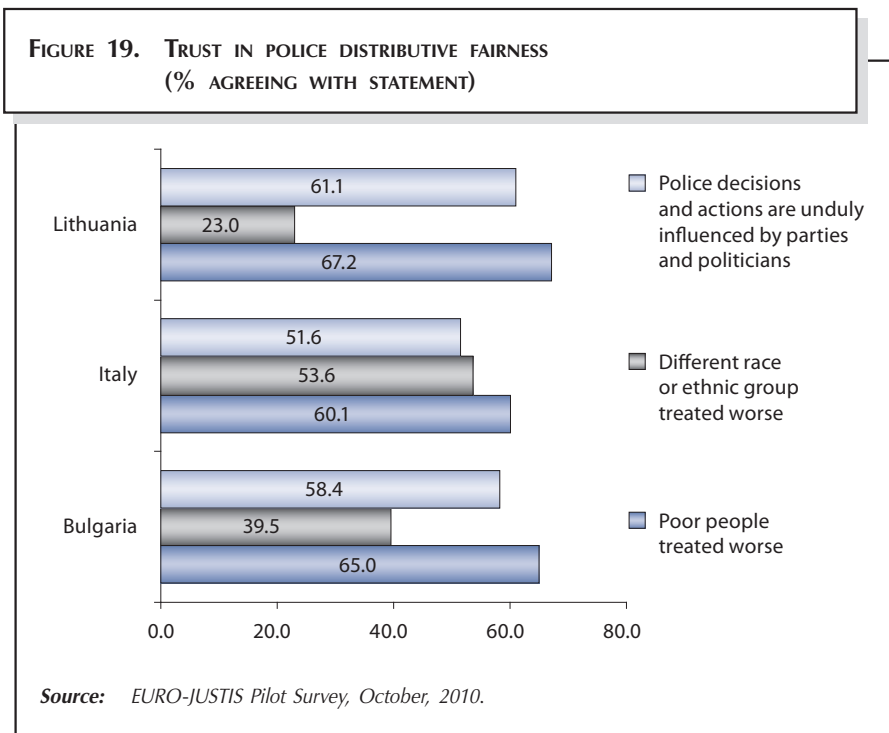
Source: EURO-JUSTIS Pilot Survey, October, 2010.



*If a violent crime or house burglary were to occur near to where you live and the police were called, how slowly or quickly do you think they would arrive at the scene?*

Source: EURO-JUSTIS Pilot Survey, October, 2010.



*Ratings of police distributive fairness*

Ratings of trust in police distributive fairness were generally lower in all three countries as compared to the level of trust in police effectiveness. Two-thirds of the respondents considered the treatment by the police is affected mainly by people's economic status, i.e. the respondents think the police treat rich people better in all of the countries under consideration (Figure 19). When race and the ethnic group are concerned, there are substantial differences among the countries. In Italy the majority of the people (54 %) thought that police discriminated people based on race, while this is not the case in Bulgaria (40 %) and Lithuania (23 %).

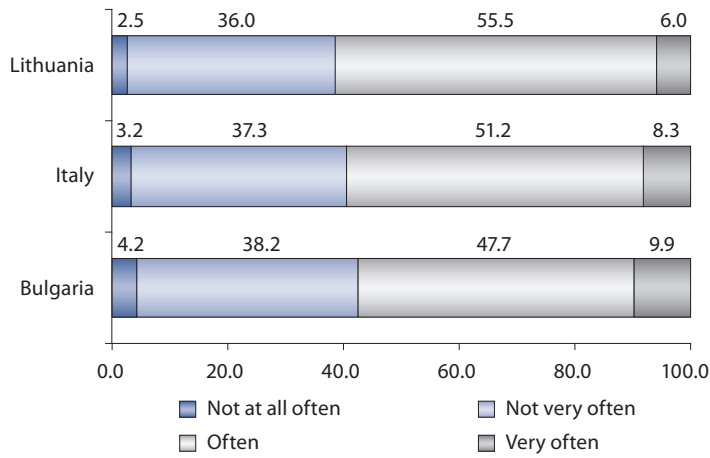
These results possibly reflect the differences among the countries in the composition of minority and migrant groups and their diversification according ethnicity and race. Lastly, irrespective of the differences between the political systems in the three countries, more than half of the respondents in each country sample think that police decisions are unduly influenced by pressure from political parties and politicians.

*Ratings of procedural fairness*

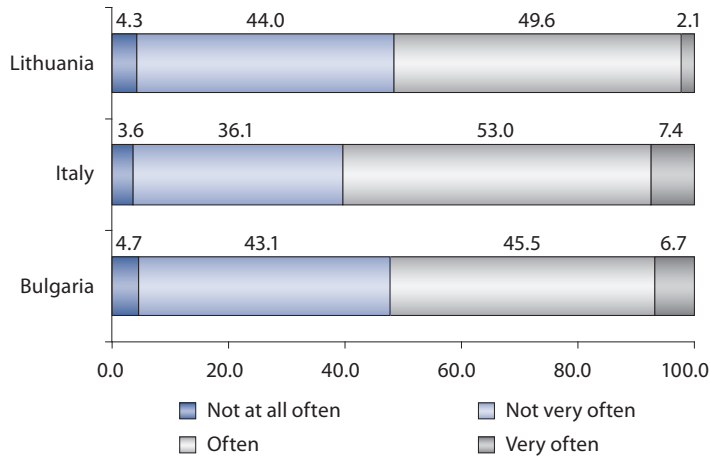
The majority of people in all three countries think that their police 'often' treat people with respect, make fair and impartial decisions and explain their decisions to people. Trust in police procedural fairness is the highest in Italy, scoring around 10 percentage points more than in Bulgaria and Lithuania. Ratings of police readiness to explain their decisions and actions when they are asked to do so are lower than for the other two items (Figure 20).

The value of survey items of this sort lies in their scope for yielding comparative information over place or time. It is hard to say from a single 'snapshot' survey whether it is reassuring or worrying that, for example, six out of ten respondents in all three countries believe that the police 'often' treat people with respect – although in our view it ought to be a matter of concern that four out of ten respondents believe that the police are not very often respectful.

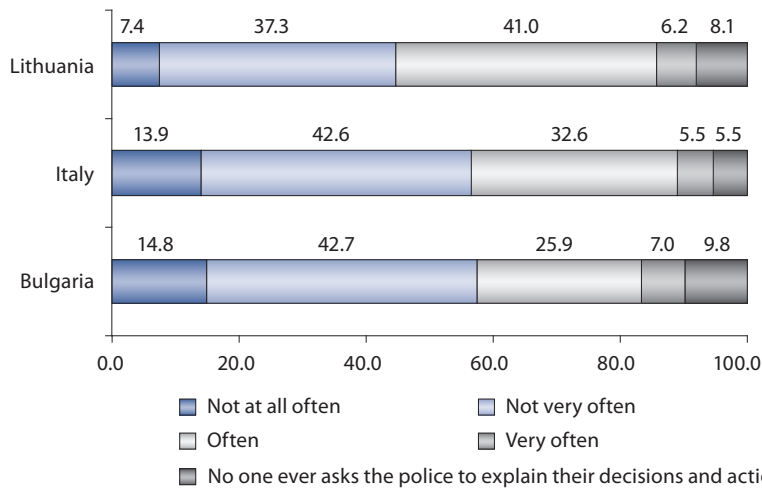
**FIGURE 20. PERCEPTION ON POLICE PROCEDURAL FAIRNESS**



Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect...



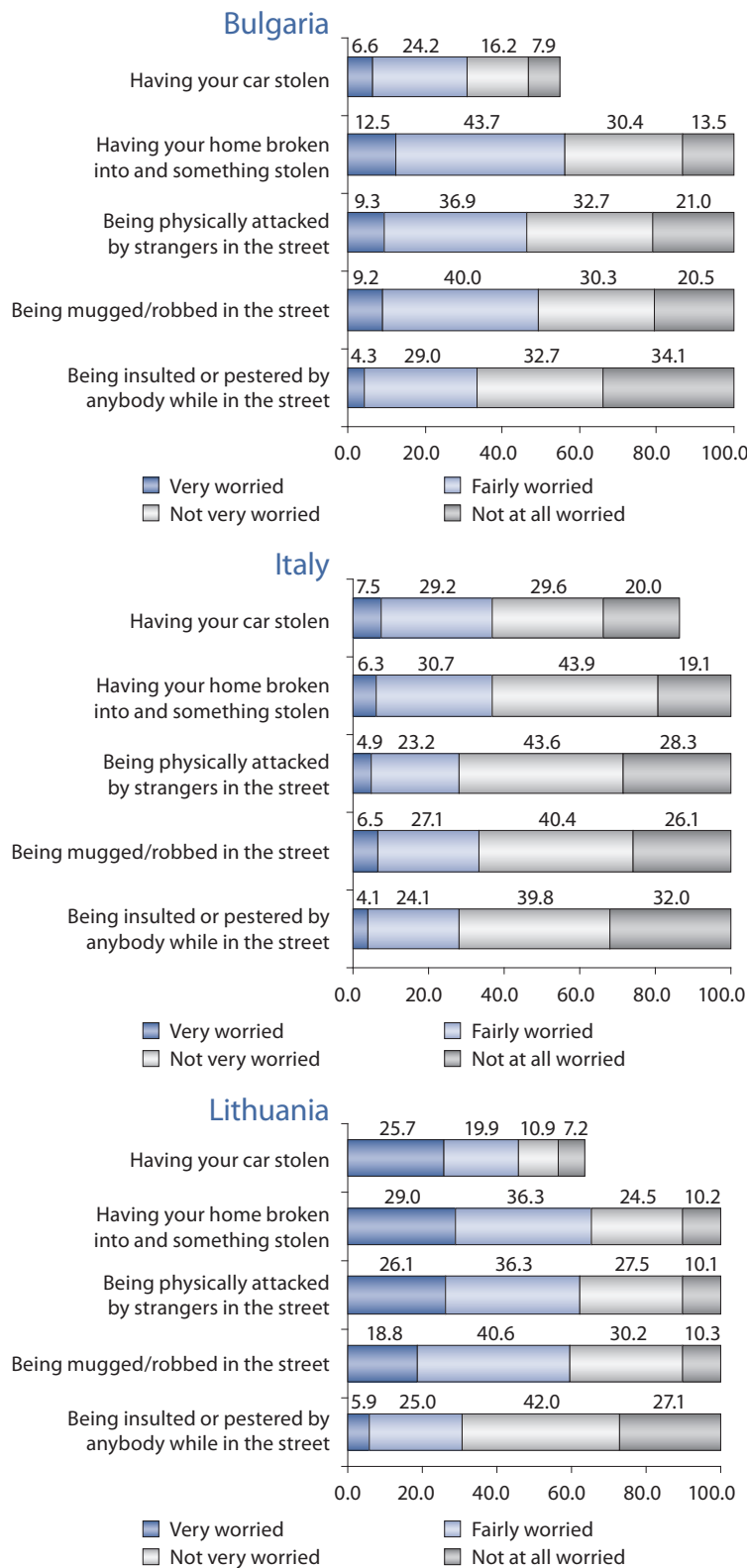
About how often would you say that the police make fair, impartial decisions in the cases they deal with? Would you say...



And when dealing with people in [country], how often would say the police generally explain their decisions and actions when asked to do so?

Source: EURO-JUSTIS Pilot Survey, October, 2010.

FIGURE 21. FEAR OF CRIME AND INSECURITY (%)



Source: EURO-JUSTIS Pilot Survey, October, 2010.

*Fear of crime*

As for fear of crime, the degree of insecurity is considerably higher in Lithuania than in Bulgaria and Italy. Particularly in Lithuania, the share of people who feel “very worried” about becoming a victim of different crimes is three to five times higher than in Italy and about two to three times higher than in Bulgaria (Figure 21).

One of the reasons could be the higher victimisation rates for those crimes. For example, according to our pilot surveys, the victimisation rate for physical assault in the street for the last five years in Lithuania was 8 %, compared to 4 % in Bulgaria, and 40 % knew of others who have been victimised in their neighbourhood compared to 21 % in Italy and 15 % in Bulgaria. At the same time, victimisation rates for burglary are similar in the three countries<sup>74</sup> (11 % in Bulgaria, 7 % in Italy and 11 % in Lithuania) with a higher proportion of Italians knowing about others who have been victimised in their neighbourhood in comparison to the other two piloting countries (52 % in Italy, 43 % in Lithuania and 32 % in Bulgaria). The higher levels of fear of crime expressed in Lithuania were not accompanied by corresponding perceptions that this was affecting their quality of life. One can speculate that higher rates of crime on the one hand prompt anxiety about crime, but on the other hand that people get used to these feelings as a fact of life.

<sup>74</sup> The differences are within the range of statistical error.

*Conclusions*

These findings are intended simply to provide a “taster” of the potential for comparative analysis of survey data of this sort. With only three countries to compare, the results are somewhat tantalising. The comparison of 28 countries which the ESS will shortly permit will enable us to present a much fuller comparative picture.

## APPENDIX 3. METHODOLOGY OF THE EURO-JUSTIS PILOT SURVEY IN BULGARIA

TABLE 5. SAMPLING AND FIELDWORK DETAILS

Survey method:	Face-to-face in home interview with respondent	
Sample type and size:	<p>The sampling model used is of a two-stage cluster sample. Clusters (sampling points) represent electoral sections as of last Parliamentary elections (July 2009). Out of 11,632 sections 126 sections have been selected at random (first stage). In each electoral section 8 respondents have been interviewed (second stage). Respondents at second stage have been selected using a random walk procedure based in randomly selected start address.</p> <p>Total number of sampling points: 126. Number of responders in each sampling point: 8.</p>	
Completed interviews and response rates:	Contacted respondents:	1,599
	Temporary absence:	79
	Refusals:	520
	Completed interviews/final number of interviews in the database:	1,008/1,007 (one interview discarded during the control stage because of insufficient quality)
	Response rate:	63 %
Fieldwork dates:	October 1 – October 20, 2010	
Interviewer training:	Briefing session with local coordinators which included an overview of survey methodology, specific features of the questionnaire and of specific questions, sampling methodology, specific fieldwork requirements, and also reconstruction of a fieldwork situation.	
Number of interviewers:	94 interviewers participated in fieldwork. Average number of interviews per interviewer: 11.	
Fieldwork control:	Work of interviewers in the field has been supervised by local coordinators. After the end of fieldwork 10 % of the sample has been back checked by phone.	

**TABLE 5. SAMPLING AND FIELDWORK DETAILS (CONTINUED)**

Data verification:	All questionnaires were subjected to a logical review before data entry. The logical review was carried out by the VR staff and included: <ul style="list-style-type: none"> <li>• Fulfillment of all questionnaire instructions;</li> <li>• Logical correspondence between answers of different questions;</li> <li>• Control for accuracy in the cases where there is objective information (e.g. questions on size of the city/village, administrative region, number of the cluster).</li> </ul>
Contactors:	Vitosha Research, Sofia

*Source:* EURO-JUSTIS Pilot Survey.

Given the planned sample size ( $N = 1,008$ ) and the average estimate for the intra-class correlation of  $B=0.05$  the expected maximum stochastic errors for the different estimates of variable distributions are as follows:

**TABLE 6. ESTIMATED STOCHASTIC ERROR (SAMPLE SIZE  $N = 1008$  AND 95 % CONFIDENCE LEVEL)**

Relative Share (%)	Maximal Relative Stochastic Error	Maximal Stochastic Error	Confidence Intervals	
			Low	High
5	26.0	1.3	3.7	6.3
10	18.0	1.8	8.2	11.8
15	14.7	2.2	12.8	17.2
20	12.5	2.5	17.5	22.5
25	10.8	2.7	22.3	27.7
30	9.3	2.8	27.2	32.8
40	7.5	3.0	37.0	43.0
50	6.2	3.1	46.9	53.1

*Source:* EURO-JUSTIS Pilot Survey.

TABLE 7. DISTRIBUTION OF INTERVIEWS FOR THE 28 REGIONS IN BULGARIA

Region	Count	Percent	Region	Count	Percent
Blagoevgrad	40	4.0	Pleven	39	3.9
Bourgas	56	5.6	Plovdiv	88	8.7
Varna	64	6.4	Razgrad	24	2.4
Veliko Turnovo	32	3.2	Rousse	32	3.2
Vidin	16	1.6	Silistra	16	1.6
Vratsa	24	2.4	Sliven	32	3.2
Gabrovo	24	2.4	Smolyan	16	1.6
Dobrich	24	2.4	Sofia – city	144	14.3
Kurdjali	32	3.2	Sofia – region	32	3.2
Kyustendil	24	2.4	Stara Zagora	48	4.8
Lovech	16	1.6	Turgovishte	16	1.6
Montana	24	2.4	Haskovo	40	4.0
Pazardjik	40	4.0	Shumen	24	2.4
Pernik	16	1.6	Yambol	24	2.4

Source: EURO-JUSTIS Pilot Survey, October, 2010.

### Data weighting

As a result of the survey method chosen (a two-stage cluster sample), the data collected do not correspond accurately to the distribution of individuals in the total adult population in the country (people who have attained 18 years of age and more) by age and gender. To achieve a greater level of representativeness of the sample data, they have been weighted by a statistical procedure in accordance with the official statistics about the country's population by gender and age as of 31 December 2010 provided by the National Statistical Institute. A 5-year age interval has been used to achieve a greater accuracy of this procedure rather than the standard population pyramids with a 10-year age interval of the age subgroups.

### Stochastic error rates

The survey results should be regarded at the following stochastic error rates for the respective relative shares given a confidence level of 95 %:

**TABLE 8. STOCHASTIC ERROR RATES**

Relative share	10	20	30	40	50
<i>Statistical error ±</i>	<i>1.85</i>	<i>2.47</i>	<i>2.83</i>	<i>3.03</i>	<i>3.09</i>

**Source:** EURO-JUSTIS Pilot Survey.



---

## **PUBLICATIONS BY THE CENTER FOR THE STUDY OF DEMOCRACY**

**Crime Trends in Bulgaria 2000 – 2010, Sofia, 2011.**

ISBN 978-954-477-176-8

**Green Energy Governance in Bulgaria at a Crossroads, Sofia, 2011.**

ISBN: 987-954-477-174-4

**Better Management of EU Borders through Cooperation, Sofia, 2011.**

ISBN: 978-954-477-169-0

**Anti-Corruption In Public Procurement: Balancing The Policies,  
Sofia, 2011.**

ISBN 978-954-477-173-7

**Penitentiary Policy and System in the Republic of Bulgaria,  
Sofia, 2011.**

ISBN: 978-954-477-171-3

**Energy and Good Governance in Bulgaria: Trends and Policy Options,  
Sofia, 2011.**

ISBN 978-954-477-167-6

**Civil Society in Bulgaria: Trends and Risks, Sofia, 2010.**

ISBN: 978-954-477-164-5

**Examining the Links between Organised Crime and Corruption,  
Sofia, 2010.**

ISBN: 978-954-477-162-1

**Monitoring and Assessment of Public Policies and Programmes,  
Sofia, 2009.**

ISBN: 978-954-477-160-7

**Crime without Punishment: Countering Corruption and Organized  
Crime in Bulgaria, Sofia, 2009.**

ISBN: 978-954-477-158-4

**Organized Crime in Bulgaria: Markets and Trends, Sofia, 2007.**

ISBN 978-954-477-150-8

**Reinforcing Criminal Justice in Border Districts, Sofia, 2007.**

ISBN: 978-954-477-155-3

**Corruption in the Healthcare Sector in Bulgaria, Sofia, 2007.**

ISBN: 987-954-477-154-6

**Anti-Corruption Reforms in Bulgaria: Key Results and Risks, Sofia, 2007.**

ISBN: 978-954-477-146-1

**Corruption in Public Procurement: Risks and Reform Policies, Sofia, 2006.**

ISBN-987-954-477-149-2

**Monitoring of Anti-Corruption Reforms in Bulgaria, Sofia, 2006.**

ISBN-10: 954-477-143-3

ISBN-13: 978-954-477-143-0

**Police Stops and Ethnic Profiling in Bulgaria, Sofia, 2006.**

ISBN-10 954-477-142-5

ISBN-13 978-954-477-142-3

**Crime Trends in Bulgaria 2000 – 2005, Sofia, 2006.**

ISBN-10: 954-477-140-9

ISBN-13: 978-954-477-140-9

**On the Eve of EU Accession: Anti-corruption Reforms in Bulgaria, Sofia, 2006.**

ISBN-10: 954-477-138-7

ISBN-13: 978-954-477-138-6

**The Healthcare Ombudsman – Best Practices and Prospects for Bulgaria, Sofia, 2006.**

ISBN-10: 954-477-136-0

ISBN-13: 978-954-477-136-2

**Judicial Reform: The Prosecution Office and Investigation Authorities in the Context of EU Membership, Sofia, 2005.**

ISBN 954-477-134-44

**Corruption and Tax Compliance: Challenges to Tax Policy and Administration, Sofia, 2005.**

ISBN: 954-477-132-8

**Weapons under Scrutiny: Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria, Sofia, 2004.**

ISBN 954-477-117-470

**Transportation, Smuggling and Organized Crime, Sofia, 2004.**

ISBN 954-477-119-0

**Partners in Crime: The Risks of Symbiosis between the Security Sector and Organized Crime in Southeast Europe, Sofia, 2004.**

ISBN 954-477-115-8

**The Drug Market in Bulgaria, Sofia, 2003.**

ISBN 954-477-111-5

**Corruption, Trafficking and Institutional Reform, Sofia, 2002.**  
ISBN 954-477-101-8

**Smuggling in Southeast Europe, Sofia, 2002.**  
ISBN 954-477-099-2

**Corruption and Illegal Trafficking: Monitoring and Prevention, Second, revised and amended edition, Sofia, 2000.**  
ISBN 954-477-087-9

**Establishing Corporate Governance in an Emerging Market: Bulgaria, Sofia, 2000.**  
ISBN 954-477-084-4

**Corruption and Trafficking: Monitoring and Prevention, Sofia, 2000.**  
ISBN 954-477-078-X

