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Review of Need:
Indicators of Public Confidence in Criminal Justice for Policy Assessment

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1. Introduction

The research project JUSTIS (Scientific Indicators of Confidence in Justice: Tools for Policy Assessment), which is funded primarily by the European Commission from the 7th Framework Programme for Research, is designed to provide EU institutions and Member States with new indicators for assessing public confidence in justice. The project is based on the assumption that an effective justice system must assess itself not only against the narrow criteria of crime control, but against broader criteria relating to people's trust in justice and their sense of security.

The JUSTIS project will develop and pilot survey-based indicators of public confidence in justice. It will assemble contextual data for interpreting the indicators – on the assumption that there are close relationships between public perceptions of justice and the substantive quality of justice as reflected in the workings of the justice process. The project aims not only to develop scientifically credible indicators but also to build some consensus across Member States about the importance of assessing crime policy against the criteria of public confidence, making effective dissemination a priority.

Nine partners from seven countries participate in the JUSTIS project. The countries are Bulgaria, Finland, France, Hungary, Italy, Lithuania and the United Kingdom.

One of the project's specific objectives is to assess the perceived need for European social indicators of public confidence in justice for policy assessment and to examine the state of current tools. The research involves a cross-national review of Member States' and European initiatives for measuring public confidence in justice and the surrounding social, legal and criminological factors that help to form a profound understanding of public confidence.

This report contains three parts. The first part covers the review of importance of public confidence as a tool for policy assessment in the countries participating in JUSTIS. The review was carried out by interviewing experts such as scientists, criminal justice managers and government officials from all countries represented in the project. The papers prepared by project partners were compiled as a joint report by Dimitar Markov from the Center for the Study of Democracy in Bulgaria.

The second part of this report contains reviews on literature and current indicators of confidence in justice and fear of crime. Each partner participating in JUSTIS prepared a review on their own country, and these are published here as such. The content and scope of these reviews vary, and therefore they should be considered as working papers. The UK team also prepared a review on the situation in the United States which is published here.

The third part of the report is a review on current indicators of public confidence on a supra-national level. This part assesses the measurement of confidence in justice in international initiatives such as the International Crime Victimisation Survey and the European Social Survey. Different partners participated in compiling the information but the main part of work for this review was carried out by Maria Yordanova, Miriana Ilcheva and Dimitar Markov from the Center for the Study of Democracy in Bulgaria.

2. Review of the importance of public confidence as a tool for policy assessment

Dimitar Markov (ed.)[1]

2.1 Introduction

This paper summarises the results of one part of the JUSTIS project: reviewing the importance and need of public confidence indicators as tools for policy assessment. Scientists, criminal justice managers and government officials were asked what they think about the importance of public confidence indicators in justice. Based on their views, it is possible to identify whether any viable sets of indicators of confidence in justice have been used and whether their use has affected domestic crime policies.

The following chapter covers the way data was collected for reviewing the need of public confidence indicators. After that, the main findings will be presented. Finally, conclusions are drawn on the overall results.

2.2 Methodology

The review of the importance of public confidence as a tool for policy assessment was carried out by interviewing experts such as scientists, criminal justice managers and government officials from all countries represented in the project, these being the United Kingdom, France, Finland, Hungary, Lithuania, Italy and Bulgaria.

Figure 1 illustrates how the process of reviewing the importance of public confidence was carried out. The work was divided into three main stages: development of a questionnaire, country-based research and drafting of the joint report on the importance of public confidence in policy assessment in all participating countries. The process was coordinated by the Center for the Study of Democracy, Bulgaria.

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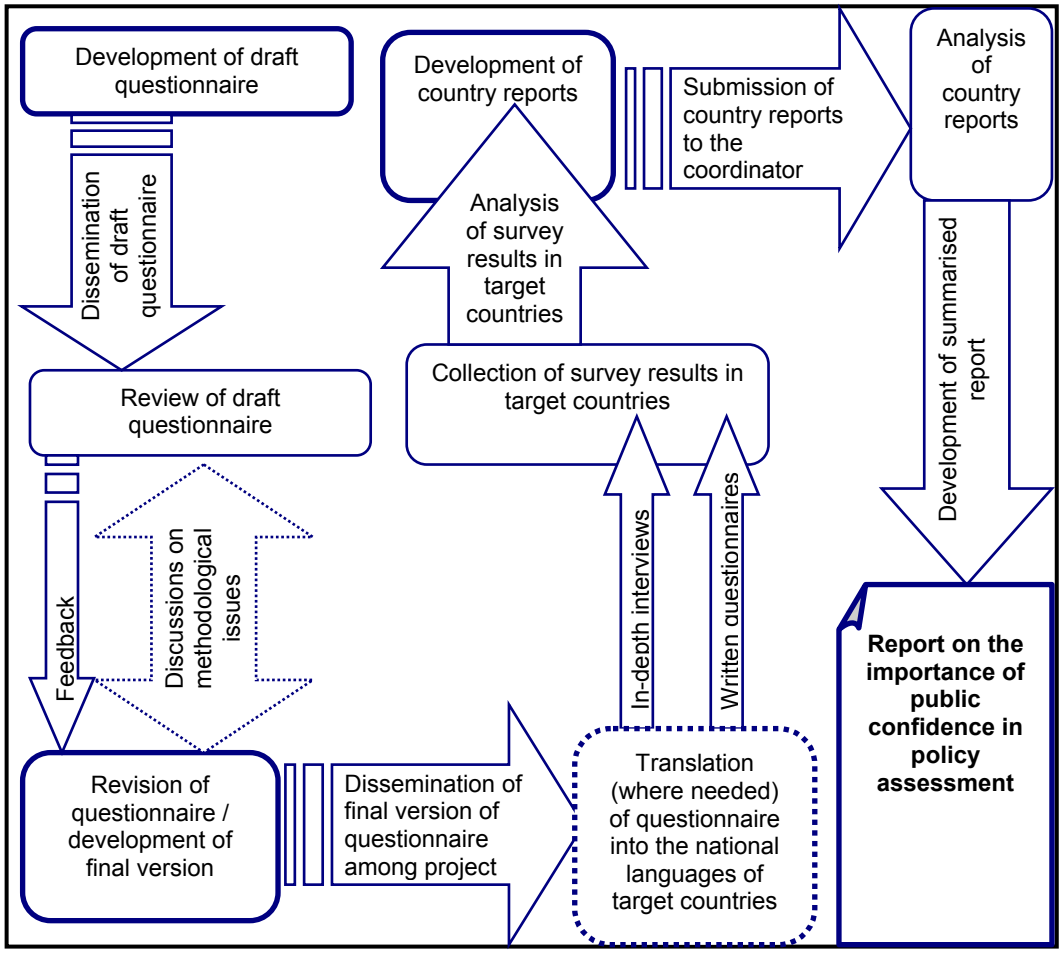

Figure 1. The process of reviewing the importance of public confidence

To be able to cover all relevant matters regarding the need for confidence indicators, the Bulgarian team designed a questionnaire in English for interviewing the experts in different countries. The questionnaire was commented by different partners and translated into six languages. Once the questionnaire was developed and generally agreed upon by all partners, the survey was organised following a slightly different procedure in different countries.

The respondents were chosen from four different groups of people: the academics, government/non-governmental researchers, criminal justice managers and members of parliament and government officials. Table 1 illustrates the model sample used in the countries covered by the research.

Table 1. Model sample for each country

Sector	Academics	Government/ nongovernmental researchers	Criminal justice managers	MPs and Government officials
Investigative authorities (police, judicial investigators, etc.)	1	1	1	1
Prosecutors	1	1	1	1
Sentencers, criminal judges, etc.	1	1	1	1
Imposition of penalties (prisons, probation, etc.)	1	1	1	1
Total	3-5	3-5	3-5	3-5

It is possible that the total number of respondents in each country does not coincide with the suggested quota of one person per sector, since one person may belong to more than one sector.

Each partner compiled a detailed list of respondents for their country. Despite having a uniform questionnaire as the starting point, different partners used different methods of collecting data, according to what they considered to be the most suitable in their country. The number and details of the respondents and interviewing methods for each country are presented in table 2.

Table 2. Respondents and methods used in each country

Country	**Number of respondents**	**Method used**	**Sample**
Bulgaria	16	Written questionnaires or face-to-face interviews	2 judges;1 prosecutor; 2 investigators from the National Investigation Service; 1 senior official in the office of the Prosecutor General; 1senior official in Supreme Judicial Council's Inspectorate; 1senior official in the National Institute of Justice; 2 professors of law; 1 professor of sociology; 1 expert at the National Statistical Institute; 3 senior staff members of NGOs; 1 attorney at law
France	12	Written questionnaires and telephone interviews	representatives of the police; representatives of the gendarmerie; judges; prosecutors; representatives of the youth justice

			system; researchers and academics
Italy	11	Written questionnaires + interviews (face-to-face or by telephone) with most of the respondents	3 academic experts in criminal matters; 3 academic criminologists; 2 magistrates (one judge, one prosecutor); 1 high level officer of the Ministry of Interior; 1 officer of the Carabinieri (Italian military police); 1 representative of association engaged in the protection of victimised women
Lithuania	21	Written questionnaires sent by e-mail and filled in electronically	12 representatives of government institutions; 6 representatives of academic institutions; 3 representatives of non-governmental organisations
Hungary	14	Face-to-face interviews	6 academics (2 professors of law and 4 criminologists); 1 member of parliament; 2 senior officials of the Ministry of Justice and Law Enforcement; 1 senior official of the National Police Force; 1 judge; 1 prosecutor; 1 senior official of the prison service; 1 senior official of the Central Statistical Institute
Finland	25	Written questionnaires + interviews of individual respondents	7 professors of law (academics and researchers); 3 criminologists (with a doctorate) working as government researchers; 1 high-level representative of the National Council of Women in Finland; 4 officials of the Criminal Police Department of the Ministry of Justice; 1 representative of the International Unit of the Ministry of Justice; 3 representatives of the executive level of the police; 1 high-level official of the Criminal Sanctions Agency; 1 representative of the Internal Security Secretariat; 1 member of parliament; 1 representative of the Office of the Prosecutor General; 1 representative of the Office of the Chancellor of Justice; 1 representative of the Office of the Parliamentary Ombudsman
United Kingdom	16	Written questionnaires sent out via e-mail and returned electronically and a face-to-face	10 officials from the Home Office, the Ministry of Justice and the Scottish Office; 1 policy research manager within a

		interview	government agency responsible for policing; 1 policy strategist in a police force; 3 academics from England, Scotland and Wales

In Bulgaria the data collection was done in three stages: identification of respondents; translation of the questionnaire into Bulgarian and dissemination of copies/arrangement of meetings for interviews; and receipt of filled in questionnaires/carrying out face-to-face interviews. The identification of respondents started with the compilation of a draft list of potential respondents in the four areas defined by the model sample for each country. Based on this list the availability of potential respondents was checked and a final version of the list was compiled. As many of the potential respondents appeared in more than one capacity or had previously occupied other relevant positions, the minimum number suggested by the sample was followed by interviewing a total of 16 respondents (four of them were interviewed face-to-face, while the other 11 filled in questionnaires). The experts who filled in written questionnaires were asked to explain their choices briefly to allow for a more comprehensive analysis.

In France the questionnaire was sent to 12 informants, drawn from a wide range of criminal justice professions: the police, the gendarmerie, the courts (judges and prosecutors) and the youth justice system, as well as criminal justice researchers and academics.

In Italy a written version of the questionnaire was disseminated among a number of criminal lawyers, academics, social scientists, criminal justice managers and government officials. Eleven respondents were interviewed (face-to-face or by phone). The interviews were based on the respondents' replies to the questionnaire. Additional remarks, comments and explanations were asked and the interviewees were also given the opportunity to comment on the questionnaire freely.

In Lithuania respondents were chosen from three types of organisations: government institutions, non-government organisations and academic institutions (all of them part of the criminal justice system or participating in related activities). Respondents were chosen as follows: senior managers and decision-makers in criminal justice activities from government institutions, those at director or managerial level from non-governmental organisations and scientists and researchers from academic institutions. The questionnaire was translated into Lithuanian, and the terminology of the Lithuanian criminal justice system was used. There were 32 organisations questioned in total and every organisation was asked to fill in 3-5 questionnaire copies. Questionnaires were sent by email to the recipients to be filled in electronically. A total of 21 copies from 14 organisations were returned. The other organisations did not fill in the questionnaire due to time commitments, lack of entitlement to publicly express their opinion on criminal justice policy, lack of competence in the field, lack of

information, or no involvement in criminal justice activities. The majority of answers came from government institutions.

In Hungary the questionnaires were sent via email to all respondents with a letter of invitation to take part in the research. After receiving a positive answer, personal appointments were fixed with the respondents to have their general attitude and additional information about the topics of the survey. Since the ideas of incorporating public confidence into criminal justice policies have only been sporadically present in the Hungarian professional spheres, the interviews always started with an additional question about how the respondent understands the meaning of public confidence in criminal justice and what its main indicators can be.

In Finland, the questionnaire was translated into Finnish and some of the questions were modified (without altering their meaning) to match the criminal justice system of the country. All of the respondents were contacted either by phone or email in advance and later on they received the questionnaire. Almost all respondents filled in an electronic version of the questionnaire and sent it back by email. Many of them also provided additional comments and feedback. Since the information collected with the questionnaire was very general and many respondents did not give thorough explanations to their answers, additional in-depth interviews (two face-to-face interviews and one telephone interview) were carried out. The interviews were based on the respondents' replies to the questionnaire and additional remarks, comments and explanations were asked.

In the United Kingdom data were collected through a variety of means. First, a small number of key informants were surveyed (asked to complete a questionnaire or interviewed using the questionnaire as a topic guide). Secondly, the research team met with Ministry of Justice officials and took part in two meetings coordinated by the National Police Improvement Agency, which drew together Home Office officials, senior police officials and academics with an interest in indicators of confidence in justice. Thirdly, the research team participated in a conference on indicators of justice. Finally, the team drew on its informal and contractual links with government, with government sponsored bodies (such as the Sentencing Guidelines Council and Her Majesty's Inspectorate of Police and with police forces, notably the Metropolitan Police Service).

Each partner drafted a report based on the findings from the expert interviews in their country and sent it to the Bulgarian team, which compiled a joint report. The main findings of the expert interviews are presented in the following chapter.

2.3 Findings

2.3.1 General remarks

In all countries (the UK, France, Italy, Finland, Hungary, Bulgaria, Lithuania) covered by the research there is general consensus among scientists, criminal justice managers and government officials on the need for public confidence indicators to improve criminal justice policies. The views of researchers and those who work in the criminal justice system do not differ significantly. However, in some countries like Hungary, the researchers seem more supportive of the use of public confidence indicators, while the professionals (like judges, prosecutors, prison service officers, administrative officers of the Ministry of Justice and Law Enforcement) have some minor doubts that any indicator could really help in building bridges between the criminal justice system and public expectations and perceptions of justice.

The research also showed that often trust in the criminal justice system could not be evaluated separately from public confidence in democracy, political decision-making process and the justice system in general. If people do not believe in the proper working of the legislative and the executive branches, it is unlikely that they will trust the criminal justice system.

Another important factor that should be taken into account is the link between public confidence in the criminal justice system on one hand and the transparency and the level of public awareness of the operation of that system on the other. In some countries, especially in the South-Eastern Europe, criminal justice systems are not transparent and very few people have direct experience of them. In Hungary, for instance, the majority of the population has limited information on the functioning of the criminal justice system, which mostly comes from the media and the popular culture. Most parts of the criminal justice system operate outside of public attention. The verdicts of Hungarian courts, for example, are not available to the general public, the media or even to researchers, who have serious difficulties in having access to the texts in order to analyse them. Such a non-transparent system is definitely inconsistent with the principles of an open society and cannot always be legitimated by professional standards. Furthermore, it is perceived that in such situation any increase of the level of transparency will definitely improve public trust as well.

The concept of media bias is also widely accepted by experts in many countries. Some experts even believe that the entertainment industry depicts inaccurate and false images of crime and justice, which feed the popular desire for punitive policies. Therefore, it might be that raising the level of general legal knowledge by education would result in enhanced public confidence in justice.

Another relevant factor is the existence, in some cases, of big differences between the logic of the criminal justice system and people's perceptions and expectations. This may cause discrepancies and decrease trust. The smaller the

number of people who believe in being treated fairly by the criminal justice system, the lower is the value of public confidence.

2.3.2 Importance of public confidence

In all countries covered by the survey the prevailing opinion among scientists, criminal justice managers and government officials is that public confidence is an important factor and should be taken into account when designing and implementing criminal justice policies. The level of support for such indicators across different parts of the criminal justice system is equally high, in investigative authorities, prosecution offices, courts, prisons and other agencies or offices dealing with the execution of penalties (like probation). There are various arguments in support of the importance of public confidence. For some, as long as criminal justice policies affect citizens' opinions and behaviour, they should not lose touch with these values and sentiments. For others, citizens' trust in criminal justice helps to secure common values. Increased legitimacy of the criminal justice system and better acceptance of policies were pointed out as reasons for the use of public confidence indicators.

However, opinions differ as to whether public confidence is the most significant factor when designing and implementing criminal justice policies. The major reason for ranking public confidence as the most important factor is the presumed relation between the credibility of the criminal justice system and its effectiveness in practice. According to some experts, the credibility of the system is dependent on the way people experience it. Some believe that a higher level of public confidence means that citizens feel secure and protected by the state; however, others warn that high rates of satisfaction might indeed indicate a system of poor quality. If people do not trust the system, the effectiveness of criminal policies remains weak. On one hand, the lack of confidence in the criminal justice system is seen as a factor preventing citizens from cooperating with it. If people do not have confidence in the criminal justice system, they will not report criminal offences to the law enforcement institutions and will avoid taking part in criminal justice processes. On the other hand, without trust citizens do not accept the work of the investigating and prosecuting authorities and the judgments of the courts, which could compromise the integrity and legitimacy of the whole system. In such an environment public commitment to the rule of law could be ruptured which might lead to serious consequences ranging from nihilism to increased vigilantism.

Despite the undisputed importance of public confidence, the prevailing opinion in most of the countries is that this should not be the major factor to be taken into account when designing and implementing criminal justice policies. This is due not only to the fact that other factors are usually perceived as more relevant, but also to certain concerns about whether public confidence adequately mirrors the effectiveness of the criminal justice system. Such concerns are related to the perception that public confidence is not always based

on first-hand information or direct experience, but more on other factors such as personal notions or impressions, media reports or public debates. Public opinion is also seen as subjective and volatile, and for some experts this is a sufficient reason not to give public confidence indicators primary consideration. There are also concerns that people have variable and limited knowledge about the system, making it difficult for them to assess its operation. In this respect, there was even a proposal that confidence should only be taken into account after an "education process" has taken place, informing the public about the criminal justice policies. Indeed, misinformation of the general public is among the most frequently cited reasons to justify scepticism about using public confidence indicators too hastily. The concept of confidence being ambiguous is also considered as a reason to use such indicators more carefully. However, there is also a view that citizens' trust is important insofar as criminal justice polices can only prove effective in the long run if the public believe that they are effective. At the same time, it is the responsibility of politicians to ensure the public approval and support of a certain policy before it is implemented in practice.

Opinions differ also in terms of whether it is justified to design or implement a certain policy or measure with the sole purpose of increasing the public confidence in the criminal justice system. According to some views, if there is a crisis of public confidence, such measures might appear necessary and appropriate. However, others express their concerns that the pursuit of confidence and the exclusion of other consideration could have reverse effects. There is also fear that relying too much on public confidence creates the risk of populist measures being undertaken with the sole objective of regaining that confidence. Since public attitudes tend to be very punitive, the wish to increase confidence in the system can all too easily be translated into the introduction of unjust populist measures in the belief that these will "keep the public happy". Furthermore, distorted and biased media coverage of public confidence indicators or political rhetoric which inflames fear and perception of criminal threat (especially when the registered level of confidence is low) might also lead to populist measures taken on the basis of emotional responses to concerns of public order. In general, populism seems to be perceived as the greatest risk related to the use of public confidence as a justification for the design and implementation of criminal justice policies.

Some respondents think that public confidence is not the most important factor when designing and implementing criminal justice policies. However, perceptions differ considerably when it comes to pointing out what the more important factors are. They include:

- Fundamental principles of the rule of law, justice, fairness, equal treatment of citizens and protection of individual rights as well as the guiding principles of criminal law;
- Supranational factors such as international obligations and commitments;
- Procedural issues like the protection of crime victims;

- Effective and speedy organisation of the criminal process and the effectiveness and efficiency of the criminal justice system;
- Issues related to the status of the judiciary such as independence, integrity, professional qualification;
- Positive practices of management and implementation as well as scientific achievements tested in practice, etc.

Finally, some of the experts think that public confidence should not always be taken into account and should be considered only on an *ad hoc* basis when specific measures are applied. Thus, for instance, public confidence should be observed as a factor when drafting and implementing crime prevention policies but might (or even should) be disregarded at the trial stage of proceedings where the court should rely on the evidence only. Such views might be explained by the fear that if the court is not guided by the evidence, but by the society's desire to see people punished at all costs and in the severest possible way, this could result in unfair proceedings, defined by some experts as "judicial lynching".

Despite the diverse opinions on the importance of public confidence, there is general consensus among scientists, criminal justice managers and government officials that indicators measuring public trust in the criminal justice system are necessary. This need is further confirmed by the fact that in some countries, like Italy, the authorities are even trying to compensate for the lack of such indicators by using alternative informal means for gathering feedback such as letters received from the public and comments on institutions' web sites.

However, views differ as to the potential scope of confidence indicators. While the majority agrees that scientific indicators are needed to measure public confidence in the criminal justice system as a whole, views differ in relation to the individual components of the system. The reasons for this difference are various but all of them result from the different nature and functions of the individual components. The specificities of the individual components in turn require a differentiated and specific approach, i.e. one could not use the same indexes and categories when measuring the public confidence in the courts and in the public prosecution. On the other hand, there are also views that more specific indicators, looking at each criminal justice institution and each step of the process separately would be more beneficial when evaluating policies and addressing deficiencies.

Some of the components of the criminal justice system (like the police and courts) are seen as more important than others (like the probation services) and therefore the public confidence in their functioning is more relevant. At the same time, the specificities of their work, in particular confidentiality, could make the implementation of such indicators more difficult as regards their operation. Individual experts even argue that measuring public confidence in institutions such as the police and the prosecution office is not applicable as these institutions are under the authority of the executive and are therefore not independent. Hence, they are not accountable to citizens directly.

In particular, there are conflicting opinions as regards the need of measuring public confidence in the operation of the courts. According to some experts, information about public trust in the work of the courts (and the police) is a priority, while measuring confidence in probation and community disposals is less important. According to others, however, public confidence indicators in relation to the operation of the courts are not that important. Interestingly, the latter opinion actually comes from judges, which indicates that there is a potential risk of resistance from some parts of the criminal justice system against the use of such indicators.

For other parts of the criminal justice system, the arguments against measuring public confidence are related to certain peculiarities of these particular parts. Thus for instance, some experts (mainly academics) argue that indicators of confidence are especially problematic with regard to the execution of penalties (prisons, probation, community services) since these are issues of which the public has very little, if at all, direct knowledge.

2.3.3 Evaluation of existing public confidence indicators on national level

In all of the countries studied here, except the United Kingdom, there is a general feeling that the existing indicators, if any such indicators actually exist, are neither comprehensive nor sufficient. However, at this point it is important to note that there are significant differences from country to country in terms of existence of such indicators and, respectively, the awareness about their implementation and impact. These differences should be taken into account when analysing perceptions about the quality of these indicators.

When analysing the results, the countries were divided into three categories. The first category includes the United Kingdom, which is possibly unique amongst EU Member States in already having a well-developed set of survey-based indicators of confidence in justice at a national level. In late 2007, the government published its Public Service Agreement targets and performance indicators for 2008–2011 across all departments, and "confidence" figured prominently in those for the criminal justice system, as they did in the previous triennial Public Service Agreement period.[2] For this reason, considerable awareness about measures of confidence in justice, and near-unanimity that these are important exists in the United Kingdom.

The United Kingdom is the only country studied here where the prevailing opinion is that the use of public confidence indicators has influenced criminal

[2] In the United Kingdom, departments such as the Home Office and Ministry of Justice make a Public Service Agreement with the Treasury every three years, where performance levels and budgets are agreed. Each department has a set of Public Service Agreement indicators and targets.

justice policies and some justice agencies. Concrete examples of such policies are the establishment of a unit within the Ministry of Justice with a specific remit for enhancing public confidence, and the development of suites of indicators designed to make criminal justice agencies pay attention to confidence issues. Individual components of the criminal justice system in the United Kingdom (investigative authorities, prosecution services, courts, prisons, and probation) are also seen as being influenced by public confidence indicators. However, the prevailing opinion is that indicators of confidence have much more significant impact on policing and less obvious impact on courts, prisons and probation.[3] The majority of people working in the criminal justice system in the United Kingdom also believe that public confidence indicators have affected their own work, which is also easily understandable given the prominence of government policy on confidence in justice in this country.

As to the evaluation of the existing indicators in the United Kingdom, the opinions of officials and academics differ slightly. While there is a general agreement amongst officials that although the suite of indicators covers the stages of the criminal justice process poorly it covers the agencies adequately (probably because the indicators in place focus on the general performance of agencies rather than on specific parts of the process), academics are more sceptical, expressing concerns about the poor conceptualisation of "confidence" and the difficulty in measuring it.

The second category consists of Finland, Lithuania and Bulgaria, where some specific instruments measuring public confidence in the criminal justice system have been applied. Also, a certain level of awareness about the results and the impact of their implementation exists. However, the level of awareness and the assessment of the effectiveness of these tools in these countries is not the same.

In Finland, experts have a relatively high level of awareness of the implementation of public confidence indicators (especially as regards the police). Despite the general perception that these indicators are relatively impartial and objective, the prevailing opinion is that they are still insufficient and not comprehensive enough.

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[3] Indicators of confidence in the investigative authorities (the police) had an impact on policing in cases such as the national implementation of neighbourhood policing (on the basis that a ward-level trial delivered significant improvements in public confidence); the monitoring of confidence in local policing by the Management Board of the Metropolitan (London) Police; the growth of "citizen focus" agenda in government and across police forces; the large investment in Police Community Support Officers to enhance police visibility; the significant shift on performance regime away from comprehensive set of measures to a single measure of "public confidence" (on partnership delivery); etc. Other examples of policies, based on survey evidence indicating public satisfaction, are: greater focus being placed on "anti-social behaviour" as well as crime; more attention being given to providing information to victims of crime; greater stress being placed on "reassurance policing" (more visible policing and consultation of the public regarding policing priorities); etc.

In Lithuania, there is also a certain level of awareness of the existence of public confidence indicators, especially among government officials and less among people working within the criminal justice system and the general public. However, the evaluation of these indicators is far from positive as they are mostly seen as irregularly applied individual surveys (e.g. of public opinion, public confidence, lack of confidence, media influence on public opinion, stereotypes, personal experience facing the criminal justice system, criminal justice work results evaluation, etc.) rather than a stable regular system of indicators. Furthermore, most of the experts who are aware of the existence of public confidence indicators do not regard them as comprehensive, objective and impartial.

In Bulgaria, on the other hand, there is little awareness of existing indicators measuring public confidence in the criminal justice system and the prevailing opinion is that they are neither comprehensive, nor objective and impartial. Most experts in Bulgaria either admit they do not know about the use of any such indicators or believe such indicators do not exist at all. Furthermore, those who are aware of public confidence indicators used in the country share the opinion that they are individual surveys and studies of public confidence in the entire judiciary or its individual branches rather than comprehensive and uniform systems of indicators measuring public trust in the criminal justice system as a whole.[4] The perception is that the indicators used in Bulgaria are not objective and impartial. The respondents believe that public opinion is influenced by general political factors and attitudes and that it might be easily manipulated by the media or by opinion leaders. In addition, public opinion is often based on either personal experiences in the proceedings of the criminal justice system or on information published in the media in support of a certain point of view.

In these three countries there are views that the existing indicators have had little or no impact on criminal policies and that little attention is actually put on public confidence unless the indicators show a considerable change. However, there are also opinions (more in Finland and Lithuania and less in Bulgaria) that the existing indicators have had a certain impact. In Finland, for instance, public confidence indicators had influenced the introduction of community policing, as well as changes in the penal sanctions and decriminalisation, changes in the penal policy against sexual and violent crimes, and the design and implementation of the Internal Security Programme. In Lithuania, experts tend to believe that public confidence indicators have influenced the design of criminal justice policies primarily as regards the police (e.g. different measures applied to improve the image of and public confidence in the police) and less as regards the

[4] This conclusion is confirmed by the provided examples of indicators, which include the regularly applied sociological surveys measuring the public trust in state institutions and individual persons (as long as some of these institutions and persons have certain responsibilities related to the country's criminal policy), the different indexes applied by the American Bar Association – Central European and Eurasian Law Initiative (ABA-CEELI), the corruption indexes produced by the Corruption Monitoring System of the anti-corruption initiative Coalition 2000, etc.

other parts of the criminal justice system (imposition of heavier sentences and punishments, publication of verdicts on courts' websites, etc.).[5] In Bulgaria, the only concrete example pointed out is the development of the Action Plan for Reform and Modernisation of the Bulgarian Public Prosecution designed on the basis of the ABA-CEELI's Prosecutorial Reform Index. However, Bulgarian experts think that certain measures have been undertaken as a result of public pressure.[6] Most of these measures are seen as successful, but some of them are regarded as ineffective. The latter are not viewed as comprehensive policies, but rather as individual inconsistent measures. These are primarily implemented because of the influence of specific reactions or outbursts of the public and not on the basis of confidence indicators, and therefore mainly aiming at PR or media effect. In some cases, according to Bulgarian experts, measures inspired by a negative public reaction to specific inappropriate practices have even had a negative effect.[7]

In a similar fashion, in Finland, Lithuania and Bulgaria, where some indicators have been used, opinions split when it comes to the influence of public confidence indicators on the individual parts of the criminal justice system and on the work of individual people within the system. Some experts believe the use of indicators has had a certain impact (for instance in Finland the operation of the police is perceived as the most influenced by the use of confidence indicators)[8], while others share the opinion that it has had little or no impact on the individual parts of the system. One possible explanation for this situation is that it is up to the person to decide whether to take into account such indicators or not. Views also differ in terms of whether the existing indicators actually meet the overall needs. In Finland there are opinions in both directions,

[5] Experts in Lithuania believe that the police are the part of the criminal justice system that interacts with society more than the other parts and that is why the biggest part of the public confidence related activities in the criminal justice system are implemented by the police.

[6] Examples of such measures are the public announcement of initiated proceedings or police operations, the introduction of publicity of the sessions of the Supreme Judicial Council, the publication of judicial decisions in the internet, the random distribution of cases in the courts.

[7] An example for such a measure was the public reaction against the appointment of magistrates by the Supreme Judicial Council without a competition, which led to the allegedly unreasonable legislative regulation of competition as a compulsory procedure for all kinds of appointment, including for the horizontal transfer of people within the system.

[8] This could be explained by the fact that in Finland the Police Barometer survey is relatively well known among the experts. As it is done bi-annually, regularly updated information on these indicators is available.

while in Bulgaria and Lithuania the prevailing opinion is that these indicators do not adequately meet the overall needs.[9]

The existing indicators are seen as revealing many flaws such as fragmentariness (they do not cover all stages of the criminal justice process or all bodies involved in criminal justice), lack of application on a regular basis, insufficient objectiveness and impartiality in the three countries. Some experts (e.g. in Bulgaria) also believe that the political nature of some of these indicators prevents the proper analysis of the policy decisions in the field of criminal legislation and criminal justice. The lack of knowledge on the components of the criminal justice system from which the indicators are derived is also considered a serious gap in Bulgaria.

The third group consists of Hungary, Italy and France, where the prevailing opinion is that at the moment there are no officially recognised and scientifically based indicators of public confidence. In Hungary, there is almost no awareness about the existence of indicators measuring public trust in the criminal justice system and there is a general feeling that such indicators are not applied at all. In Italy, however, there are a number of random indicators often quoted by experts and media engaged in reporting public attitudes to justice. Such indicators are mainly based on statistics or complaints brought to (or offences recorded by) the police[10], prison capacity data, or inmate population rates. Similarly, in France the majority of experts report that there are no public confidence indicators in the criminal justice system. Although a few occasional local surveys have included questions asking respondents to rate the quality of justice or of a criminal justice institution as compared to other public services (e.g. health, education or social services), still there is no instrument measuring regularly and on a national level the level of trust and confidence the public at large has in the criminal justice system. Even the few experts who share the opinion that public confidence indicators actually exist, clarify that these are not confidence indicators as such but rather criminal justice activity indicators or crime data that could be used to infer the level of public confidence.[11]

In these countries there are no constructive views on the actual impact and/or flaws/shortcomings of such indicators. As to the random indicators applied in Italy, the prevailing opinion is that the lack of a generally recognised scientific methodology in designing and managing the existing indicators invalidates their

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[9] In Bulgaria, even among those who think that the existing indicators are generally satisfying, there are some who believe that these instruments should be further developed.

[10] These data are often considered by experts as profoundly unreliable since they relate to different local context.

[11] Examples of such indicators are the characteristics of the crime (severity, type) and of the offender (age, recidivism and dangerousness); activity indicators from criminal justice institutions; and victimisation surveys, as indicators that can be used to infer public confidence. Such data does not constitute, however, direct measures of confidence.

results and weakens the impact they might have on influencing policy.[12] However, there are some examples of policy measures presumably taken in relation to public confidence in Italy. Thus for instance, according to some criminologists, the recent measures against beggars and illegal immigrants, the new statutory provisions allowing a broader use of self-defence in case of a burglary, the increase in sentencing of street crimes and sex offences might have been triggered by fear of crime and lack of confidence.[13] Further, some experts suggest that since information on the growing sense of insecurity and fear of crime are not based on reliable indicators, this may weaken the instruments of social control in the communities and, as a consequence, even trigger more crimes. Similarly, in France, opinions on the quality of existing indicators were mostly negative with experts expressing concerns about the lack of regularity and doubts in terms of comprehensiveness, objectivity and impartiality. As far as impact is concerned, some examples of policies based on such indicators are the road traffic regulation laws, which were amended when the public lost confidence in their objective implementation, and measures for the improvement of the reception of victims and members of the public at police stations.

2.3.4 Need for public confidence indicators

Potential benefits

In all countries covered in this study, general consensus is that the application of public confidence indicators may have many potential benefits. There are also various expectations of the potential impacts of such indicators ranging from reforming the criminal justice system to changing the perceptions of the public on its operation.

One such benefit, surprisingly seen as quite important in all the surveyed countries, is the use of public confidence indicators as a tool for changing the attitudes of the public (and sometimes of the media) towards the criminal justice system. Such views are justified by the assumption that higher levels of trust in the criminal justice system would make people feel safer, and this in turn might help legitimate the criminal justice system itself.

Other potential benefits are related to the diagnostics of the existing system of criminal justice. In this respect, public confidence indicators are viewed as a tool

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[12] For instance, most recent surveys in Italy failed to take into account the victimisation process, i.e. they were indifferent to whether the interviewees had been direct or indirect victims of crime. Another recent study examined the relationship between victimisation and fear of crime, using a multivariate modelling strategy, even though the relationship between previous victimisation and fear of crime is nevertheless of a complex nature and the results reported in the literature are ambiguous.

[13] Some of this data requires interpretation, while some is subject to the dark figure and is thus only partially accurate.

for identifying weaknesses and deficiencies in the system. By using such indicators one could also obtain information about people's feelings and attitudes concerning criminal justice and, more importantly, the gap between the current system and people's perceptions of it.

Another area in which the use of public confidence indicators is seen as useful is the improvement of the current system of criminal justice. The potential benefits here are related to the use of such indicators to improve the operation of the criminal justice system and make it more effective. There are even opinions that the indicators will encourage people working in the criminal justice system to examine their own work, learn from their mistakes and find new opportunities for improvement. Furthermore, the use of indicators is also perceived as a tool for further understanding the public perception, and could be used to improve the communication of criminal justice agencies with the general public.

At the policy level the use of indicators measuring public confidence in the criminal justice system is seen as an instrument for the design of better and fairer criminal justice policies. Public confidence indicators are also seen as useful monitoring instruments, which could help strengthen the civic control over the criminal justice system.

Nevertheless, in some countries, although generally convinced of the benefits of such indicators, the experts express certain reservations. For instance, there are opinions that the use of public confidence indicators for improving the effectiveness of the criminal justice system should be limited to the completion of cases in reasonable time limits only. Others pay attention to the fact that all of these benefits are only possible if the indicators are objective and impartial, and the results of their application are interpreted intelligently and honestly and are not used for PR or for laying the blame on other institutions. Otherwise the influence of such indicators could be negative and gradually discredit the criminal justice system.

Potential risks and unintended consequences

The opinions as to whether the use of public confidence indicators would have any potential risks and unintended consequences differ from country to country. In Italy, the United Kingdom, France and Bulgaria experts are more concerned about the potential negative consequences of the application of indicators, while in Finland, Lithuania and Hungary the prevailing opinion is that there would be little or no negative outcomes in promoting the use of such indicators.[14]

[14] One opinion supporting the lack of potential risks and unintended consequences was that taking into account public opinion might never be harmful, except for the objective and impartial assessment of a concrete guilt; however, even in this case taking into account the public opinion still matters, at least for formulating more detailed and clear justification for turning down what everyone considers fairer.

Most of the views that potential risks actually exist are related to concerns that public confidence indicators might either be misused or overestimated. Those who think such indicators might be misused point out different potential scenarios, such as the use of indicators for the introduction of populist measures, or their misinterpretation for short term political gain, or exploitation for political purposes by political parties or the media, and unjustified strengthening of criminal repression just for the sake of increasing the level of public confidence.

Concerns that public confidence indicators might be overestimated usually relate to the assumption that other important factors would be neglected or even excluded. Some experts think that citizens' trust is by no means a key aspect when assessing the effectiveness of the criminal justice system (or of any other system) but there are also other aspects, many of which are seen as difficult to measure through research. Therefore the interpretation of confidence indicators as the only relevant indicators measuring the effectiveness of the system is perceived as potentially risky and as something that should be avoided. This is even more important when bearing in mind that indicators are usually easier to report and understand than a comprehensive narrative analysis. At the same time there is danger that such indicators would oversimplify the actual situation and might not offer information on essential factors.

Some experts, mostly from the United Kingdom, think that a potential unintended consequence of the use of public confidence indicators is their transformation from a monitoring instrument into a separate objective, i.e. agencies might focus on improving perceptions rather than improving the quality of the system. The risk also exists that agencies pursuing compliance with performance targets only read the indicators in a very literal manner. This could lead them to ignore the intended purposes behind the indicators.

There are also concerns that the use of public confidence indicators might somehow damage the work of the criminal justice system or have a negative influence on the design of criminal justice policies. Although the capacity of public confidence indicators to change public attitudes towards the system is seen mostly as a potential benefit, it is also viewed as a potential risk. Thus, poor levels of public confidence when made public might further deteriorate the confidence in the criminal justice system.

Model indicators

This study tries to identify how researchers, criminal justice managers and government officials imagine the ideal indicators measuring public confidence in the criminal justice system. On some questions (e.g. as regards the body that should be responsible for the implementation of the indicators) opinions differ substantially from country to country. On other aspects, such as the level of publicity of the results of the implementation of the indicators, there is general consensus in all countries covered by the research.

One very important aspect of the implementation of public confidence indicators concerns the institution or organisation responsible for implementation. This was an issue that showed the greatest variety in opinions of researchers, criminal justice managers and government officials in the countries covered by the research. Some of these differences are country specific and can be explained by the national context.

Despite the considerable differences of opinion, the majority of experts believe that both the development (design and management) and the practical implementation (data collection and analysis) of the indicators should be done by the one and same body, which should not be part of the criminal justice system. Individual experts further stressed the importance of ensuring the independence of the body that is responsible for processing public confidence indicators in order to maintain objectivity and impartiality. However, there are views that the involvement of professionals with significant experience from within the system would contribute to the effective design and implementation of the indicators.

From this point on opinions differ from country to country. In Hungary and Italy, the prevailing opinion is that academic institutions (universities) are the best candidates for this task. In Finland, the National Research Institute of Legal Policy is viewed as the most appropriate body to design and manage the indicators.[15] In Bulgaria, the prevailing opinion is that the design and management of public confidence indicators as well as the collection and analysis of the data would be best performed by a domestic non-governmental organisation. Individual experts also believe that an international organisation could have an important part to play in developing the profile of indicators of confidence in justice and in ensuring greater comparability between countries.

Some experts believe that it is better to separate the design and management of the indicators from the collection and analysis of the data. All of those who share this view agree that the design and the management of the indicators should be done either by a state institution outside the criminal justice system or by a domestic non-governmental organisation. As to the collection and analysis of the data opinions include state institutions within the criminal justice system, social research or marketing companies, non-governmental organisations, and different combinations of these actors.

In Bulgaria it is suggested that an international organisation working jointly with a domestic non-governmental organisation or an association of such organisations could be established to collect and analyse public confidence indicators. This is suggested because any domestic body alone could potentially be vulnerable to manipulation by the stakeholders on the national level.

An expert from Italy proposed the setting up of an expert group operating under the auspices of an independent body, providing support and scientific assistance to experts. In Hungary, there was a suggestion for the setting up of a

[15] The National Research Institute of Legal Policy operates under the auspices of the Finnish Ministry of Justice but is an independent research institute as such.

commission responsible for managing public confidence indicators with members from different sectors (NGOs, scientific community, criminal justice managers, government officers, etc.).

In Finland, there was a proposal on measuring public confidence where the initial indicators could be prepared by a group of experts and then commented by all relevant stakeholders. This way, different aspects of research, such as sensitivity towards victims of crime, could be taken into account. Furthermore, the inclusion of different bodies and organisations in the process of developing the indicators is also necessary. The way confidence is measured should be considered reliable and trustworthy, while the design and implementation of the system could be done by an external government agency.

There is general consensus in all countries covered in this study that data for public confidence indicators should be collected on a regular basis. The prevailing opinion in all of the countries is that data collection should be done once a year. There are, however, other views as well, ranging from once in a few years, to twice a year, to once a month.[16] There are also views that the regularity of data collection should be dependent on what the measures are used for and who they are used by. For instance, the governments need annual data for general monitoring purposes, but if the indicators are used to sustain a central government target to be delivered over a certain period of time (e.g. three years), annual data might be insufficient as it would only allow for one baseline and a couple of follow-up sweeps of data. Moreover, organisations that use such indicators to steer implementation of programmes locally (such as the police in the United Kingdom) might need more frequent data, too. Some experts think that data for public confidence indicators might be collected on an *ad hoc* basis or a more complicated system could be introduced. This could include a wider survey carried out in every couple of years and a small-scaled survey on a yearly basis.

There are considerable differences in the opinions regarding the methodology for collecting the data for public confidence indicators. In Hungary the prevailing opinion is that data should be collected through face-to-face surveys sampled at household level, official statistics and client surveys. In Finland, the prevailing opinion is that data should be collected through surveys, use of official statistics or internet questionnaires. The use of qualitative data is mentioned as important for analysing how people understand and define trust and how they experience it, while focus group discussions may be useful in developing specific survey questions on confidence. In the United Kingdom face-to-face interviews as well as witness and victim surveys conducted by the

[16] The main reasoning behind the suggestion that data should be collected over longer intervals of time is the assumption that the levels of public confidence do not change significantly over short periods. However, there is no common view on how often people's attitudes actually change. Thus, for some experts the slow change of public perceptions is a reason for collecting data on an annual basis, while for others the same reason justifies the collection of data once in a few years.

police are considered to be the most appropriate means to collect data for such indicators. In Bulgaria and Lithuania the majority of experts share the opinion that in-depth interviews, focus group discussions and analysis of official statistics should be used for collecting the data. A mixture of collection methods (in particular face-to-face interviewing, in-depth interviews and use of official statistics) is viewed as the most appropriate data collection methodology in France.

A number of characteristics of the criminal justice system shape public confidence in it. Most of them could be measured and evaluated through the use of public confidence indicators. In the different countries, however, there are different views as to which of these characteristics are more important. Most experts agree that public confidence indicators could be used to assess the transparency and accountability of the system, its objectivity and impartiality, the professionalism and competence of the persons working within the system, the speed and efficiency of proceedings and the respect for human rights, and the politeness of the officials. Some think that public confidence indicators could help evaluate the impact on public anxiety about crime, the general confidence in the institutions and the intensity of confidence, and the cost of crime (the expenditures of law enforcement, investigative and criminal justice bodies and the balance between the measures and decisions undertaken, and the effectiveness and the decrease of the material and non-material damages). However, some experts warn that such public confidence indicators actually measure people's views or perceptions on these issues, but not the issues themselves.

Some of the characteristics of the criminal justice system provoke conflicting opinions. Although most of the experts share the opinion that objectivity and impartiality could be measured through public confidence indicators, there are also concerns that this would be hardly possible because the general public is not qualified to assess these factors. Similarly, in some countries like Italy and Bulgaria experts argue that the spread of corruption within the criminal justice system could be effectively evaluated with indicators of public confidence.[17]

Public confidence indicators could also be used to measure fear of crime. The various aspects of insecurity and fear of crime are prioritised differently in the individual countries.

- In Bulgaria the majority agrees that the most important issue is the concern about crime nationally;
- In France the prevailing opinion is that concern for delinquency and anti-social behaviour at national and local levels should be measured, while

[17] In Bulgaria, for instance, some experts argue that corruption could not be measured through public confidence indicators because the public perceives that if proceedings ended in an acquittal there was corruption involved in the process.

fear of crime is too personal or irrational and thus should not be taken into account when measuring confidence;

- In Italy public attitudes are mostly related with the state of affairs in the neighbourhood rather than the whole country;
- In Lithuania the majority of experts agree that indicators should measure personal anxiety about crime victimisation, personal perceptions of crime risks and concern about crime nationally;
- In Hungary the prevailing opinion is that public confidence indicators should measure primarily the issues related to the concern about anti-social behaviour, concern about crime in the neighbourhood, and personal anxiety about crime victimisation;
- In Finland the personal perceptions of crime risks are considered of specific importance.

Other issues related to insecurity, potentially measurable through indicators, are the public awareness about the activities of the relevant bodies of the criminal justice system, the readiness or unwillingness of citizens to cooperate with these bodies as well as people's knowledge about criminality, the reasons behind it and crime prevention. Some experts even believe that indicators may help identify whether people feel personally committed to help decrease crime by for example educating their children, preventing drunken friends from driving their cars or jaywalking. This opinion is closely related to the assumption that the society relies exclusively on criminal justice and a few people ask themselves the question: what can I do to prevent crime.

Some experts advise that people should also be asked about their personal experiences in order to understand whether their fear is based on experience or influenced by external factors such as the media. There are also conflicting views, especially in the United Kingdom, as to whether indicators of insecurity should be collected parallel to the indicators on confidence or as part of them (some experts believe that the two sets of indicators are conceptually distinct). Concerns are also expressed that fear of crime may in fact increase despite the positive results in the fight against crime, because it also reflects people's attitudes towards those in power as well as numerous other factors.

It is important to consider the target groups when designing and implementing public confidence indicators. In all countries experts agree that the general public should be one of the target groups when collecting data for the indicators, even though the respondents in such surveys often have no experience of the criminal justice system. In order to gain more sophisticated information, specific target groups should also be surveyed as they could offer relevant information about the functioning of the system. Such groups might be victims of crime, other users of the criminal justice system and the people working within the system.

It is worth mentioning that the perceptions of both offenders and business community were generally disregarded as potentially important sources of

information by the experts. These two groups, and especially the business community, are not seen as relevant sources of information in terms of public confidence in the criminal justice system, except in the United Kingdom.

Some country-specific peculiarities are also worth mentioning. In Italy, for example, the people working within the criminal justice system are not perceived as a relevant target group for collecting data for the public confidence indicators. By contrast, in Bulgaria the same group is considered to be of the utmost importance. Bearing in mind that in the same country the most appropriate data collection tools are believed to be in-depth interviews and focus group discussions, the general impression is that self-assessment is still considered among the best options for evaluation, even when measuring public confidence. In Finland, experts suggest that also immigrants could be added as a separate target group in order to study their confidence in the criminal justice system and especially in the police. This could be done by face-to-face interviews.

In terms of the potential beneficiaries of the use of pubic confidence indicators, general consensus exists in all countries that the results of the implementation of the indicators should benefit the broadest possible circle of stakeholders. In the majority of the countries experts believe that the most relevant beneficiary of such indicators would be the parliament. Other potential beneficiaries are the executive, the managing bodies of the judiciary, and individual agencies within the criminal justice system. Non-governmental organisations and the scientific community (academics and researchers) are also viewed as potential beneficiaries together with the general public and the media. These results justify the conclusion that the indicators measuring public confidence in the criminal justice system are regarded not only as a tool for drafting and implementing policies but also as an effective monitoring mechanism and a scientific instrument.

The issue of the potential beneficiaries is closely related to the decision-making that could be based on public confidence indicators. The prevailing opinion is that these indicators could be beneficial when drafting legislative changes. Other decisions that may be based on public confidence indicators are managerial decisions concerning individual bodies of the criminal justice system (courts, prosecution offices, investigative police, etc.), decisions on the budget of the judiciary and other institutions of the criminal justice system, and decisions regarding recruitment policies within the system.[18]

The design of crime prevention policies is also viewed as an action that could be based on public confidence indicators, especially in Bulgaria, Lithuania and Finland where crime prevention is ranked as the most probable area to benefit from such indicators. In most of the countries experts agree that public

[18] In France, however, the prevailing opinion is that recruitment polices within the criminal justice system are unlikely to be influenced by public confidence indicators, meaning that recruitment policies are viewed as independent from public opinion, while managerial decisions within criminal justice institutions are not.

confidence indicators could be used when making decisions regarding the evaluation of the work of individual members of the criminal justice system, but at the same time there is general consensus that the use of such indicators should be avoided when launching disciplinary proceedings against individual members of the criminal justice system. Other decisions that might be influenced by the use of public confidence indicators are the revision of the training programmes of criminal managers or government officials and criminal policy decisions. At the same time experts warn that decisions should never be based solely on confidence as many other factors should also be taken into account, and that the indicators cannot be used as formal grounds for any kinds of decisions.

In all countries covered in this study the experts think that the indicators should be available to the public without any restrictions, provided that the relevant legislative provisions on public access are observed. Publicity is an important issue but confidential indicators could be used in very exceptional cases. Only in Italy some experts express concerns that unlimited publicity could expose the indicators to media manipulation. In their opinion indicators should either be available to policy makers only or be public but available only upon a justified request pursuant to the relevant legislation on access to public information. Few Italian experts believe that indicators should be public and published without restrictions.

Need of international indicators

Internationally applied indicators measuring public confidence in the criminal justice system are needed and seen as useful by the experts in all countries participating in this study. The majority of experts share the opinion that such indicators would help compare different countries and transfer best practices among the countries. Other potential benefits from the use of international indicators include the opportunity they provide to see and analyse countries' own special practices in relation to different traditions and examples. Another benefit may be the possibility to assess whether the pattern of confidence is closely linked to legal reforms and national peculiarities or, by contrast, to global socio-economical trends.

However, many of the experts in Bulgaria and Hungary do not believe that the application of confidence indicators would encourage countries experiencing difficulties to plan and implement adequate reforms. At the same time concerns are also expressed on the differences between the criminal justice systems in different countries. Taking into account the country-specific factors is considered important or otherwise the internationally applied indicators will not serve as appropriate tools for policy design. Some experts suggest that the results should be evaluated country by country because differences in criminal justice systems are not comparable as such. Some say that criminal justice systems are too different for creating comparable international indicators and that it might be difficult to design a survey that captures all the variation.

The level of awareness about existing international indicators is not the same in different countries. On one hand, in Hungary and Italy, there is almost no awareness of any existing internationally applied systems of indicators measuring public confidence in the criminal justice system. On the other hand, in Finland, France and Bulgaria, a certain level of awareness about such indicators exists. The country with the highest level of awareness about internationally applied indicators measuring public confidence in criminal justice is the United Kingdom.

The most often mentioned examples of international indicators are the European Crime and Safety Survey (EU ICS), International Crime Victims Survey (ICVS), other international victimisation surveys, European Social Survey (ESS), Eurobarometer, European Values Survey (EVS), World Values Survey (WVS), the reports of the European Commission for the Efficiency of Justice, the surveys of Transparency International (TI) and the European Survey Research Association, and the different indexes developed and implemented by the American Bar Association – Central European and Eurasian Law Initiative (ABA-CEELI).

2.4 Conclusions

Based on the experts' interviews it may be concluded that public confidence is an important factor and should be taken into account when designing and implementing criminal justice policies. However, despite the undisputed importance of public confidence, the prevailing opinion in most of the countries is that this should not be the major factor to be taken into account when designing and implementing criminal justice policies. Also, indicators measuring public trust in the criminal justice system are considered necessary.

In all of the countries studied here, except in the United Kingdom, there is a general feeling that the existing indicators are neither comprehensive nor sufficient and in general do not meet adequately the overall needs. However, significant differences from country to country in terms of existence of such indicators and, respectively, the awareness about their implementation and impact were found.

Experts in all the countries covered here agree that the use of public confidence indicators could have many potential benefits. Potential benefits are most often related to the use of indicators as a tool for changing the attitudes of the public (and the media) towards the criminal justice system and for identifying weaknesses and deficiencies of the system and its improvement. At the policy level indicators are seen as an instrument for designing better and fairer criminal justice policies.

The opinions as to whether the use of public confidence indicators would have any potential risks and unintended consequences differ from country to country. In some countries experts are concerned about the potential negative

consequences of the use of indicators, while elsewhere the prevailing opinion is that there would be little or no negative outcomes in promoting the use of such indicators. Some experts are concerned that confidence indicators might either be misused or overestimated.

There are a number of characteristics of the criminal justice system that could be measured and evaluated through public confidence indicators. Most of the experts agree that these indicators could be used to assess the transparency and accountability of the system, its objectivity and impartiality, the professionalism and competence of the persons working within the system, the speed and efficiency of proceedings and the respect for human rights. Public confidence indicators could also be used to measure fear of crime, including concern about crime nationally and/or in the neighbourhood, personal anxiety about crime victimisation, personal perceptions of crime risks, or concern about anti-social behaviour.

The prevailing opinion of the experts is that public confidence indicators would be beneficial when making legislative changes. Other decisions that could potentially be based on public confidence indicators are managerial decisions concerning individual bodies of the criminal justice system, decisions on the budget of the judiciary and other institutions of the criminal justice system, and decisions regarding the recruitment policies within the system. The design of crime prevention policies is also viewed as an action that could be based on public confidence indicators.

Overall, the majority of criminal justice managers, scientists and government officials in the studied countries agree that public confidence is an important factor to be taken into account when designing and implementing criminal justice policies. At the same time, with a few exceptions, most of the countries have not used such indicators in practice and have limited or no experience in surveying public confidence in the criminal justice system. Against this background there is a general consensus that indicators for measuring public confidence in justice are needed on both national and EU level to inform policy makers and other relevant actors on public attitudes and perceptions and thus help design better and more effective policies.

3. Reviews of literature on confidence in justice and fear of crime

3.1 Introduction[19]

Effective criminal justice policies are essential for the economic and social well-being of European citizens and for the establishment of a European knowledge-based society. Most Member States assess the success of their crime policies by reference to levels of crime – whether measured by police statistics or by national surveys of victimisation or by the International Crime Victimisation Survey. It is important to do so, but it is equally important to assess whether citizens trust their institutions of justice, and whether they feel secure regardless of actual levels of crime. Few Member States would take issue with this.

However, if governments and the EU lack proper indicators on confidence and insecurity, their criminal policies are likely to be skewed towards short-term crime control strategies, at the expense of ensuring that the justice systems command legitimacy and that citizens feel safe and secure. Further, without scientific evidence on the trajectory of citizens' confidence and insecurity over time, governments will be unable to measure the impact of such policy.

One can understand the pressures on politicians to be responsive to public opinion in shaping their crime policies, but they often have insufficient – or insufficiently reliable – information about public opinion. Politicians may presume that public concern about crime is high and public thirst for tougher punishment is strong, but research indicates that this is only partly true, and that tougher justice may not yield greater confidence in justice. It is useful to consider public opinion as it is related to:

- trust in institutions of justice; and,
- insecurity about crime and disorder.

The existing surveys and studies on trust in justice in a number of Member States show a consistent trend for people to express dissatisfaction with the courts, and to a lesser extent with the police. The long-run trends are downwards. However, it is also clear that people are very poorly informed about the functioning of the criminal justice system. Especially in those countries that have made increasingly heavy use of custodial sentences, people are unaware of the severity of current sentencing practice. They are also poorly informed about

[19] Contributors: Maria Yordanova, Anniina Jokinen, Elina Ruuskanen.

crime trends. In other words, their attitudes are often grounded on misinformation.

Similar complexities are encountered when assessing public insecurity about crime and disorder. It is clear that anxiety about one's personal risks of crime is a different phenomenon than public concern about the overall state of the nation when dealing with crime. The trend in worry about being a crime victim seems to follow only partly the real trends in crime and disorder. Insecurity about crime in the country as a whole has probably more to do with the media representation of the issues than with the actual situation. Yet assessing levels of insecurity are made harder by the fact that crime insecurities may be an expression of more diffuse anxiety about the decline of local communities and social stability. The relationships between insecurity and confidence in justice are also complex. Reducing fear of crime is no guarantee of improving confidence in justice.

The main objective of the following chapters is to review the literature on confidence in justice and fear of crime in the countries participating in the JUSTIS project. The reviews include both empirical studies such as surveys, and theoretical and conceptual discussions on confidence and fear of crime. The current national-level indicators of public confidence are also covered. Each participating country drew up a review on the instruments for the measurement of confidence in justice as well as on empirical and theoretical literature in their own country[20]. The following chapter comprises of these reviews. The content and scope of the reviews vary, and therefore they should be considered as working papers. The UK team prepared a review on the situation in the United States which is also included here.

[20] The Bulgarian partner (the Center for the Study of Democracy) has summarised the national reviews and compiled a joint report ("Report on current indicators of public confidence – national efforts"). It is available on the JUSTIS website: www.eurojustis.eu.

3.2 Current indicators of public confidence – national efforts in Bulgaria

Peycho Peev, Maria Yordanova, Dimitar Markov and Miriana Ilcheva

3.2.1 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[21].

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.
- Two local surveys in Sofia (1997, 2000) were done by the United Nations Interregional Crime and Justice Research Institute.

[21] See chapter 2.

- 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"[22]
- 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

[22] http://www.nsi.bg/SocialActivities/Crime.htm

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 pre-accession period and after Bulgaria'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).

3.2.2 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.

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 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)

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".

3.2.3 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 Victimisation 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 victim-reported 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 victimisations surveys to compare the crime level in Bulgaria with the crime situation in 15 industrialised countries.

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 police-registered 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 Victimisation 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.

3.3 Literature review on trust in the criminal justice system and fear of crime in Finland

Anniina Jokinen and Elina Ruuskanen

3.3.1 Introduction

The objective of this literature review is to summarise what recent research has shown about trust, confidence and legitimacy of the criminal justice system and public insecurity about fear of crime in Finland and other Nordic countries.

Studies on confidence and trust in the criminal justice system on one hand and fear of and insecurity about crime on the other have remained separate to a large degree in Finland. This is why they are covered separately also in this report. Fear of crime is measured in victimisation surveys whereas confidence in the judicial system and the police are covered in their own studies. Also, the debate on these topics does not have a long history in Finland; the first study on confidence in courts was conducted in 1970, and the first victimisation survey containing questions on fear of crime was made in 1988. It is also worth mentioning that although confidence, as a concept and as a phenomenon, has been examined in many disciplines in Finland, the research on confidence in justice has been almost exclusively in the hands of law experts.

The studies covered here are mainly Finnish. Other Nordic countries, mostly Sweden, are discussed to some extent. The Nordic countries are quite similar to each other in many ways but differences do exist, and that is why looking into all of them is interesting. Only the most recent studies from other Nordic countries besides Finland are included here.

The history of research on confidence and fear of crime is fairly short in Finland, and the theoretical framework used in these studies is often adopted from Germany, France and the UK, where these topics have a longer history. We do not go into the theoretical discussion in this literature review since Finland and other Nordic countries do not have much of a tradition of their own.

The terms confidence and trust are used as synonyms here, since in the Finnish language one word has both of these connotations. The same applies to terms safety and security.

The literature review is divided into three sections. Each of them is then divided according to different themes. The first section introduces research conducted in Finland and other Nordic countries on confidence and fear of crime. The second section presents the results of these studies and the third section looks into more theoretical and sociological explanations behind the phenomena of public confidence in justice, fear of crime and security and insecurity.

3.3.2 Research tradition on confidence in the criminal justice system and fear of crime in Finland and other Nordic countries

The first section is divided into two different themes. Confidence, trust and police-related research is covered separately from literature related to fear, insecurity and security. A section on Nordic research where both of these themes are covered briefly is included.

Research on confidence in the judicial system and the police

Public confidence in the judicial system is not a very popular research topic in Finland as regards measuring people's confidence in that specific area. The first influential research in the area was conducted by Raimo Blom in his doctoral thesis Confidence in the Judicial System in 1970. Blom's thesis focused on people's opinions on the uniformity of the risk of the disclosure of crime, the impartiality of the police and the impartiality of the functioning of courts of law (Blom 1970, 137). The work was part of a wider public debate that eventually resulted in a reform of the entire Finnish judicial system.

The National Research Institute of Legal Policy has conducted research on people's confidence in the courts and the judicial system. As part of the project Law and the Citizen: A Survey of the State of Legal Institutions (Litmala 2000), a separate survey was made to study people's confidence in courts and the judicial system in 1999 (Lappi-Seppälä et al. 1999). In addition to confidence, questions were asked on how well Finnish nationals think courts of law take care of their tasks, and how successful they think the courts are in doing their job (e.g. objectivity, propriety and integrity), and how equal is court practice.

A similar study was conducted in the University of Turku in the same year (Niskanen et al. 1999). The study covered five different aspects or themes of confidence in courts. These themes included people's opinions on the activities of courts of justice as a whole, their objectivity, opinions on lay judges, legal aid and court services, appeals in general and appeals made to the Parliamentary Ombudsman as a reflection of people's confidence.

Additionally, the Finnish police commissions a study called Police barometer to measure people's confidence in the police. The Police barometer has been conducted by a private research company in 1999, 2001, 2003, 2005 and 2007. The study is mostly concerned about Finnish citizens' concepts of security, their opinions about the quality of police work and their overall satisfaction with the police. This survey uses rather crude questions to measure confidence in the police. The questionnaire consists of 31 questions and it has four sections plus questions on the background of the respondent. The four sections covered are 1) The Police and Finland's Internal Security, 2) The Importance of Police

Functions, 3) Fear of Crime and Crime Risks, and 4) The Availability and Quality of Police Services.

The police have also conducted a survey called Safe Finland on Finns' views on security in 2006 and in 2003. Issues of safety, crime, trust and satisfaction in police were linked in this study. The questionnaire used consists of 28 questions, such as "How often do you see a police officer in your area?" "Have you been a victim of crime in the last 3 years (different crimes listed)?" "Are you satisfied with the police?" and "What things worry you about the future (list of issues ranging from personal life to social problems)?"

In these empirical studies confidence is most often operationalised by asking about people's satisfaction in the work of the courts and the police, perceived fairness and equal treatment in the face of law and the successful outcome of the work of these institutions.

There is also more general research done in the area of confidence as a concept and a phenomenon. For example, Kaj Ilmonen has analysed confidence in many of his books, usually in the context of changing society and trust in institutions or fellow citizens (Ilmonen 2000; Ilmonen & Jokinen 2002). Within the context of confidence in justice, Jyrki Tala (2002) and Marjukka Litmala (2002) have approached the subject from a more theoretical perspective. However, the theoretical framework in this discussion is mainly based on Anglo-Saxon, German and French research literature and classics, so it is not within the scope of this literature review.

More theoretical research is done also on the police and the changing role of police work. This kind of research is mainly conducted in the Police College of Finland or in the Department of Management Studies within the University of Tampere, and the research is mostly focused in the administration of the police. Especially Sirpa Virta has been active in the discussion on police and security management and her work may be considered pioneering in Finland in this regard (Virta 1998; 2002; 2006a; 2006b). Also Esa Käyhkö's doctoral dissertation on the public accountability of the police from the viewpoint of legitimacy is part of this topical debate (Käyhkö 2002). Moreover, research on themes of security and insecurity has become more popular in the recent years, especially in the context of local security plans and security plans of the police, as these are becoming more and more popular. Security is also very much noted in more general political strategy papers.

Research on fear of crime and security

Research on fear of crime is a more popular subject area in Finland, but empirical research on fear has usually been carried out within a larger context of victimisation and violence surveys. In fact, in many victimisation surveys, fear of crime denotes concern for the risk of becoming a victim of acts of violence or property crimes (Heiskanen et al. 2004, 26). The more theoretical discussion on fear of crime has not been very active in Finland.

The first national victimisation surveys were conducted by the Institute of Criminology in 1970-1976. The first survey focused on violence, a later one on property crime. The first more comprehensive victimisation survey was carried out by the National Research Institute of Legal Policy and Statistics Finland in 1980. The survey was repeated in 1988, and this time four specific questions on fear of crime were added. These included concern over becoming a victim of violence outdoors after dark, the concern related to walking alone at night near one´s home, the concern over being subjected to sexual harassment or rape, and taking precautions against the risk of violence (taking a self-defense course etc.). The same four questions were included in subsequent national victimisation surveys in 1993 and 1997 as well. In the 2003 survey, two further causes of concern were added, namely house burglary and violence at work. For the first time, also questions on people's concern regarding accidents were asked. The first victimisation survey targeting women only was conducted in 1997 and it included some questions related to fear of violence (Heiskanen & Piispa 1998). The survey was repeated in 2005 (Piispa et al. 2006).

The difference between men's and women's fear of crime is a notable research area. Many researchers have focused on women's fear and its different aspects. For example, Hille Koskela has studied women's fear in the context of control, space, video surveillance and analysed how women's fear of violence is realised as spatial exclusions (Koskela 1999). Similarly, security and insecurity have often been studied in the context of public places, or in certain areas or cities (e.g. Törrönen & Korander 2005).

Another central theme in the Finnish discussion on fear of crime is the effect of media (see Kivivuori et al. 2002; Smolej & Kemppi 2002; Smolej & Kivivuori 2006). The relationship between crime news and fear of violence has been one the most popular subject areas. The idea is to examine whether exposure to crime news is related to fear of crime and avoidance behaviour.

Studies on confidence and fear in the Nordic countries

Public confidence in justice has been measured also in other Nordic countries. Many of these studies have focused, besides confidence in justice, on people's opinions regarding sanctions imposed by the courts. For example, Lindén and Similä (1980) conducted a survey and tested Swedish people's knowledge of sentencing practices, attitudes towards these practices and the purpose of sentences, and perceptions of the gravity of certain illegal and quasi-legal behaviours. This study is considered to be pioneering in its area by many experts. Recently, a lot of research has been done on people's views on punishments, police and community policing in Denmark, especially by Flemming Balvig (e.g. Balvig 2004; 2006). Balvig has also written about fear of crime in the 1990s (Balvig 1990). In addition to confidence themes, research has been conducted on people's sense of justice and their perceptions of criminal justice in many Nordic countries (e.g. Axberger 1996; Bondeson 2003; 2005; 2007).

There is also a new survey in Sweden that is relevant both in terms of confidence in justice and fear of crime. The Swedish National Council for Crime Prevention (Brå) was commissioned in 2005 by the government to conduct the Swedish Crime Survey (NTU) annually. One of the objectives of this survey is to obtain indications of development in terms of public perceptions of insecurity and fear of crime as well as attaining an increased level of knowledge related to victimisation and crime victim experiences (Töyrä 2008). A further objective is to measure public confidence in the various elements of the Swedish justice system. Thus, this survey does in fact combine confidence in the justice system and fear of crime.

There is also research on police and confidence in the police conducted by both the police themselves as well as by independent researchers. The Swedish police have been active in this field since 1996 by developing new methods to improve their services and people's perceptions of safety. The Swedish police and 220 Swedish municipalities have conducted special citizens' surveys since 1997, and about 300,000 people have responded to these surveys in 1997–2007. (Elefalk 2007; Elefalk & Svartz 2008.) Gabriella Sandstig has analysed the general public's trust in the police in Sweden (2007). Sandstig's study covers questions on Swedes' opinions about the police and their role in today's society and how these opinions have changed over time. Sandstig also discusses the connection between people's trust in the police and their background information, as well as people's experiences of crimes and criminality.

3.3.3 Results of empirical studies on confidence and fear

In this section, we present results from the main empirical studies carried out in Finland and Sweden regarding public confidence in the judicial system and the police. Results from studies on fear of crime are also covered here. Some international studies are also presented in order to get an idea of the place of Finland and other Nordic countries in international comparisons. First, we look into the studies on confidence in the judiciary and the police, and then research on fear of crime.

Confidence in the judicial system

The first Finnish study on people's confidence in the judiciary (Blom 1970) shows, that almost forty years ago 63 per cent of the Finnish population were confident in the impartiality of the administrative justice in all phases. Education proved more important in explaining confidence than social strata measured by occupation. Higher education was linked with an increase in the confidence felt in the impartiality of the administration of justice. Also the place of residence explained opinion differences: the more rural the place of residence, the worse the position of the rural dwellers was seen in comparison with the urban dwellers

in regard to the administration of justice. This is likely to have changed, since Finland was more agrarian during the time of the study than what it is now.

Blom also found out that people's experiences with the judiciary influence their lack of confidence. Individual contacts such as being arrested by the police and the circumstance of being accused in a court of law were most clearly linked with an increase in the lack of confidence.

Two studies on public confidence in courts of justice (Lappi-Seppälä, Tala, Litmala & Jaakkola 1999; Niskanen, Ahonen & Laitinen 1999) were conducted in Finland in 1999. Lappi-Seppälä et al. found out that 65 per cent of the respondents trust the courts quite much or very much. The church (69 per cent), the defence forces (88 per cent) and the police (92 per cent) are trusted even more. In the study by Niskanen et al., 67 per cent of the respondents thought that the activity of courts is successful as a whole. Seventeen per cent thought that the activity of the courts is unsuccessful.

The degree of confidence varies between different groups of respondents. Men were often more critical than women in the study by Lappi-Seppälä et al., whereas Niskanen et al. found no differences in the opinions of men and women. According to both of these studies, young people have more confidence in courts than old people, and well-educated people and people in good positions think the activity of courts is successful. The oldest and least-educated respondents have the most negative views towards the activity of courts. According to Niskanen et al., the respondent's place of residence (urban or rural) does not have an effect on the confidence in courts of justice (cf. Blom's research).

According to Lappi-Seppälä et al., only half of Finnish citizens think that equality before the law in court practice is achieved completely or reasonably well. Almost equally many think that equality before the law in court practice is not achieved very well or not at all. Niskanen et al. found an even less encouraging result: only one-third of citizens think that court decisions are impartial and fair, while 57 per cent think the opposite. Thirty-eight per cent of citizens have confidence in the fairness of court proceedings. In the Lappi-Seppälä et al. study the overall majority of respondents believe that well-educated and well-off people are treated better before the law. Young people have more faith than old people in the equality before the law in court practice. Almost half of the respondents say that the presence of lay judges increases their confidence in the courts.

In Sweden, the Swedish National Council for Crime Prevention (Brå) conducts the Swedish Crime Survey (NTU) annually. In addition to fear of crime, this survey contains questions on public confidence in the judicial system.

According to the 2006 NTU study, the Swedish authorities enjoy a high level of confidence in a European comparison. However, the authorities within the judicial system belong to a group of institutions that do not enjoy the highest confidence. Most respondents have a more positive than negative view of the institutions within the judicial system, but compared to the 1980s the public's confidence has decreased to some extent. When comparing different authorities,

public confidence is highest in regards of the police (55 per cent have high or quite high confidence) and lowest in the Prison and Probation Service (30 per cent have high or quite high confidence). The low confidence in the Prison and Probation Service may be explained by the fact that the institution attracts public attention mainly in the context of prison escapes or other failures, even though the amount of prison escapes has decreased a lot over a long period of time. The fact that people have a high confidence in police is in accordance with international findings. The explanation is that people come into contact with the police more often than with prosecutors or courts of law. The police also have a responsibility to help and that is noticed most in the media and in general public debate.

About one-third of the Swedish population does not believe that the judicial system treats victims of crime well. People who have been victims of crime have a lower confidence in courts than people who have not been subjected to crime. The differences are even higher for those whose bodily integrity has been compromised and who have been subjected to violence and threats, for example. The study also shows that people who have been subjected to crime and have reported this to the police, have lower confidence in courts than people who have not reported the crime. (Ibid.)

It is notable that there are only small differences between different population groups (based on gender, age, Swedish or foreign background and education) when it comes to views about the criminal justice system. The largest differences in confidence are based on education level. Well-educated people have a high confidence in the criminal justice system as a whole (60 per cent have quite or very high confidence), particularly in prosecutors and courts (about 50 per cent having quite or very high confidence). (Ibid.)

Olaussen (2003) has studied people's confidence in courts in Norway. Overall, people have a fairly high confidence in the Norwegian court system. However, during the last ten years the level of confidence in courts seems to have decreased, or people have become more reluctant to give the highest confidence score to the courts. Olaussen argues that the change in the level of confidence is only partly connected to the court system. Reduced confidence in courts among people is reflecting a more general feeling of estrangement of the people from central political institutions in Norwegian society.

According to the European Values Study, about 55 per cent of Finns have quite a lot of confidence in the justice system and 11 per cent have a great deal of confidence in the justice system. The corresponding figures are quite similar in Sweden, while the figures are higher in Denmark (62 % and 16 %) and Iceland (55 % and 18 %). When compared to other European countries in the survey, the Nordic figures score among the highest. (Halman 2001, 198.)

Public confidence in the police

The Finnish police conduct a study called Police barometer every other year (since 1999) to measure public confidence in the police. According to these studies, more than 90 per cent of Finns trust the police quite or very much. There has not been any significant change in people's confidence in the police in the time period the Police barometer has been carried out. The 2007 barometer contained a new question regarding people's confidence in the judiciary and courts. The results show that 78 per cent of the respondents trust the judiciary and courts quite or very much and that 18 per cent have a fairly low confidence in them.

According to a study called Safe Finland 2006, conducted by the Finnish police, Finns were more satisfied with the police and they felt safer in 2006 than in 2003. This is explained to be due to the fact that fewer respondents had been victims of crime in 2006 than in 2003. In 2006, 86 per cent of the respondents felt safe in their own living environment and 68 per cent at the centre of the city when walking alone late on weekends. In 2003, the figures were 83 and 66 per cent. In 2006, 63 per cent of the respondents felt that the police were successful in doing their job as a whole.

Sandstig (2007) has studied people's trust in the police in Sweden. Compared to other institutions in the society, Swedish people's trust in the police is high. Trust in the police as a profession is as high as trust in the police as an institution. Fifty-seven percent of Swedes trust the police very much or quite much. The level of trust in the police as an institution and as a profession has remained more or less the same since the end of 1990s. As far as police activities are concerned, Swedish people think that maintaining law and order is one of the most important tasks of the police.

Differences in trust in the police between different age and education groups are small in Sweden. However, the higher educated the respondent is, the higher is his/her trust in the police. Also, employed and retired people trust the police more than students, persons on disability pension and unemployed people do. Respondents who have grown and whose parents have grown in Sweden have the highest trust in the police, while respondents who have grown in a country outside Europe trust the police least. (Ibid.)

Trust in the police has also been analysed in an international context. For example, Kääriäinen (2007) has studied trust in the police in 16 European countries. His results show that trust in the police is the highest in Finland, Denmark and Norway (the mean value being close to 8 on a scale of 0-10) and lowest in the Eastern European countries Slovenia, Poland and the Czech Republic (the mean value being just above 4). Central and Western European countries such as Germany, Luxembourg, Austria and the UK are in the middle of these extremes. In his analysis, Kääriäinen tried to factor the possible corruption of the government as well as the extent to which society invests resources in public order and safety services. According to Kääriäinen's hypothesis, general corruption of public officials decreases public trust in the

police and big investments in public order and safety institutions decrease trust in the police as well. Kääriäinen's results show that corruption in government strongly explains the country-level variation in public trust towards the police. (Kääriäinen 2007.) Therefore, it can be said that the conditions in society at large affect security concerns and confidence in authorities. One of the factors important in relation to public confidence in the police and courts is the possible corruption of different authorities.

The European Survey of Crime and Safety (EU ICS) of 2005 contains a question on people's opinion on how good a job the police is doing in the respondent's area in controlling crime. According to the EU ICS, the most satisfied were those in Finland, Denmark and Austria, where eight out of ten thought the police performed well. In Sweden, 65 per cent of respondents were satisfied with the police, the figure being slightly below the European average.

These two European comparisons show that trust and satisfaction with the police are very high in Finland. Overall, the Nordic countries stand out with high levels of trust in the police, although the 2005 EU ICS show that Swedes' satisfaction with the police is rather low compared to Finland and Norway.

Fear of crime in different contexts

The Finnish national victimisation surveys which include specific questions on fear of crime have been conducted by the National Research Institute of Legal Policy and Statistics Finland in 1988, 1993, 1997, 2003 and 2006. The fear of violence measure in these surveys is an independent, albeit quite restricted security indicator that has been developed as a side product of victimisation surveys. The respondent's own violence experiences, sex and age, and the type of residential area explain part of the level of fear of street violence. The explanatory power of variable constellations based on the background variables used in the general victimisation surveys is, however, rather weak. (Heiskanen 2002.)

When looking at the question regarding concern over becoming a victim of violence outdoors after dark, it seems that Finns' concern increased from 1988 (22 % of men concerned, 43 % of women concerned) to 1993 (29 % of men, 54 % of women) and further to 1997 (31 % of men, 58 % of women), after which it decreased (23 % of men and 49 % of women concerned in 2003; 20 % of men, 43 % of women concerned in 2006). A similar trend can be seen in the reluctance to walk alone near home at night. In 1998, 6 per cent of men and 31 per cent of women did not want to walk alone near home at night, in 1993 the figures were 8 per cent and 38 per cent, in 1997 9 per cent and 44 per cent. Then, the trend turned, with 8 per cent and 38 per cent in 2003, and 6 per cent and 33 per cent in 2006. (Niemi 2007.)

The victimisation survey also contains a question regarding concern over house burglary. Changes in concern over house burglary are similar to the changes perceived in the concern over becoming a victim of violence and in the

reluctance to walk alone near home at night, except that here the peak year is 1993 (48 % of men and 56 % of women concerned about house burglary). Overall, it seems that though Finns' concern increased during the 1990s, it has decreased back to the level of the 1980s in the last decade. Women are generally more concerned than men. (Ibid.)

The proportion of women concerned over sexual harassment or rape was approximately the same in 1988 (31 %), in 1993 (28 %) and 1997 (30 %), but decreased in the 2000s so that in 2003, 20 per cent of women were concerned over sexual violence and in 2006 the figure was 21 per cent. Less than 4 per cent of men were concerned over sexual violence in any year of the study. A question about concern over violence at work was added in the survey in 1993. The proportion of men concerned about violence at work has ranged between 7 and 9 per cent, and the proportion of women between 13 and 17 per cent since 1993. (Ibid.)

One sign of citizens' concern over violence might be the way they take precautions against violence. The national victimisation surveys show that precautions against violence have been increasing until 2003. Especially the number of people who have taken a course in self-defence has increased between 1988 and 2003. (Ibid.)

Heiskanen (2002) sees an improvement of the definition of violence as being a central developmental task. This can be promoted by a qualitative research approach. A victimological approach that confines itself to victims only is shown to be too narrow for an analysis of violence. A more comprehensive analysis of violent situations requires information about the perpetrator. Similarly, the understanding of fear of violence should be improved by qualitative research.

The difference in the level of fear between men and women has been noted in many studies (e.g. Heiskanen 2000; 2002; Heiskanen & Aromaa 2002; Heiskanen & Sirén & Aromaa 2004; Heiskanen & Roivainen 2005; Niemi 2007). They all show that women are more concerned over crime and victimisation than men. Two specific surveys concentrating on women's victimisation to violence have been conducted in Finland (Heiskanen & Piispa 1998; Piispa et al. 2006). These surveys also contained questions on women's concerns about violence. According to the 1998 study, women mainly fear violence when going out alone at night. Over half of all women were concerned about street violence. 44 per cent were concerned about unknown rapists. The respondents' age was related to the fear of physical or sexual violence committed by strangers: the younger the respondent the more she was concerned. Violent family members were the concern for 11 per cent of all women, and 27 per cent of those women whose present partner had been violent or made threats before were concerned, at least to some extent, of being assaulted by a family member. (Heiskanen & Piispa 1998.)

When comparing the 1998 study to the 2006 study, there is a decrease in women's concern about walking alone in their residential area at night, and equally so in their fear of being raped by a stranger. In 2006, 46 per cent of the respondents were concerned about their safety at night in their residential area,

and 38 per cent were concerned that they would be raped by strangers. 8 per cent of those living in a partner relationship were concerned about the violent nature of their partner. (Piispa et al. 2006.) In these surveys, concern over street violence and violence committed by family members was studied in relation to several background variables such as the respondent's age, marital status, education, income, residential area and previous experiences of violence.

The differences in men's and women's fear may be interpreted in many ways. According to Heiskanen and Aromaa (2002), women's fear is more diffuse and non-specific than men's fear. Niemi notes that men have different role expectations and therefore they might not express their feelings of insecurity in the same way as women (Niemi 2007, 257). One factor likely to play part in this is the difference in the socialisation of women and men regarding fearfulness and risk-taking. The socialisation of women into seeing themselves as potential victims of violence and sexual violence may warrant further research. (Aromaa & Heiskanen 2002.)

According to Koskela's interpretation, women's fear of violence is realised as spatial exclusions. Koskela argues that quantitative surveys are of limited value in approaching the mental and social processes behind such a complex issue as fear. According to Koskela's theory, social and emotional aspects of fear, such as increased feelings of vulnerability, lack of social support, and a feeling of not having control over what is happening to oneself, have spatial consequences that are a reflection of gendered power relations. For example, experiences and attempts of violence, and incidents of sexual harassment produce a space from which women are excluded on account of their gender. (Koskela 1999.)

Space and place are essential themes in the Finnish debate on fear of crime. Heiskanen and Roivainen (2005) studied how citizens of Helsinki, the capital of Finland, feel about the safety of their own living environment and the city centre. The citizens felt most unsafe in the centre of the city when walking alone late on weekends (47 per cent of women, 29 per cent of men felt rather unsafe, unsafe or did not dare walk at the centre at all). This level of feeling unsafe is not considerably high compared with the ten largest cities in Finland. In this group Helsinki had the seventh place. Most of the citizens felt that the safety on the streets had remained the same during the last three years.

For young citizens their own or friends' experiences of crime victimisation had more effect than for older people, who were more influenced by news items and rumours. Traffic behaviour was on the other hand seen as a larger problem for safety than criminality. Every third resident was very concerned about the traffic in their living area. When using public transport the inhabitants of Helsinki felt most unsafe in the subway. However, inhabitants, who lived in residential areas where the subway is the most common public transport felt that travelling on the subway is safer than by other transportation means. Approximately 30 per cent of the inhabitants were very or somewhat concerned about their property being stolen or damaged. One-fourth of the inhabitants were concerned about the risk of being victims of violence in Helsinki. (Heiskanen & Roivainen 2005.)

A Finnish study on the Public Order Act (Roivainen & Ruuskanen 2008) included a telephone survey which looked at the opinions of the general public regarding the surveillance and control in public places. One of the questions in the survey concerned the influence of the presence of police officers on people's willingness to use public places. Seventy per cent of the respondents said that the presence of police officers encourages them to spend time in public places a lot or to some extent. 34 per cent said that the presence of police has no influence, and 4 per cent that it discourages their willingness to spend time in public places. The result was similar when people were asked about the influence the presence of security stewards and guards have in their willingness to spend time in public places.

Fear of crime in Nordic and international studies

In Sweden, the Swedish Crime Survey (NTU) contains questions on public perceptions of insecurity and fear of crime. According to the 2006 NTU study, the majority of the adult population feels secure. For example, three-fourths feel quite safe or very safe when going out alone at night in their own neighbourhood, and more than one-half are not afraid of being subjected to housebreaking, assault and battery or their car being stolen or damaged. Most people do not change their behaviour by taking alternative routes or means of travel, or by refraining from activities as a result of fear of crime. Over 80 per cent of the respondents do not think that fear of crime affects their quality of life.

The results of the 2006 Swedish Crime Survey show that differences in feelings of insecurity are large when comparing different groups of people. Women feel more insecure than men when going out alone at night in their own neighbourhood (34 per cent of women and 9 per cent of men feel insecure) and are more afraid of being subjected to assault than men (23 per cent of women, 8 per cent of men). Women also change their behaviour more often than men due to feelings of insecurity. Respondents in different age groups feel insecure for different reasons. Young people worry about violence, while middle-aged respondents are afraid of being subjected to housebreaking or car theft. Older people feel particularly insecure when going out alone at night in their own neighbourhood.

The place of residence also interacts with feelings of insecurity in Sweden. Twice as many respondents living in big cities worry about being subjected to assault than people living in smaller cities or in the countryside. It was also found out that people who had been victims of crime during the last year felt more insecure than others (15 per cent versus 5 per cent feeling insecure).

The four sweeps of the International Crime Victims Survey (ICVS) (1989, 1992, 1996 and 2000) have shown Finland to have a relatively low overall victimisation rate. In the survey covering eleven different offences ranging from car crimes to property crimes and contact crimes, the only exceptions concern assault and sexual violence, in respect of which the rate in Finland is slightly higher than the average for Western European countries. Crimes included in the

survey were less likely to be reported to the police in Finland than in Western Europe on average. Regarding reported crime, Finland has the lowest theft rate of all the Nordic countries. This can be attributed to the differences between the Nordic countries in prosperity, urbanisation and population density. Finland also has the lowest narcotics offence rate. As for assault, Finland and Sweden have higher rates of recorded offences than do Denmark and Norway. This difference is corroborated by the results of victimisation surveys. However, it has also been suggested that part of the difference is due to the greater accuracy and comprehensiveness of recording in these two countries. (Aromaa & Heiskanen 2002.)

The results concerning fear of crime in the International Crime Victims Survey (ICVS) in 2000 show that Finns, Swedes and Danes do not feel unsafe when walking alone after dark. 18 per cent of Finnish and Danish, and 15 per cent of Swedish respondents reported feeling unsafe when walking alone after dark. The highest percentages were measured in Catalonia (Spain), Australia and Poland where approximately 35 per cent of respondents felt unsafe when walking alone after dark. (Niemi 2007.)

According to the ICVS 2000, women feel more unsafe than men in Finland, Sweden and Denmark when walking alone after dark. Of these three countries the figure is the highest in Finland with almost 30 per cent of women feeling a bit or very unsafe and lowest in Sweden where 22 per cent of women report feeling unsafe when walking alone after dark. In Denmark the figure is 25 per cent. The highest percentages of women who feel unsafe were measured in Catalonia (45 %), England and Wales (36 %), Switzerland (36 %) and Portugal (33 %). In Finland, Sweden and Denmark approximately eight per cent of men feel a bit or very unsafe when walking alone after dark. (Aromaa & Heiskanen 2002.)

Feelings of safety on the streets have also been measured in the European Survey of Crime and Safety (EU ICS). In the 2005 survey Finns felt the least unsafe in the streets after dark of all populations interviewed for the study (14 % of Finns feeling unsafe). In Denmark 17 per cent and in Sweden 20 per cent of the population felt unsafe in the streets after dark. The figure was the highest in Greece with 43 per cent of the population feeling unsafe. The United Kingdom is an example of a middle-range country: approximately 30 per cent of the population felt unsafe when walking alone in the streets after dark.

Brief summary

Overall, the Finnish people have a high confidence in the authorities. More than 60 per cent of Finns trust the courts and over 90 per cent trust the police rather much or very much. Especially the level of confidence in the police is high compared to other European countries. Fear of crime is a gendered phenomenon. Women are more worried than men about becoming victims of violence outdoors after dark. In international comparisons Finnish women seem to be

somewhat worried about their safety when walking alone in the dark although Finns in general do feel safe.

3.3.4 Theoretical discussions on confidence, security and crime policy

In this section, we cover more theoretical and sociological explanations behind the phenomena of public confidence in justice, fear of crime and security and insecurity found in Finnish and Nordic research literature. The objective of this section is to move into the realm of understanding the social processes or mechanisms that underpin these social phenomena.

As explained before, the discussions on these themes remain separate to a large degree in Finland, and consequently, they are covered here separately. Only in the general discussion on crime policy issues and crime prevention, as well as in the discussion on community policing some of these issues actually blend in. We will start with the discussion on public confidence in justice.

Confidence in justice

People's confidence in the judicial system has been measured through general population surveys for quite some time. Nonetheless, confidence is a difficult issue to perceive both as a phenomenon and as a concept. From a citizen's point of view, the judicial system is an authority institution with the power to make conclusive, final and if needed, coercive, decisions in disputes and criminal cases (Lappi-Seppälä et al. 1999).

It is, however, safe to assume that the majority of citizens base their degree of confidence in courts on other factors than their own experience (e.g. Niskanen 1999). Litmala (2002) points out that it is important to know how the functioning of the judicial system is perceived at a general level because this information is very relevant for the legal administration. This feedback contains interesting and important knowledge about the general public's views about the judicial system and the degree of confidence it conveys. In addition, it is of special interest to note what degree of confidence those who have had a direct experience of the judicial system have. Citizens' personal experiences of courts, such as legal proceedings, represent other important feedback for the functioning of the judicial system. (Litmala 2002.) However, according to Tala (2002), a caution should be taken against putting an overemphasis on the confidence of general public, since the usual popular perception may, for lack of information and experience, not in fact entail any strong views for or against confidence in the courts. Could this be taken into consideration, also genuine views of confidence and non-confidence, based on real justification, can be given more weight.

What happens then if the general public does not have confidence in the courts? According to Lappi-Seppälä et al., this is not necessarily just a bad thing.

Although people should be able to trust that decisions made by courts are legal and fair, citizens' trust or distrust in courts can sometimes be seen as the only way they might control the activities of this institution. In fact, from this perspective, some doubt or distrust in courts shows that this control is actually working. Lack of confidence can also be interpreted as an expression of people's higher demands and expectations regarding the courts. This may lead to improvements in the system and encourage courts to consider some developments in their activities. Lappi-Seppälä et al. note, though, that high confidence remains an important objective for courts, since without confidence, citizens are hardly willing to accept the decisions of the courts, and the citizens' willingness to observe the legal order weakens. (Lappi-Seppälä et al. 1999.)

Police legitimacy

The legitimacy of the police or the judicial system has not been widely discussed in Finland. That is probably due to the fact that the public has not really challenged the functioning of these institutions and no real signs of legitimacy crises have been present. The public's trust in the police continues to remain exceptionally high also in the 2000s. This affects the nature of the discussion concerning police issues in Finland.

There is one quite recent study that covers police legitimacy by implication, though. Esa Käyhkö's doctoral thesis (2002) deals with the public accountability of the police from the viewpoint of legitimacy. Käyhkö approaches the topic through national and international discussion on the role and basic duties of the police and analyses the accountability of the police as a question of the legal status of the police organisation, police powers and duties. Käyhkö uses legitimacy of the police as a key concept in his thesis, meaning that legitimacy in depth has a stronger legal basis for police operations than the gross legitimisation of the police. Käyhkö notes that conceptually the police have a constant legitimacy problem; meaning that the police may be held accountable not only as individual policemen doing their duty, but also as an organisation striving to maintain the confidence of the public. Therefore, from the viewpoint of accountability this also means that the police are constantly able to redeem their legitimacy regardless of the existence of a manifest problem or crisis.

As citizens' expectations of police work have increased, also the accountability of the police has been transferred to the area of extended or public accountability where the proactive and anticipatory aspects of accountability are emphasised. This new form of accountability may be seen as a virtue. Käyhkö divides public accountability to five core areas including the efficiency of the accountability chain of the police, the realisation of the accountability for results, accountability of the police as a virtue, precedence of professional accountability and the legitimacy of the police.

First, Käyhkö considers the strong divergence between strategic steering and operational activity as a major obstacle to improving the efficiency of the accountability chain. He also notes the difficulty of combining police strategies

and political steering when creating police strategies. While accountability for the results is not the most essential issue from the viewpoint of legitimacy, it can be applied to performance agreements between different organisational levels and strategies. Thus, challenging performance targets may provide a new basis for police accountability as a virtue. According to Käyhkö's own survey results, the police officers include professional ethics, respecting citizen's expectations, the integrity of the police organisation and its values as well as personal values as the most important virtues in their work.

All in all, Käyhkö finds support in his thesis for the low-profile "strong blue line" held by the Finnish police. According to this ideology, the role of the police as a body solving social problems should not be emphasised too strongly, because in the long run, a low-profile policy is the most sustainable basis for justifying the existence of the police.

Confidence as the basis of security

Niemelä and Lahikainen (2000) maintain that the questions of insecurity and security are becoming more and more important topics in the 2000s as both external and internal safety issues are being reconsidered. Nowadays, security is seen to cover all areas of human life. It may refer to physical, emotional or social security and its subject may range from individuals to families, communities and national and global realities (Törrönen & Korander 2005, 107). Korander notes that the term security is always dependent on the context and perspective, and the extent of values, attitudes, feelings and political interests that are behind every debate (Korander 2000, 178).

Likewise, confidence and trust have become essential concepts in a world, where social change, regional and economic-social inequality, the disruption of old community ties and rupture of morals are a part of everyday life (Ilmonen & Jokinen 2002). Trust, according to Georg Simmel, makes the society "run smoothly" and it is not noticed until it is challenged or it disappears altogether. (Ibid.)

Törrönen and Korander (2005) argue that these days, security is seen predominantly as a problem of public places. This has given rise to a growing demand for new strategies of governing public places. These strategies are based on the idea that the general public's increasing sense of insecurity is caused by a wide range of different factors that tie it in with broad-ranging social problems and anti-social behaviour. It is emphasised that these problems, however, should be tackled at local level focusing on using means of informal social control. A widely shared opinion seems to be that the most effective way to increase security is through community policing, crime prevention, and partnerships between different actors. (Törrönen & Korander 2005, 106–107.)

In fact, one of the rare discussions where public confidence and security issues blend in together in Finland is the discussion on community policing that

has been ongoing from the end of the 1990s. This discussion is covered in the next chapter.

Community policing and the visibility of police

In the context of police work and strategies, an increasing focus has been put on citizens' perceptions of insecurity and safety. The introduction of community policing, for example, is one way the police are trying to enhance the perceived safety of Finnish citizens and increase their confidence in the police. In the strategy paper of Finnish police on the issue of community policing (2007), safety is defined as follows: "Safety and feelings of safety that are produced by the police and which may be influenced by police activities are related to the protection of life and property as well as to public order. The police are not able to affect the so-called ontological safety and feelings of safety, which derive from an individual's psychology, childhood experiences, social and economic insecurity and other such factors."

According to Virta (2006a), one of the aims of community policing is to create a culture of safety that is based on the general public's active trust, getting the citizens to participate in defining the priorities of safety. In fact, Virta concludes that trust is the basis for producing safety and creating the feeling of security. However, Virta also notes that traditionally the Finnish police enjoy a high degree of public confidence, and as the welfare state still remains quite stable and there have been no rapid changes in the crime rate, there have been no such urgent needs or pressures for policing reform like in the United Kingdom, for example (Virta 2002).

In a more general discussion on police, Virta notes that the role of the police has changed from the guardian of law and order and safety maintainer to the producer of more general security (Virta 1998; 2006a). In the context of community policing, this changed role of the police is rationalised and re-defined, making the term "police services" reality, not just rhetoric (Virta 1998).

One of the main strategies in community policing is to enhance the visibility and accessibility of the police. Particularly the relation between the visibility of the police and citizens' perceived fear of crime has been a subject of research. According to Salmi et al. (2004), the context where people see the police does matter as regards fear of crime. Salmi tried to form a model for police visibility and people's fear by using survey data collected from 3,245 adults and 977 teenagers in two typical Finnish neighbourhoods. According to the results of this study, people who observed the police more often in on-foot activities were less fearful of crimes against property, while in the teenager group, the same effect was found in relation to crimes against persons. In both groups, seeing the police more in patrol-car -related activities actually resulted in increased fear of crimes against persons and property. Salmi concludes that a simple act such as the police stepping out of the car on occasion, i.e. not only in crime-related situations has a positive impact on the fear of crime expressed by the respondents. (Salmi et al. 2004.) This result was confirmed also in an earlier

study (Salmi et al. 2000). This is a significant finding, since one of the main purposes of community policing is to actually improve the relationship between the police and the public and decrease citizens' crime-related anxiety and fear.

Community policing has also been criticised in the Nordic context. Holmberg argues that the use of community or proximity policing has been unsuccessful in Denmark. He states that the high level of perceived safety already present in the Nordic countries and the lack of tradition for citizen involvement in the Nordic welfare states might explain why this police strategy does not necessarily work in a similar fashion as in Anglo-Saxon countries, for example. (Holmberg 2004; 2002.) Also Törrönen and Korander (2005, 124–125) note that new security and crime prevention programmes rarely address the question on how the forms of preventative community policing can be translated from management plans to concrete field practices.

Fear of crime

Fear of crime is a complex phenomenon that is influenced both by individual and societal factors. Fear consists of a complex set of feelings and attitudes, and it can be defined in many ways. If trust is studied in relation to fear of crime, fear and insecurity are often explained as lack of trust (Mallén 2003).

Fear does not necessarily follow any logic. Women and old people are more likely to report fear of crime than men and young people. Paradoxically, it is often the people who fear the most who have the lowest risk of becoming victimised and vice versa (e.g. Smolej & Kivivuori 2006). Furthermore, subjective feelings of safety do not necessarily increase even though the absolute number of crimes would decrease (e.g. Kivivuori et al. 2002; Kivivuori 2006).

The classics in the Finnish and Nordic discussion on fear come from Anglo-Saxon and German research literature. Few have analysed fear on a more theoretical level. However, Danish Flemming Balvig developed his own theory on fear of crime in the 1990s that has been noted in the Nordic debate. Balvig (1990) argues that the crucial factor in fear of crime is the individual's social status within the society. Individuals who have a high standing in the society have more resources that they can use for their advantage and politicise their fear of crime. This may lead to heightened social inequality, because control and intervention measures are targeted at the most threatening crime problems, and people of lower social standing have to resort to avoidance behaviours to stay out of trouble.

One of the main areas in this fear of crime -related discussion is the effect media have on public views on crime and fear of crime. Research shows that many people get their information on crime-related issues from the media (e.g. Korander 1994). Researchers have argued that crime media probably increase people's awareness of crime and affect their level of fear.

In Finland, especially fear of violent crime has been analysed in relation to crime reporting in the media. According to Kivivuori et al. (2002), the intensity

of tabloid front-page violence increased quite drastically during the period of 1980–1997 in Finland. However, national victimisation surveys show no increase in the levels of violent victimisation during this period and in fact the number of violent incidents actually decreased during the period of 1980–1997, as measured in victimisation surveys. At the same time, specifically in 1988–1997 there is a marked increase in the fear of violence. According to Smolej & Kivivuori (2006), reading tabloid front pages is connected with avoidance behaviour and with high levels of worry about becoming a victim of violence.

The causal links between crime media and fear remain unclear, but it can be said that both tabloid violence reporting and fear of crime increased significantly and independently of real violent victimisation in Finnish society (Kivuori et al. 2002). Besides the surge in crime reporting, other factors such as the economic depression of the early 1990s, the ethnic diversification of the Finnish society and the internal migration from rural to urban areas might explain the increased fear of violence. Kivuori et al. conclude that violence reporting may have effects on fear of crime, general social trust and opinions about criminal law and legal policy, but further research is needed to make any causal interpretations on this area. (Kivivuori et al. 2002; Smolej & Kemppi 2002, 219–227.) However, Lappi-Seppälä (2007, 243) points out that in general, Finnish newspapers do not have to rely on dramatic events in order to draw people's attention every day. That is mainly due to the fact that 90 per cent of newspapers are sold by subscriptions, so the papers do not have to persuade the public to buy them every day. (The significant exceptions are the tabloids that are sold only on a daily basis).

Heber notes in her doctoral dissertation that also Swedish media paint a picture of crime being on the increase and becoming more brutal in its nature. Many articles suggest that society is becoming unsafe and that the police are unable to protect citizens, but there are exceptions, of course. Heber found four themes the media use to define, personify, situationalise and contextualise fear of crime. (Heber 2007.)

As part of her dissertation, Heber also interviewed 28 people in Stockholm area on fear of crime. The media emerged as one of the most important influences on fear of crime in these interviews and many people described several examples of the way in which the media had directly affected their fear of crime. However, Heber's interviewees did not appear to be afraid of crime in general and they did not think about crime in the context of their everyday lives. They were perhaps frightened in certain specific situations, which were characterised by a lack of control, which then tends to be linked to fear of crime. Interestingly, according to Heber, what the interviewees describe within the framework of the "fear of crime" concept are first and foremost reactions to unknown and uncontrollable people and situations. Heber interprets from this that, in fact, the term "fear of crime" includes concerns relating to much more than simply crime. Heber argues that the concept of risk appears to be perceived as being separate from fear. Therefore, a reduction in the level of crime would be likely to lead to a reduction in the risk for being exposed to crime, but not in fear

of crime. In conclusion, the main way fear of crime might be reduced in society is by using measures that increase people's sense of control. (Ibid.)

Security, fear and crime policy in a more general perspective

In the discussion on crime policy and criminal politics, the themes of security, confidence and fear blend in. Especially security as a concept has been widely introduced to Finnish politics. Many researchers in Finland and other Nordic countries have noted that the overemphasis put on security in different public discussions may be problematic. According to Virta (2006b), many social, political and economical and everyday phenomena are turned through so-called "securitisation" into questions of security. The danger of this securitisation process is that instead of using viable other solutions, such as well-developed social politics, we are moving towards strengthening community control as the solution to social problems. In fact, De Lint, Virta and Deukmedjian (2007, 1632) interpret that instead of the traditional policing by consent, in liberal democracies the basis of policing is information control. Liberalism is more interested in achieving control by review, persuasion, simulation and boundlessness; it is relying on impressions rather than relying on the measures of the real. The authors conclude that today it is control, not justice that must be "seen to be done". (De Lint et al. 2007, 1631–1642.)

Korander talks about policisation in a similar fashion. Policisation is a process where social and political problems and their consequences have been passed on or left to the police, re-defining them as problems of law, order and criminal policy that can be solved by using police tactics, strategies and measures. Korander emphasises that the police are not the subject or the player in this process, but an object that the policisation is focusing on. When social problems are re-defined as problems of order and criminality that the police and criminal justice system are responsible for, social structures are turned into producing insecurity and criminality and the police and the criminal justice system have to tackle their growing workload with limited measures and resources. (Korander 2000.)

Korander also argues that if people's security is only considered to be a question of fear of crime or fight against such fear, security becomes an unresolved issue that keeps on re-creating itself. In other words, security as an objective keeps on reproducing itself, and therefore becomes impossible to achieve.

Lappi-Seppälä (2007) maintains a more optimistic view on the crime policy discussion in the Nordic countries than Virta and Korander. He argues that there is still a long way to go before the populist and extreme crime policy methods are brought to Finland. The rise of harsher criminal policies, especially penal policies in the Anglo-Saxon countries has often been explained by reference to the loss of public confidence and to legitimacy crises in these countries. In the Nordic countries, the legitimacy of social and political institutions remains very high. Lappi-Seppälä notes that there have been no signs of legitimacy crises in

Finland, not even during the recession in the 1990s. The politicians have not particularly raised crime policy issues during election debates, and the old slogan "Good social policy is the best criminal policy" has still managed to retain support at least to some extent (Lappi-Seppälä 2007, 274–275).

Lappi-Seppälä himself analyses public opinion and fear of crime above all in the context of punitiveness and imprisonment rates. Whereas the United Kingdom has a high level of fear and a high imprisonment rate, in the Nordic countries both rates of fear and imprisonment are low. While differences in the level of fear might be explained by differences in crime, the differences in public sentiments call for explanation. (Ibid.)

As noted before, public opinion and expressed confidence are affected by both media and political decisions, which both have a very different background in the UK than in the Nordic countries. That media are more interested in crime in the UK is clear, but also the political and judicial systems show more interest in the media and media-influenced public opinion. While in the UK judges regularly factor public opinion in their sentencing decisions and cite so in their judgments, there is no such tradition to be found among Finnish judges. Lappi-Seppälä concludes that there is still a marked difference in the way the political and judicial systems in the UK and the Nordic countries interact with the media and the public opinion expressed in the media and media polls. Lappi-Seppälä also notes that public opinion surveys on criminal justice issues have a much more established position in the UK than in the Nordic countries. (Lappi-Seppälä 2007, 271–273.)

However, Lappi-Seppälä argues that crime is an apt object of fears and actions for anyone surrounded by feelings of anxiety and threat. Trust and fear also go hand in hand with punitive demands. Further, the lack of personal trust associated with fear results in increasing punitive demands and pressures. Therefore, according to Lappi-Seppälä, trust may well be one of the key variables explaining the shape and contents of penal policies. (Lappi-Seppälä 2007, 276–278.)

3.3.5 Conclusions

The results of the research presented in this literature review may be summed up by concluding that fear of crime is low and confidence in the judicial system and the police is high in Finland and other Nordic countries. Differences between Nordic countries are quite small, and these countries stand out from the rest of Europe with a high level of confidence and a low level of fear of crime. In Finland, this research field is fairly narrow and studies are conducted mainly by the police and sector research institutions.

The concepts of trust, confidence, security, insecurity and fear are complex and have not been explicitly defined in the Finnish discussion. Also, the emphasis is mainly on empirical studies and surveys, and theoretical discussions remain marginal. Many studies conducted in Finland mostly describe the

measured level of confidence or fear, but do not explain or interpret the reasons or social factors behind the figures. The research is hence quite descriptive. Another feature of the Finnish discussion is that it is quite fragmented. Studies on confidence usually cover only one sector, such as the police or the courts, but an overall picture of all institutions and judicial authorities is missing. These themes of confidence and security blend in only momentarily in the discussion on community policing, while the combination of these themes is more evident in a more general discussion on criminal policy.

It may be of interest to compare the Finnish situation to the situation in the United Kingdom where public confidence in the police has been declining steadily over the past few decades. In Finland, however, public trust in the police has remained exceptionally high also in the 2000s. Therefore, the more traditional theories about declining confidence and increasing fear of crime and anxiety are not necessarily applicable in the Finnish situation. What makes the comparison interesting, though, are the more Durkheim -influenced criminological theories.

Jackson and Sunshine (2007) argue that public confidence in policing is not driven by sentiments about risk and crime but concerns about social cohesion. Furthermore, crime and disorder challenge the moral structure of society and people look for the police and other authority figures to defend group values and re-establish moral norms. So interestingly, according to this theory, confidence is ruptured when people experience that community values are at risk and the police do not represent these values, not when people just worry about their own safety. So, to restore people's trust, the police must be seen first to typify group morals and values and to treat the public according to these values.

Jackson (2004) points out that also perceptions of crime risks are shaped by everyday evaluations of social order and control. Likewise, Jackson and Sunshine have noted that concern about crime and courts has very little influence on punitiveness. Furthermore, citizens express punitive attitudes not because of fear but because they are concerned about the moral structure of society. (Jackson & Sunshine 2007, 217–218.)

This would offer an interesting explanation of the situation in Finland. Since Finland is a small and fairly homogeneous country, it is quite possible that citizens feel that the police represent their values and that the community is not at risk. This could explain Finns' high trust in the police. In a similar fashion, it could be explained that because of shared values and high confidence, there has been no need to resort to harsher penal policies in Finland (cf. Lappi-Seppälä 2007). Either of these issues has not raised a lot of theoretical discussion in Finland.

However, public's high confidence in authorities may prove to be challenging in an increasingly individualistic and pluralistic society. Changes in the economy, population, migration and immigration will have an impact, amongst other things, on social stability and public confidence. Some of these changes have already taken place in Finland, although not on a very large scale. One

example of this is that immigrants have lower confidence in the authorities than natives in the Nordic countries.

Overall, it can be said that there is an actual need for new and improved confidence indicators in Finland. Not only because of changing situations but also because the operationalisation of current indicators has remained at quite a crude or simple level. Also more theoretical discussion is needed to interpret the indicators and their meaning. Also, there is a definite need for confidence indicators that take notice of both confidence and fear, insecurity and anxiety - related topics. These issues have usually been covered in separate studies in Finland. Further, there is a need for regularly conducted research in Finland.

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3.4 Public insecurities and confidence in justice in France

Magda Boutros, Sebastian Roché and Guillaume Roux

3.4.1 Historical review of criminal justice indicators

In the mid 1970s, public debates on crime and delinquency became influenced by the expression "*sentiment d'insécurité*" - literally translated as 'the feeling of insecurity' - which corresponds to what has been called 'fear of crime' in English-speaking countries. A consensus was emerging in the media and political discourses that there was a growing public insecurity related to violence and street crime. Some criticised what they viewed as a media creation aiming to divert public attention from more important problems, notably unemployment and inflation, or as a government tactic used to legitimise conservative law and order policies (Coing & Meunier, 1980; Ackerman et al, 1983). The term "*sentiment d'insécurité*" nevertheless rapidly became a catch-phrase widely used by journalists and politicians, and progressively accepted as a major social problem. Yet, despite the adoption of the term by the media, empirical studies on public insecurities have developed slowly and it was not until the 1990s that a consistent body of empirical and theoretical studies came to light (Robert et al 2003). Until then, no tentative model for interpreting fear of crime was proposed by academics and it was often depicted as 'irrational', for example by demographer J-C Chesnais (1981).

The first empirical studies looking at the "*sentiment d'insécurité*" did not emphasise the link between insecurity and crime rates. Lagrange and Roché, two of the first academics to take an interest in the question, stressed the importance of social relations – namely the breakdown of interpersonal solidarity and the rise of incivilities – to explain insecurity (Robert 2002). However, Roché insisted in the early 1990s that fear of crime could not be fully understood without a reference to the rising street crime rates as recorded by police statistics (Roché 1993). In the mid-1990s, victimisation surveys started being conducted regularly and provided researchers with a wealth of data allowing an analysis of the links between victimisation and insecurity. Before that, there had been reluctance on the part of providers of official crime statistics to fund victimisation studies which they perceived as having the potential to compete with their own figures and question their accuracy (Ocqueteau et al 2002).

A significant number of local surveys also complement national studies on fear of crime (Zauberman 2008). Notably, CESDIP[23] has been conducting local victimisation studies regularly, and the *Ile de France* region has a survey tool

[23] Centre de Recherche Scientifique sur le Droit et les Institutions

aimed at measuring the trends and patterns of crime, fear of crime and insecurities (Robert et al 2003). However, local studies are carried out on the initiative of local actors and thus vary widely from one region to another. Moreover, local elected officials are often reluctant to use such studies for policy purposes, so many studies remain purely academic with no impact on policies (Ocqueteau et al 2002). In addition to local and national victimisation studies, some empirical works have looked at the insecurities of specific target groups deemed especially vulnerable, such as women, school children or public transport workers.

The first national victimisation study was conducted in the mid 1980s by the research institute CESDIP, but remained unparalleled for a decade (Robert et al. 2003). In 1989, France took part in the first ICVS sweep and most of the following ones. It was not until 1996, and under the influence of EU programmes, that the national statistics agency INSEE[24] decided to include a section on victimisation and insecurities in its annual household survey. This study remains one of the main national instruments measuring public insecurities. These surveys are today conducted by INSEE primarily for the National Observatory of Delinquency (a service of the Ministry of Interior) on a larger scale and with a very detailed questionnaire.

Finally, there are not many academic studies on confidence in justice. Apart from a few local studies that included questions on confidence in criminal justice, there has been no national survey, conducted on a regular basis, examining the trends and patterns of confidence in justice. Studies looking at the satisfaction of specific categories of users, notably victims, have been developing lately. In such surveys, minority groups and other sensitive subgroups have not been given special attention.

3.4.2 Confidence and satisfaction with the criminal justice system

Confidence

Although confidence in justice has rarely been studied as a topic on its own, indicators of confidence can be found in local opinion surveys. Findings from such surveys have been used to analyse patterns of confidence in justice. For instance, Roché's study on the applicability of the 'broken windows theory' in France (2000) uses local findings to analyse links between anti-social behaviour and confidence in justice. His paper is based on two studies conducted in the late 1990s. One study asked a representative sample of respondents whether they trust the police, the justice system and the mayor's office *("Avez vous confiance dans les institutions suivantes?"*); another asked respondents whether they were satisfied with the work that the police, justice and social workers were doing in

[24] Institut National de la Statistique et des Etudes Economiques

their area. Roché found that the level of confidence or satisfaction was correlated with the level of anti-social behaviour in the area: the higher the prevalence of incivilities, the lower the confidence in public institutions (Roché 2000). The police were the institution most affected by the confidence gap in areas with high disorder rates. The statistical correlation was unaffected by factors such as age, gender, residence and economic status. However, in areas with similar levels of anti-social behaviour, confidence in the police varied widely with age and area of residence (in disadvantaged areas, confidence in the police was half as high as in other areas). This study is interesting, as it is one of the rare French studies to use indicators of confidence in justice. However, it is limited to two cities. Moreover, the questions that were asked to measure confidence were extremely broad, preventing any in-depth analysis. Although such instruments helped to highlight some statistical correlations, they did not permit to get to any conclusions on the factors affecting public confidence in the police or the justice system.

Some international instruments have attempted to measure public confidence in justice on a national level and in a more regular fashion. Instruments such as the European Values Study (EVS) or the International Crime Victims Survey (ICVS) included questions on public perception of the criminal justice system and related institutions. The 2001 EVS showed that French levels of confidence in the police tend to be higher than levels of confidence in justice in general (66.2% report having a great deal or quite a lot of confidence in the police as opposed to 45.8% for the justice system). However, compared to other countries, France is one of the countries ranking police performance the lowest (the question being "Taking everything into account, how good a job do you think the police do in your area in controlling crime?" ICVS 2005). Similarly, France is ranked comparatively low in victim satisfaction with the police response (53% satisfied) (van Dijk et al. 2007). As for the system of justice as a whole, more than half of French respondents to the EVS claimed that they distrusted the justice system, a score comparable to Spain, Portugal and the UK, but higher than most Scandinavian countries (EVS 2001). These rates did not change significantly over the last decade. Still, more detailed data is needed to analyse trends and patterns of confidence in justice, and in each criminal justice institution separately.

Minorities and confidence

In France, there is a culture of 'Republican unity' that prevents data on ethnicity to be taken into account (or even collected) in official statistics (Roché 2007). As a result, there is very limited data available on the proportion of ethnic minorities in the criminal justice system, on whether they are discriminated against by state institutions or on comparative rates of confidence in justice broken down by ethnicity. No survey about minority groups and the criminal justice system was commissioned so far by public authorities. Available results are the product of initiatives taken by researchers or advocacy groups. The most recent examples of the latter are polls realized for the CRAN (National Representative Council of

Black Associations). In a previous 2007 TNS-Sofres poll, CRAN found that when minority respondents were asked about various institutions, the police was the least trusted public service (46% trusted the police), well below the judiciary (59%) or schools (72%).

Guillaume Roux has conducted a secondary analysis of large data sets gathered by the research unit Cevipof (Paris). The population surveyed came from the most disadvantaged urban areas (corresponding to the administrative category of "*zones urbaines sensibles*" or ZUS), which includes a high proportion of ethnic minorities. Ethnicity was found to be a strong predictor of confidence in the police. Results showed that confidence in the police was much lower within ethnic minority groups (47% *do not* have confidence in the police), compared to the white population (28%); while confidence in other public institutions (such as the justice and political authorities, mayor's offices, etc.) has not revealed significant differences between the two populations. These results confirmed earlier findings by Brouard and Tiberj (2005) who conducted a national poll with two samples: one representative sample of the French population and one sample representative of "new Frenchmen". The level of confidence in the two samples was very similar for schools (82% of the adult population has quite or much confidence against 85% of the adult "new Frenchmen"), media and even the judiciary (respectively 61 and 62 %). As for the police, the level of trust was quite distinct within the two populations: 77% among all adults against 58% among "new Frenchmen". The percentage of those who did not trust the police at all was 8% against 20%. This difference remains true after controlling for SES, age, education and political orientation. Roux maintains that, although age has a significant effect on confidence, the impact of ethnicity cannot be explained by any one socio-demographic variable (age, gender, education, profession): at any given age (or education level, etc.) those belonging to an ethnic minority group still showed much lower levels of confidence in the police. A number of social attitudes were also found to have a significant effect on confidence in the police: general trust in institutions, social trust (i.e. trust in others in general), left-right identification, satisfaction with democracy or the perceived level of racism in France (the belief that "most French are racist"). Nevertheless, this does not affect the proper effect of ethnicity.

Evidence shows that ethnic minorities are subject to police identity checks more often than their white counterparts. In 2008, a national poll showed that non-white respondents were more often subject to identity checks and that during the process the police was found "not to have a decent behaviour" for 27% of the minority group respondents against 19% of the white population (Cran, 2008). Moreover, a national poll carried out in French deprived neighbourhoods by Brouard and Tiberj in 2006 found that ethnic minority youth are twice as likely as white youth to be stopped by the police for identity checks and report more often being treated disrespectfully by the police during identity checks (25%, compared to 12% for white youth, unpublished results of Brouard and Tiberj, cited in Roché 2007). However, even the number of police identity controls – which appeared to have a significant effect on confidence – are

insufficient to explain the differences by ethnicity. In other terms, it is not (or not only) because ethnic minority populations have a lower social status (socio-demographic variables), different values, or are more often harassed by the police (identity controls) that they show lower levels of confidence. Why ethnicity affects confidence in the police thus remains an open question. The perception of ethnic discriminations or misbehaviours by the police – i.e. being aware or having heard of certain events, even if one is not oneself victim – may be part of the explanation.

Similar results were found by Roché analysing two youth self-reported offending studies (Roché 2007). He found that ethnic minority youth held a more negative image of the criminal justice system than their white counterparts, but the study also showed that ethnic minority youth reported committing more offences. Thus, Roché suggests that the confidence gap among ethnic minorities is due to their higher exposure to criminal justice institutions, as the number of crimes committed is one of the best predictors of negative attitudes towards judicial institutions (Roché 2007). Still, some minority populations (for example North Africans) are more likely to hold negative images of the criminal justice system, whether or not they have ever offended (Roché 2007). It is important to note that ethnic minority youth are more likely to think the police are violent, rather than racist (Roché 2007). This suggests that it is the bad treatment received or perceived by ethnic minorities that reduces their confidence in criminal justice institutions.

Victim satisfaction

Developments have recently been introduced in a field close to confidence in justice: victim satisfaction. A national victim satisfaction study, conducted in 2006, sought to measure victims' satisfaction with several aspects of their case, such as the speed of proceedings, the compensation obtained or the way they were received at the police station (Belmokhtar 2007). Globally, half of the victims considered that justice had been done in their case. The gravity of the crime affected the rate of satisfaction: for minor crimes, 61% of victims were satisfied, a proportion dropping to 34% when the harm resulting from the crime was severe. Satisfaction also varied according to the type of procedure: mediation had the highest rate of satisfied victims (55%), followed by court judgment (50%) and alternative measures (45%). When the offender was convicted, victim satisfaction increased. The speed of proceedings was one of the determinant factors for victim satisfaction: of those declaring being globally satisfied, 70% were also satisfied of the speed of proceedings, a proportion dropping to 35% for those not satisfied. Unsurprisingly, whether or not the victim obtained the amount of compensation requested was a major factor determining satisfaction.

Victims were also asked about the helpfulness of judicial services. Although a large majority was satisfied with the way they were received (81%), only about half were satisfied with the answers they got to their questions and the advice

they received. Almost all victims reported finding the judge or mediator polite and respectful, but about 30% found that their status as a victim had not been fully taken into account.

3.4.3 Insecurities about crime

The first point to note is that the term "*sentiment d'insécurité*" does not refer explicitly to insecurities related to crimes (Aubusson et al. 2003). Some crimes have no direct victim and therefore do not contribute to the feeling of insecurity. Similarly, some non-criminal events (difficult economic situation, natural disasters) could contribute to a "feeling of insecurity". Depending on the definition, feeling of insecurity can thus be much broader than fear or concern about crime. However, in the French context, since the 1970's, when this expression is used, it is understood at pinpointing at street crime. Besides, most studies (but not all) have specified looking at either fear of crime or concern about crime. Yet, these studies have not coupled their analysis of insecurity with an analysis of the notion of 'crime' itself, instead relying on the popular understanding of 'crime' or 'street crime'.

Roché has elaborated one of the only French theoretical models on fear of crime. Defining fear of crime as 'anxiousness about crime' (*inquiétude*), he argues that it is an emotion that has several components (Roché 1998). A person's previous experience of victimisation and disorders (direct or indirect), the risk of victimisation in the area of residence and the perceived ability to avoid this risk (vulnerability) are the components of his model. Rejecting the idea that fear of crime is irrational, he claims that fear is the rational response to an increased exposure and a lack of means to avoid the risk of victimisation. Exposure, he adds, is not equal for all those living in the same area: one can live in a high crime area but never go out and thus be less exposed than those who do. The manifestation of fear also depends on another factor: what Roché calls the 'acceptability of risk'. By this phrase, Roché alludes to the political and social culture, questioning why some risks are accepted despite their harmful consequences (for instance road traffic accidents), while others are deemed unacceptable. Socially constructed values increasingly define the risk of being a crime victim as unacceptable. Without explicitly linking his argument to the 'risk society' thesis, Roché implies that the emergence of a society that is increasingly intolerant of the risk of victimisation, explains increased rates of fear of crime and concern about crime.

Fear, concern and the measurement tools

Since the early studies on insecurity, a distinction has been drawn between fear of crime ("*peur du crime*") and concern about crime ("*préoccupation pour la délinquence*"). The first is defined as the expression of an emotion, stemming from an anticipation of risk of victimisation that can be related to previous

victimisation. The second is closer to an opinion on a social problem, and occurs as a result of a perceived failure of crime reduction policies and a degradation of the standard of life. While fear is a personal emotion, concern is the expression of a social anxiousness (Furstenberg 1971). Thus, while rates of fear of crime depend on the perceived risk of victimisation and the perceived vulnerability of the respondent, a concern about crime is linked to a general feeling that the institutions responsible for public safety are failing (Robert and Pottier 2004). The distinction is an essential one as fear and concern do not necessarily apply to the same people and have distinct political stakes (Le Jeannic 2006).

Studies therefore usually focus on fear and concern separately. Within studies looking at insecurities, fear of crime has been sub-divided into different categories: fear for one's own security; fear on behalf of others (especially children); fear outside; fear at home; fear in public transport, etc. Concern with crime includes being worried about crimes and being worried about anti-social behaviour ("*incivilités*"), although this distinction has been less emphasised in France than in other countries.

Besides empirical works aimed at measuring insecurity specifically, other indicators have been used to infer levels of fear or concern. In fact, due to the relative lack of direct data on fear of, and concern about crime before the mid-1990s, French researchers have used the findings of opinion surveys retrospectively to analyse trends and patterns. The Figaro-Sofres Barometer is one of the only two available long term time series (over 25 years): as it seeks to measure public opinion on several political and social issues, it asks respondents which problem they think the government should tackle in priority. Looking at the rate of respondents answering "address violence and crime", researchers have compared findings to analyse how the concern with violence and crime has evolved over time (for example Robert and Pottier 1997 and 2004). Similarly, trends of opinions on the reinstatement of the death penalty have been used as indicators of concern about crime (for example Roché 1998). There are obvious limitations in using this method, as the questions were not always adequately designed to measure fear or concern, but these studies provide interesting findings.

Trends and patterns

Concern about the crime problem

The rate of people concerned about crime has remained relatively stable over the past decade, with an average of 14% of the population reporting crime as the most worrying problem in their neighbourhood (INSEE studies, Le Jeannic 2006). The rate of those concerned about crime peaked in 2002.

It is important to note that many studies about the perception of insecurities which looked at concern about crime measure it, not as a separate question, but as a comparison to other concerns (linked items). The typical question asked in the INSEE yearly survey is "Which problem are you the most concerned about

in your area?" Respondents have a choice of answers including pollution, noise, unemployment, lack of facilities, lack of safety, etc. Those who tick 'lack of safety' are counted as concerned about crime. Therefore, what is counted is not the rate of people concerned about crime, but rather the rate of people who think crime is the most important concern. Figure 1 illustrates this with findings of a yearly survey (Baromètre Figaro-Sofres) showing answers, over a period of 30 years, to the question: "Which of the following should be the government's priority? Unemployment, high prices, violence?" (Fouquet et al. 2006). The figure shows that the rate of those concerned about crime is highly dependant on the socio-economic situation of the time. When unemployment drops and concern with unemployment decreases, it leaves space for other concerns to take a primary importance. The same applies to high prices. Thus, the variation in the rate of those concerned about crime does, to a large extent, depend on the rate of worry about other social problems. Therefore, the rate of concern about crime, when measured in this way, is less an indicator of how worried people are about crime, but rather an indicator of where crime stands in the ranking of people's concerns.

Figure 1. Concern about unemployment, high prices and violence

Source : Figaro-Sofres Barometer (1974 – 2005), in Fouquet et al. 2006

Other indicators help complement these figures. A yearly study by Agoramétrie conducted since the 1970s (with some gaps) included one question reading "Do you agree with the following statement: 'One does not feel safe anymore'" ("*On ne se sent plus en sécurité*") (Robert and Pottier 2004). Although this question is not measuring directly fear or concern about crime, an analysis of the findings of the survey shows that the question was understood as referring to criminality (positive answers were found to be strongly correlated to opinions such as a perceived increase in violent crimes or a wish to reinstate the death penalty, Robert and Pottier 1997). This study has the advantage of measuring concern about crime independently from other concerns. The rate of people agreeing with the statement "one does not feel safe anymore" varied, over the last 3 decades, from 52% (in 1988) to 73% (in 2002). Notably, this rate is much higher than the one found by INSEE, suggesting that crime, as a concern, is widely shared, although it is usually not seen as more worrying than other concerns.

Looking at the trends, the Agoramétrie study shows that the proportion of people reporting feeling unsafe was rising in the first half of the 1980s and decreased in the second half with a peak at 68% in 1984 and 1985. During the 1990s, the proportion of people agreeing with the statement "One does not feel safe anymore" remained relatively stable, oscillating between 58% and 62%. In 2002, however, this proportion peaked at 73%.

In a similar fashion, a yearly survey (by the CREDOC[25]) measuring the aspirations of French people on issues of political or social importance included a question asking respondents whether they feel safe in their daily life ("*Vous sentez vous en sécurité dans la vie quotidienne?*"). This study found much lower levels of insecurity than the Agoramétrie survey. On average, one-fifth of respondents reported feeling unsafe, with this proportion decreasing during the first half of the 1990s and increasing between 1996 and 1998 (Grémy 1998).

The differences in the level of fear between the studies are due to the differences in the way questions were asked: while the Agoramétrie question was broad and general, the CREDOC one was personalised ("Do *you* feel safe in your daily life?"). Moreover, both questions are leading, but in opposite directions: while the Agoramétrie study calls on people's negative attitudes and nostalgia, with an implied statement that there was a time, in the past, when one felt safer, the CREDOC one calls on respondent's positive attitudes by putting the question in the positive rather then the negative form. Thus, it seems that the CREDOC study refers to a personal feeling of vulnerability rather than an indicator of a social concern. It appears that large proportions of the population, when faced with a leading question, report being concerned about crime, although this does not generally compete with a concern about unemployment (Robert and Pottier 1997). Still, the increase in rates of concern since the beginning of this decade, and the peak observed in 2002 require further explanation.

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[25] Centre de Recherche pour l'Etude et l'Observation des Conditions de vie

The 2002 peak can be partially related to the general insecurity generated by the 9/11 terrorist attacks (Le Jeannic 2006), although the impact of a one-time event on a time series is complex to assess. Moreover, at that time in France, the presidential campaign heavily focused on issues of violence and crime, thus contributing to an increase in rates of worry. Indeed, findings show that those reporting feeling unsafe are also those who trust the media most (Robert and Pottier 2004). However, 9/11 and media discourse is not sufficient to explain the general trend towards increased rates of concern about crime in France: no data set was constituted to test a causal hypothesis. Besides, the increase in concern for crime as measured by the Figaro-Sofres barometer started well before the 2002 election: this latter event cannot be held responsible for creating a trend preceding it (see figure 1). The media discourse might merely comfort people in their opinions, but these opinions could be shaped by structural changes in the society or other factors. As we will see below, a profound reshaping of insecurity occurred, in which insecurities about crime have been increasingly detached from their ideological dimension and become a widely shared concern.

Fear of crime

Despite the lack of indicators measuring fear of crime on a regular basis before the 1990s, available empirical studies show that the rate of fear of crime has generally been rising since the 1970s, although not in a linear manner (Roché 1998). Still, levels of domestic fear are lower than levels of concern about crime, with an average of 7% reporting being sometimes or often afraid at home (2000-2004 INSEE figures). Levels of fear outside are also low, with 6% reporting feeling sometimes or often afraid when out alone at night (this proportion rises to 12% for those who go out at night regularly). Levels of fear are relatively stable over time, but a peak in 2002 can be observed. Rates of fear at home are significantly higher for women and elderly people. For instance, between 2000 and 2004, 3.3% of males reported feeling fearful at home, compared to 10.9% of women (Le Jeannic and Vidalenc 2006). The gender gap is also marked in rates of fear outside: 5.1% of men and 22.9% of women reported feeling unsafe when out alone at night (2000–2004, Le Jeannic and Vidalenc 2006). Fear when out alone at night does not increase with age, as young people tend to go out at night more often than older people do.

A local survey of the Parisian region (*Ile de France*) shows that the patterns of fear of crime vary widely according to the context (Fouquet et al 2006). The rates of fear for one's own security and fear on behalf of others depend on the situation considered: people are little afraid at home (9.19%) but much more when they are out alone at night (28.15%). Rates of fear in public transport also vary according to the type of transport used: fear of crime is lowest in tramways and buses and highest in suburban trains (22% to 42%). The survey also asked respondents whether they were afraid for their children. Rates of fear for children - among those who have children living with them - are higher than rates of fear for self: they vary between 37% and 65% depending on the situation considered. These findings are in line with international research showing that

fear of crime of individuals is "offence specific" (fear varies according to crime types) and "context specific" (it varies form place to place).

Fear and worry

It is clear from survey findings that the fearful are not the same as those concerned about crime (Le Jeannic 2006). Most people are neither afraid nor concerned. Only 3% are both concerned and afraid (Le Jeannic 2006). However, statistical analysis shows that concern about crime is correlated with fear for one's own security, with those who are afraid being more likely to report being concerned about crime (Fouquet et al. 2006).

Fear of crime also appears to be a more stable feature that varies little over short periods of time, while concern about crime is more liable to short term changes. For example, the local survey by Fouquet et al. (2006) found that, between 2001 and 2003, while rates of fear of crime have remained stable, rates of concern have decreased. Findings of the INSEE study also confirm this pattern.

Explaining fear and concern

Insecurity and crime rates

Many authors have looked at the correlations between levels of insecurity and crime rates. Lagrange found that, between 1977 and 1992, national levels of insecurity were correlated with national rates of violent and acquisitive crimes (Lagrange 2003). Fluctuations in the rates of crimes were paralleled by fluctuations in the rates of people feeling unsafe. After 1992, the picture started changing. The rate of violent crimes increased while the rate of acquisitive crimes remained stable. Insecurity rates followed fluctuations of acquisitive crime and became no longer correlated with rates of violent crimes. Then, in 2000/2001, the pattern changed again: the correlation between insecurity and acquisitive crimes was suddenly broken and insecurity rates followed fluctuations of violent crime rates (Lagrange 2003). However, one needs to be careful with such correlations, as they are not sufficient to deduce a causal link between crime rates and insecurity. Besides, other studies show different correlations. The INSEE survey results show no spatial correlation between crime rates and fear of crime or concern about crime (Le Jeannic 2006). As we will see below, a combination of factors, in addition to crime rates, contribute to explain feeling of insecurity rates.

Insecurity and victimisation

Personal victimisation was repeatedly found to increase levels of fear and concern (Le Jeannic 2006 and for adolescents Roché 2003). Still, crime victims were not necessarily fearful (although this was the case for 6 out of 9 victims) and those reporting being concerned had not necessarily been victimised

(Fouquet et al. 2006). Fear of crime is more affected by an experience of victimisation than concern about crime. People who are victims of crime are more likely to be afraid in all kinds of situations, even in situations with no relation to the victimisation experience: for instance, having been burgled at home increases the likelihood to be afraid outside and in public transport (Fouquet et al. 2006).

However, previous victimisation is not the major factor explaining insecurity in cross sectional data sets. How much a person is exposed to the risk of victimisation and how vulnerable they are, are better predictors of their insecurities. Actual victimisation experience has a limited impact on a person's insecurity (Fouquet et al. 2006).

Insecurity and socio-economic conditions

Gender and age

Those who report feeling fearful at home are mainly women (78%), with women being three times as likely as men to report fear at home (Le Jeannic 2006). Fear at home increases with age for both genders. Females are less likely to go out alone at night, but when they do, 20% report feeling fearful, versus only 5% of males. Young women especially have high rates of fear alone at night. How vulnerable a person feels is one factor explaining why older people and women tend to have higher rates of fear. Higher rates of fear outside for young people can be explained by the fact that young people go out at night more than older people do, and are thus more exposed to the risk of victimisation.

Overall, a pattern appears whereby the rate of fear is linked to a combination of the objective risk of victimisation and the perceived vulnerability of the person (Le Jeannic 2006). In addition to differences in vulnerabilities, Roché (1998) emphasises the impact of the socially defined roles for men and women to explain the gender gap. Women, he argues, have a role of emotional alert, while men tend to be seen as the protector, thus expressing more often fear for others rather than fear for self. Men are more reluctant to admit to a personal fear, but tend to express their anxiousness by admitting being concerned about crime as a social problem (Roché 1998). Indeed, figures show that there are no significant gender differences in rates of concern about crime. Besides, concern about crime is particularly low for elderly people, and highest for the age range 25-45, especially for women. This can be explained by the fact that this latter category tends to worry not only about their own personal safety, but also and mainly about their children's safety (Le Jeannic 2006).

Educational and professional status

Those with low educational levels and those with low income are more likely to report being afraid, even though they are objectively less likely to be victims of acquisitive crime (Le Jeannic 2006). Also, differences according to educational levels are wide: 75% of those with no qualification feel insecure, compared with

40% of those with a university degree (Robert and Pottier 1997). Education acts as an 'immunisation' against a preoccupation with delinquency: those with high educational levels have low and stable rates of fear, while those with lower levels of education have high rates of fear that are more liable to change (Grémy 1998). The same pattern exists for the professional status: higher income professionals feel significantly less insecure, while the unemployed and retired feel more insecure (Robert and Pottier 1997). However, it should be reminded that education is highly correlated with income, which is correlated with residing in deprived areas where crimes of violence, incivilities and urban rioting are most commonly found.

Neighbourhood

Whether a person is concerned about crime is generally not affected by their income, but it is affected by the average income in their neighbourhood. 35% of inhabitants of the poorest urban areas report a concern about crime, versus 14% of inhabitants of the richest areas (Le Jeannic 2006). A study of the Parisian region (Fouquet et al. 2006) found that people living in rich town centres feel significantly more secure than the average, while those living in disadvantaged areas feel significantly less secure than the average. Yet, average crime rates are similar in rich and poor areas. Again, one has to keep in mind that average crime rates are a result of the number of crimes divided by the number of inhabitants in the area. This introduces two biases. Firstly, the number of crimes in the city centre is not a good proxy of the crime pressure on residents because many people are victimised in the centre but do not reside there. Secondly, people are more afraid of crimes of violence and of incivilities or disorders which are mostly found in the periphery. Figures show that rates of insecurity are correlated to rates of incivilities and average income in one's area (Figure 2). Indeed, those living in poor areas are those reporting highest levels of fear and concern. They are also those reporting highest levels of collective equipment degradations (60%, as compared to 36% in the richest areas) (Le Jeannic 2006). Roché (2000), using local surveys, has shown a strong correlation between levels of anti-social behaviour and levels of fear of crime, for both fear for self and fear for others. Thus, rates of fear and concern appear to be little related to average crime rates, but strongly related to the nature of one's neighbourhood: areas with a low average income and high levels of anti-social behaviour will contain a higher proportion of inhabitants reporting feeling afraid or concerned about crime.

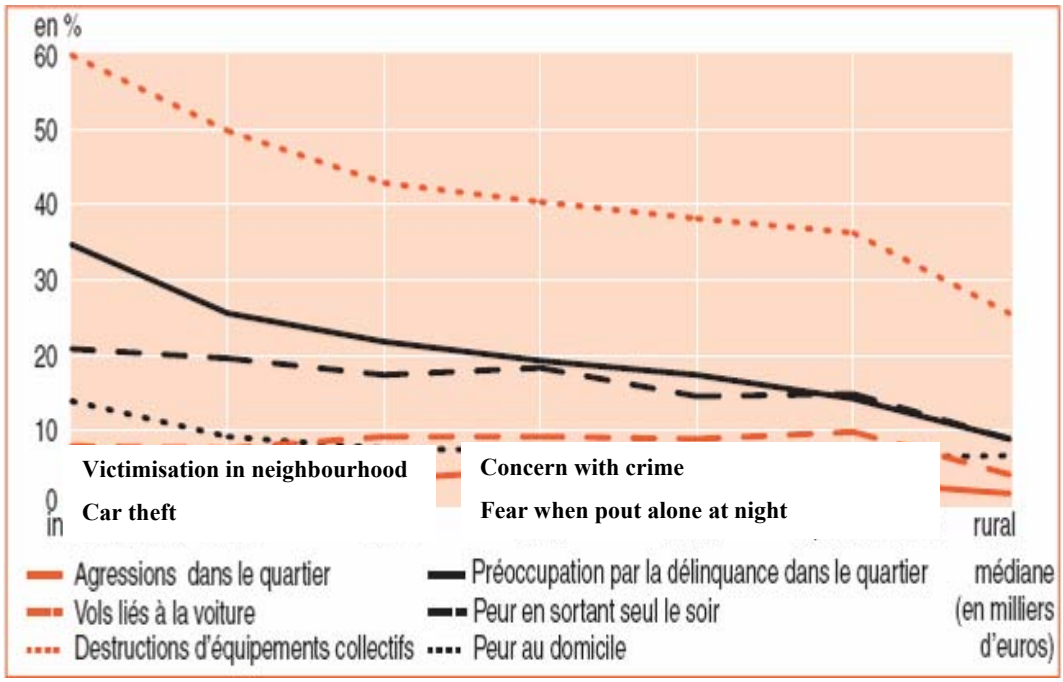

Figure 2. Fear, worry and victimisation according to the median income in the neighbourhood (below 16,000, 16,000-18,000, 18,000-20,000, 20,000-24,000, 24,000-30,000, over 30,000 euros)

Source: Insee, EPCV 2000–2004, in Le Jeannic 2006

Studies have looked specifically at the most disadvantaged urban areas, ie. those classified by the authorities as "*zone urbaine sensible*", or ZUS. A ZUS is a neighbourhood characterised by high levels of unemployment and by the low socio-economic status of its inhabitants. Both fear of crime and concern about crime were found to be higher in ZUS areas (Le Jeannic 2006). The high population densities, together with socio-economic difficulties and an absence of solidarity in social relations result in a heightened concern among inhabitants. The presence of a ZUS also affects neighbouring areas, where levels of fear and concern are higher than the average (although still lower than within the ZUS).

The social stigma attached to ZUS or other disadvantaged areas also contributes to a belief that the neighbourhood has high levels of crime and violence (Le Jeannic 2006). The *Ile de France* study found radical differences according to respondents' opinions on their own neighbourhood (Fouquet et al. 2006). Within the same area, those considering their neighbourhood as disadvantaged are much more likely to report being afraid or concerned.

Fear and worry also rise alongside an increase in the population density (Figure 3), and concern about crime is more marked in large cities. This could be due to the weak social links between inhabitants of highly populated areas which decrease the solidarity and collective surveillance present in smaller cities or towns (Lagrange 1995, cited in Le Jeannic 2006). One exception to this is fear at home. Indeed, rates of fear at home do not differ according to the population

density. Rather, factors such as living alone or living in an isolated / detached house increase rates of fear at home (Le Jeannic 2006).

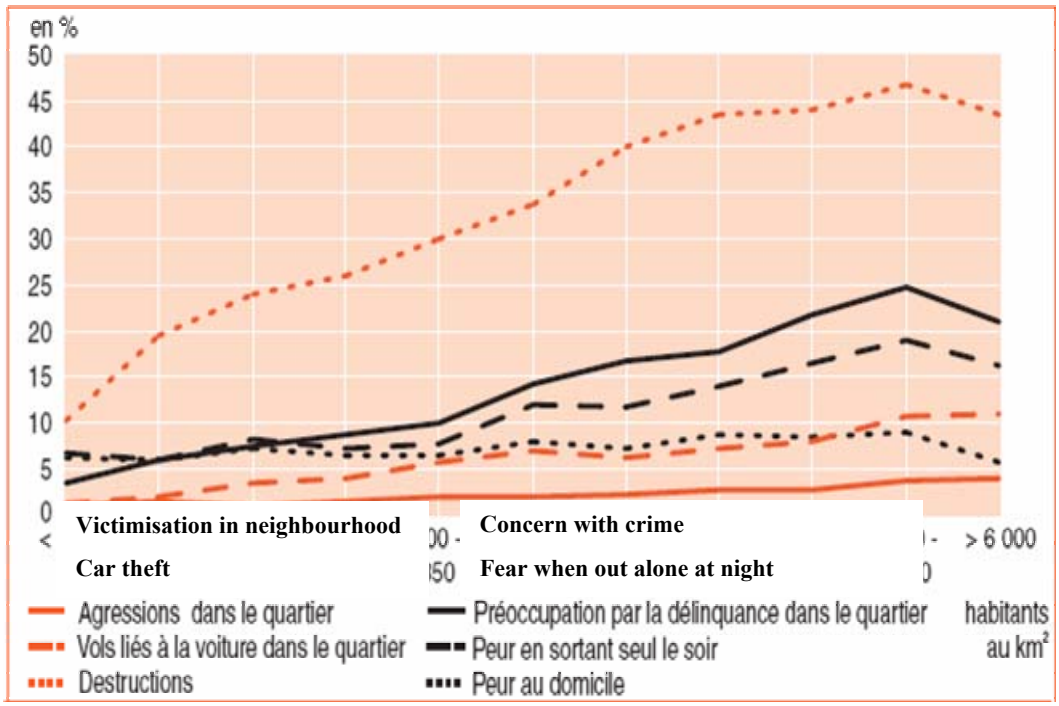

Figure 3. Fear, concern and victimisation according to population density (inhabitants per square kilometre)

Source: Insee, EPCV 2000–2004, in Le Jeannic 2006

Insecurity and political ideologies

Until the 1990s, insecurity was strongly correlated with xenophobic and punitive attitudes. This was found in local surveys carried out during the 1980s (Roché, 1993). Using several national studies, Robert and Pottier have, in 1997 and again in 2004, sought to analyse correlations between those stating that they do not feel safe (insecurity), those who state that there are too many immigrant workers in France (xenophobia) and those who wish to see the death penalty reinstated (punitiveness). Their first study (Robert and Pottier 1997) highlighted the strong correlation between these three items: those who felt insecure were largely the same as those with xenophobic and punitive attitudes. The educational level was one of the strongest determinants: the more educated, the less inclined to adhere to the insecure/ xenophobic/ punitive tendency. Other determining factors included political and religious affiliations: right-wing and non-practicing Catholics were more likely to adhere to these opinions (Robert and Pottier 1997). The two researchers therefore concluded that feeling insecure or concerned about crime was the reflection of a conservative ideology. The younger, educated, non-religious were somewhat immune against such ideologies. However, Roché (1998) warned about the pitfalls of explaining rates of fear of crime solely with

the political affiliation argument: different political opinions, he argues, are not sufficient to explain why insecurity rates have generally been going up within all political groups.

Indeed, the latest developments have questioned the political explanation, encouraging Robert and Pottier to refine their theory. Starting in the mid-1990s, insecurity rates started getting detached from rates of xenophobic and punitive attitudes (Figure 4). Indeed, insecurity rates rose in 2001, at the same time as rates of xenophobia and punitiveness were decreasing sharply.

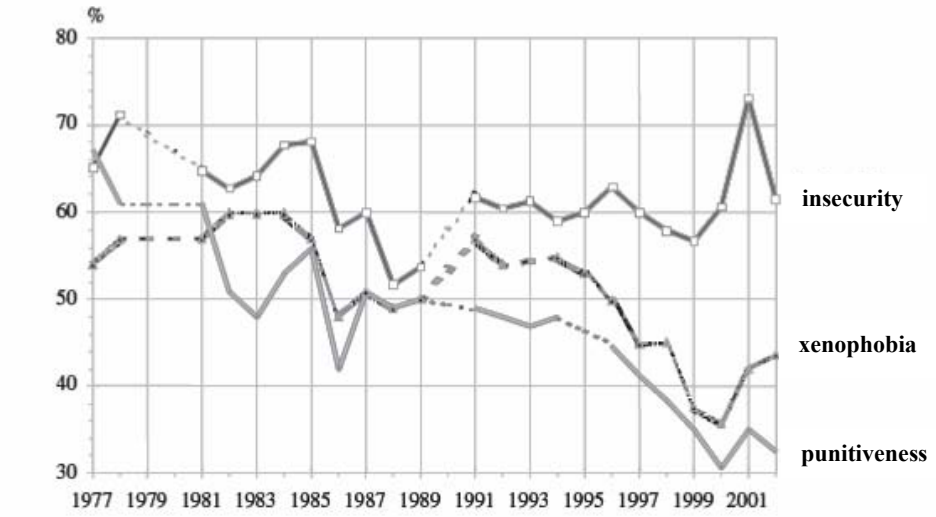

Figure 4. Trends of opinions on insecurity, xenophobia and punitiveness

Source: Agoramétrie, in Robert and Pottier 2004

Analysing the findings of several surveys, Robert and Pottier (2004) show that, starting from the mid-1990s, the rate of people who are worried about crime but who do not have xenophobic or punitive attitudes – what they call the "neo-insecure" – is increasing. The peak of insecurity in 2001 is a result of a combination of two phenomena: a small increase in classical conservative ideas (those who adhere to the three above-stated opinions) and, for a larger part, an increase in the rate of "neo-insecurity" (Robert and Pottier 2004). Therefore, they argue, concern about crime is growing independently from other classical conservative concerns. Over the last decade, concern about crime has significantly increased as a result of a growing social preoccupation with questions of delinquency, stemming from a growing intolerance of acts and lifestyles increasingly viewed as aggressive. Lagrange argues that insecurity, since the mid-1990s, became less related to ideological affiliations (Lagrange 2003). The breakdown of the welfare state, high unemployment rates and growing economic insecurity have contributed to a deterioration of solidarity in social relations, which led to an increasingly intolerant society, characterised by a growing concern about crime, despite the absence of rising crime rates.

Responses to insecurities

Studies have also directed their attention to people's reactions to a growing concern about crime. Generally, the response to a perception of risk is the avoidance of that risk (for instance by moving out of the high crime area). However, when this is not possible, small adaptations are observed, such as the avoidance of certain places or modes of transport (Roché 1998). However, when these adaptations are deemed insufficient to protect against the risk of victimisation, rates of fear increase (ibid.).

Although people tend to take small steps to tackle their insecurities, the main response is a higher demand on public authorities to address crime problems. In France, the dominant ideological conception is one where the central state is responsible for maintaining public order, and thus reducing the risk of victimisation. The burden of finding a solution to the social problem is placed on the central state rather than on individuals. Indeed, empirical studies show that the vast majority think that state action is the most effective way to tackle insecurity (Grémy 1998). This reliance on central state action is not surprising, taking into account France's history of a heavily centralised state. Although decentralisation policies have developed in all other major policy areas, security remains the responsibility of the central state, with very limited local governance of crime (De Maillard 2005). Grémy (1998) argues that the French response to insecurity is passivity, as opposed to vigilantism for example. Yet, this does not mean that the public trusts criminal justice institutions: only one-fifth agree that there needs to be better collaboration between citizens and policing institutions (ibid.). The pattern is thus one where high rates of disorder and an increased exposure to the risk of victimisation, together with an inability to avoid it, lead to a feeling of insecurity. In a context of weak solidarity bonds, especially in high density, disadvantages areas, this insecurity results in placing expectations on the state to take action. Yet, few people believe in the ability of the state to prevent crime and disorder. Thus, a growing distrust of others develops, creating a situation favourable to further increase in crime and anti-social behaviour rates and fear of crime (Roché 2000).

Finally, it should be noted that many of the quoted studies are based on data sets which were collected a few years ago (for example, the recent *Ile de France* study published in 2006 is based on the 2003 victim survey that asked about experiences of crime during the years 2001 and 2002). Therefore, the published results might lack the ability to incorporate two considerations: a) recent developments, for example the medium term decline in thefts since 2001 or 2003 (depending on the types of thefts) or the national rioting events in deprived neighbourhood in 2005; b) the strong policy signals sent by a renewed "tough on crime" orientation since 2002 after the left-wing government was defeated, which paralleled a decline in concern about crime (but not fear of crime).

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3.5 Fear of crime and confidence in justice in Hungary

Gábor Papp and Gábor Scheiring

3.5.1 Introduction

Criminology as a broad field of scientific inquiry in Hungary revived in the sixties after decades of silence under the communist repression. During the transition, the rate of crime increased at an unprecedented pace, doubling to a 49 per 1000 in only five years between 1991 and 1995. This upsurge in crime and the opening of Hungarian policy making and research to international experience raised interest in victimology leading to a development in sociological research on crime and justice. However impressive this development was in the local context, research in the field still remains rather uncoordinated, lacking an annual or biannual regular survey with repeated questions. As there are no regular victimisation surveys in Hungary, historical analyses are not possible. The only case where a statistically reasonable longitudinal comparison can be carried out about fear of crime is the 1982/1992 survey conducted in South Hungary. Hence, it poses a remarkable challenge to synthesise the manifold of studies that have been produced along strict thematic lines. Same can be said about the question of confidence. There exists no systematic, complex and nuanced empirical research on confidence in the justice system. The relationship between fear of crime and confidence in justice is hardly touched upon at all.

In what follows, we present a historical review of the research on fear of crime in Hungary and a brief overview of the research on confidence in justice. One or two questions touching fear of crime or general opinion about the police are included in various, scattered surveys, but these only yield superficial attitudinal data. This literature review describes only those surveys that provide data that are interpretable and comparable in statistical terms.

3.5.2 Fear of crime

The first study explicitly dealing with the question of fear of crime was carried out in 1982 under the leadership of László Korinek who played a major role in introducing victimological research into Hungary. The survey was implemented in cooperation with German and American researchers yielding a base for comparative analysis. The Hungarian part focused on one county in the south of Hungary (Baranya) including 2448 respondents. Based on the results, Korinek underlined the importance of media in influencing fear of crime.

The next survey was also carried out by Korinek in Pécs, capital of Baranya County in 1987. The research covered 923 people with an aim of exploring psychological and sociological factors behind fear of crime. Korinek concluded that age and the accumulated experience are the most important variables influencing fear of crime. Gender, marital status and the level of education turned out also to significantly influence fear of crime.

In 1992, Korinek repeated the survey of 1982 with a sample of 2069 respondents in the county of Baranya. Researchers formulated questions addressing the affective (Table 1), connative (Table 2) and cognitive (Table 3) aspects of fear of crime, yielding valuable data for longitudinal comparisons. Data shows that fear of crime had increased in all dimensions from 1982 to 1992. There is a threefold increase in the level of fear compared to the actual increase in the rate of crime. Without having carried out in depth analysis of the causes behind the increase Korinek concluded that fear of crime is mediated through several sociological factors that increase the subjective feeling of insecurity compared to the objective level of crime. These findings induced an increased interest in more nuanced sociological investigations.

Table 1. "Are you afraid of criminals when you are home alone at night?"(%)

	1982	**1992**
Always	7.0	9.8
Often	4.2	8.3
Rarely	34.2	39.4
Never	54.6	42.6

Source: Korinek (1995: 69)

Table 2. **"Do you lock the door home alone?" (%)**

	1982	**1992**
Always	31.9	48.1
Often	18.8	20.7
Rarely	25.0	17.8
Never	24.3	13.4

Source: Korinek (1995: 71)

Table 3. "Do you think it is possible that in the next 12 months you will suffer:" (%)

	1982	1992
Rape	1.5	1.7
Robbery	1.6	6.6
Unarmed battery (violent assault)	5.1	7.3
Armed battery	0.9	2.6
Burglary	5.8	22.8
Theft	12.6	22.6
Theft of motor vehicle	6.9	15.2
Impairment	7.6	9.8
Other act of crime	0.2	1.3

Source: Korinek (1995: 75*)*

In 1993, Korinek coordinated the Hungarian part of a joint research carried out simultaneously in Berlin, Warsaw, Prague, Sofia and Budapest. It covered a sample of 500 persons. As can be read from Table 4, the research uncovered a major drop in subjective sense of security. Whereas 61.4 percent of Budapestians thought it would be secure alone on the streets at nights before the transition, this was dropped to a mere 25.4 percent in 1993.

Table 4. Sense of security before and after the transition, 1993 (%)

	Very secure	Quite secure	Quite insecure	Very insecure	Total
At night on the street alone (before trans.)	10.2	51.2	29.0	8.2	98.6
At night on the street alone (nowadays)	2.4	23.0	40.0	32.8	98.2
At night home alone (before trans.)	27.4	51.2	16.4	3.4	98.4
At night home alone (nowadays)	15.4	42.4	28.8	12.2	98.8

Source: Korinek (1995: 41)

The next important survey was carried out in May 1994 coordinated by the National Police Headquarters (ORFK). This nationally representative research contained systematically structured questions mapping the affective, cognitive and the connative components of fear of crime. The designers of the survey relied upon internationally used items. The affective component was measured by the question "Is there a place within a distance of 1 km from your home that you would avoid when you are alone?" 36.3% of the respondents replied yes and 62.5% replied no, representing a similar level of fear as in other post-socialist countries. The next question addressing the affective component was "Are you afraid of leaving your home after dark"? The results are summarized in Table 5. The stark difference between men and women is clear from the table. However, education does not show any significant relationship with fear, and neither does age.

Table 5. Afraid of leaving home, 1994 (%)

Gender	Afraid	It depends	Not afraid	Does not leave home	Afraid of leaving home
Male	4.7	7.9	82.0	3.6	1.7
Female	31.9	10.3	40.2	10.0	7.6
Total	19.9	9.3	58.7	7.2	5.0

Source: Korinek (1995: 49)

Moving to the cognitive aspect, researchers have encountered a much lower level of fear. For example a question with a specified act of crime, "*According to you what are the chances of you becoming a victim of a lower value theft?*", showed lower levels of fear: 25.5% of the respondents did not consider this possible at all, 21.8% accorded to it some possibility, 32.5% found the chances would be equal, 10.9% thought it would be quite possible and 5.7% highly possible. The results show that the way fear is approached influences the results. Researchers concluded according to this that the unknown character of crime and the lack of reliable estimations about the possibility of becoming a victim raise the level of fear.

The survey also touched upon the general existential fears that reflect the situation of Hungary at that time (Figure 1). We can see that the fear of war, although decreasing, was unusually high in 1993–1994. Poverty, unemployment and sickness all figured important among the fears of Hungarians. The impact of material insecurity of the first years of transition can thus be clearly detected in the answers. It has to be also pointed out that fear of robbery showed the biggest increase from 48 to 51 percent, especially if we compare it to the level of 1991 (45%).

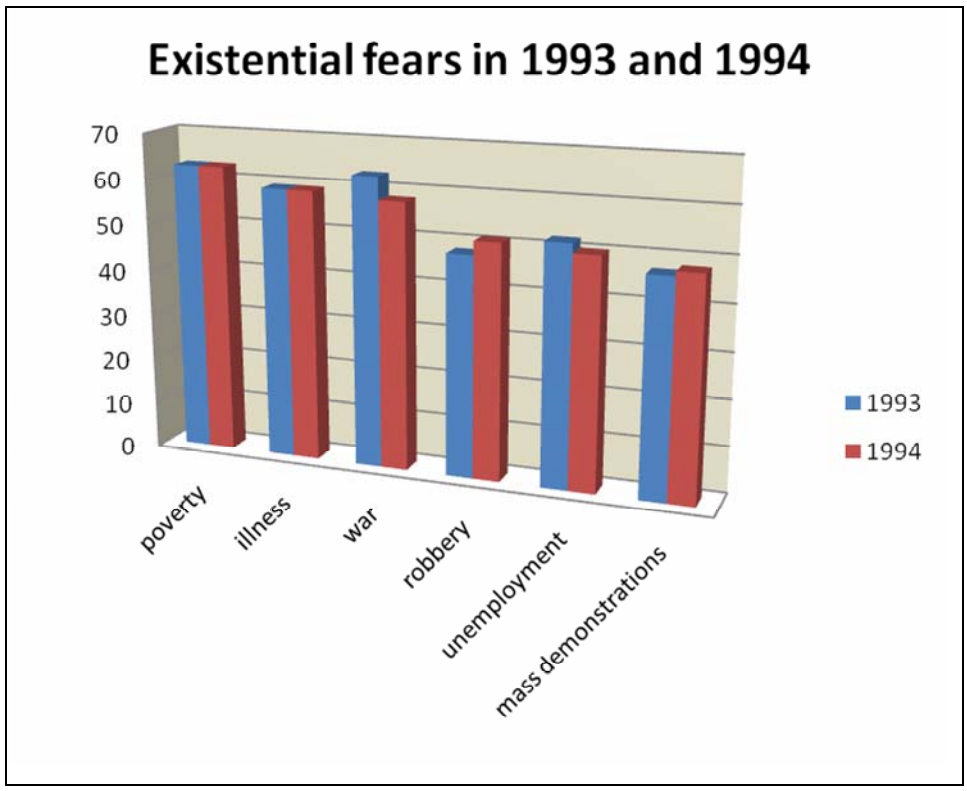


Figure 1. Existential fears in 1993 and 1994

Source: Korinek (1995: 56)

In 1996, Hungary participated in the International Crime Victims Survey (ICVS-3/1996) carried out by the Rome based United Nations Crime and Justice Research Institute. The report titled "*Criminal victimisation in countries in transition*" written by Ugljesa Zvekic (1998) is a synthesis of the results of the ICVS carried out in countries in transition in the second (1992–1994) and third (1996–1997) sweeps, in which six and then twenty countries in transition respectively took part. The report is accompanied by a detailed compilation of the national reports – *International Crime Victims Survey in Countries in Transition: National Reports* – also published by UNICRI which presents the national reports of all the twenty countries in transition that participated in the third sweep of the ICVS. Although the focus of the study was not fear of crime, it included some questions formulated both in the affective, cognitive and connative dimensions.

Among the countries in transition, the highest levels of street safety were experienced by citizens from Croatia, Slovenia, Hungary, Macedonia and Mongolia. Those that felt the least safe were citizens from Ukraine, Russia and Latvia. The respondents were also asked whether they avoid certain places after dark, and their response showed a high level of fear accompanied by proactive precautionary measures in Ukraine, Romania, Latvia and Kyrgyzstan (where

more than 20% of the respondents said they never go out) as well as in Lithuania, Bulgaria, Yugoslavia and Poland (Table 6). Among countries in transition, the citizens in Bulgaria, Russia, Slovenia, Yugoslavia, the Slovak Republic, Macedonia, Lithuania and Kyrgyzstan were the most fearful of being burglarised in the near future (over 50%). It should be noted that burglary as a very likely incident to take place in the near future was particularly felt by citizens in Bulgaria, Russia, Yugoslavia, Ukraine and Latvia. On the other hand, citizens in Poland, Georgia and Mongolia felt less threatened by the possibility of having their households burglarised in the near future.

Table 6. Avoidance of places. (%)

	Yes	**No**	**Do not know**	**Never go out**
Estonia	41.0	48.8	2.6	7.6
Poland	48.1	41.0	1.9	9.0
Czech Republic	48.9	39.8	6.0	5.3
Slovak Republic	46.0	31.8	15.5	6.6
Russia	41.8	42.8	5.2	10.2
Georgia	19.1	68.6	6.7	5.5
Slovenia	37.8	52.3	5.9	4.1
Latvia	32.6	30.8	9.8	26.9
Romania	42.2	33.8	3.2	20.8
Hungary	**36.6**	**46.2**	**3.2**	**14.0**
Yugoslavia	49.7	39.1	5.0	6.2
Albania	38.8	49.7	5.9	5.6
Macedonia	28.9	66.2	3.7	1.2
Croatia	26.9	59.5	6.9	6.7
Ukraine	54.0	31.2	8.3	6.4
Belarus	45.3	33.5	8.8	12.4
Bulgaria	49.6	42.8	4.4	3.3
Lithuania	49.5	38.5	3.6	8.4
Mongolia	43.0	38.1	6.9	12.0
Kyrgyzstan	48.4	20.2	10.4	21.0

Source: Zvekic (1998): 83

In 1997, the National Institute of Criminology conducted a research on public opinion on crime. The sample consisted of 1,000 persons representing the whole

adult population of Hungary. Fear of crime was only dealt with in the affective dimension. The usual question of "*Is there a place near your home that you would not visit because of your fear of crime*" resulted with 40% of the respondents answering *yes*. 67 percent of those returning a positive answer were women. The next question broadened the geographical range: "*Is there a place in your town that you would not visit because of your fear of crime"*. Fifty percent responded *yes*, among them were 60% women. Respondents living in larger towns showed bigger fear. Respondents living alone were also more afraid than those who lived with their families. Looking at the socio-economic dimension, we can conclude based on the data that people at the top and bottom of income scale are more afraid than those closer to the average. Finally, personal experience of crime also showed a relationship with fear of crime, with people who had been victims of crime shoving a higher level of fear.

In 1999–2000, the Hungarian Central Statistical Office included in its "lifestyle – time balance" survey several questions regarding victimisation. However, as the questions were part of a broader survey, they were intended to form a base for a latter nationally representative victimisation survey. An interesting aspect of the study was that it uncovered a relationship between the type of victimisation experience and the feeling of subjective security. According to the international experience, subjective security is mainly determined by previous experience with violent crime. Based on the data of the Hungarian survey, we can assert that not only violent crime but also property crime has a significant influence on subjective security. Whereas only less than one third (29.9%) of respondents with transport crime experience found their surrounding insecure, more than half (53%) of respondents who were victims of violent crime felt insecure in their surroundings, with a rate of 55% among those who had experienced property crime.

Table 7. Security of surrounding, 1999 (%)

Victimization experience	Very secure	Fairly secure	Not secure enough	Not secure at all	Total
Transport	3.9	66.2	25.4	4.5	100
Violent	5.5	41.0	37.9	15.5	100
Property crime	2.4	42.8	41.8	13.0	100
Total	2.9	44.4	40.1	12.7	100

Source: KSH (2001): 23

Hungary has also participated in the fourth step of the International Crime Victims Survey (ICVS-4/2000). There is no detailed analysis of Hungarian responses, but it is worth having a look at the international comparison of fear of crime (Figure 2). Three quarters of Western European citizens felt either very

safe or fairly safe, while this was the case only with 49% in Central-Eastern Europe. In the fourteen cities/urban areas where the majority of citizens felt safe, one can find all Western European urban areas and Baku, Zagreb, Ljubljana, Tbilisi and Tirana. In all remaining Central-Eastern European cities, the majority of respondents felt more frequently unsafe rather than safe.

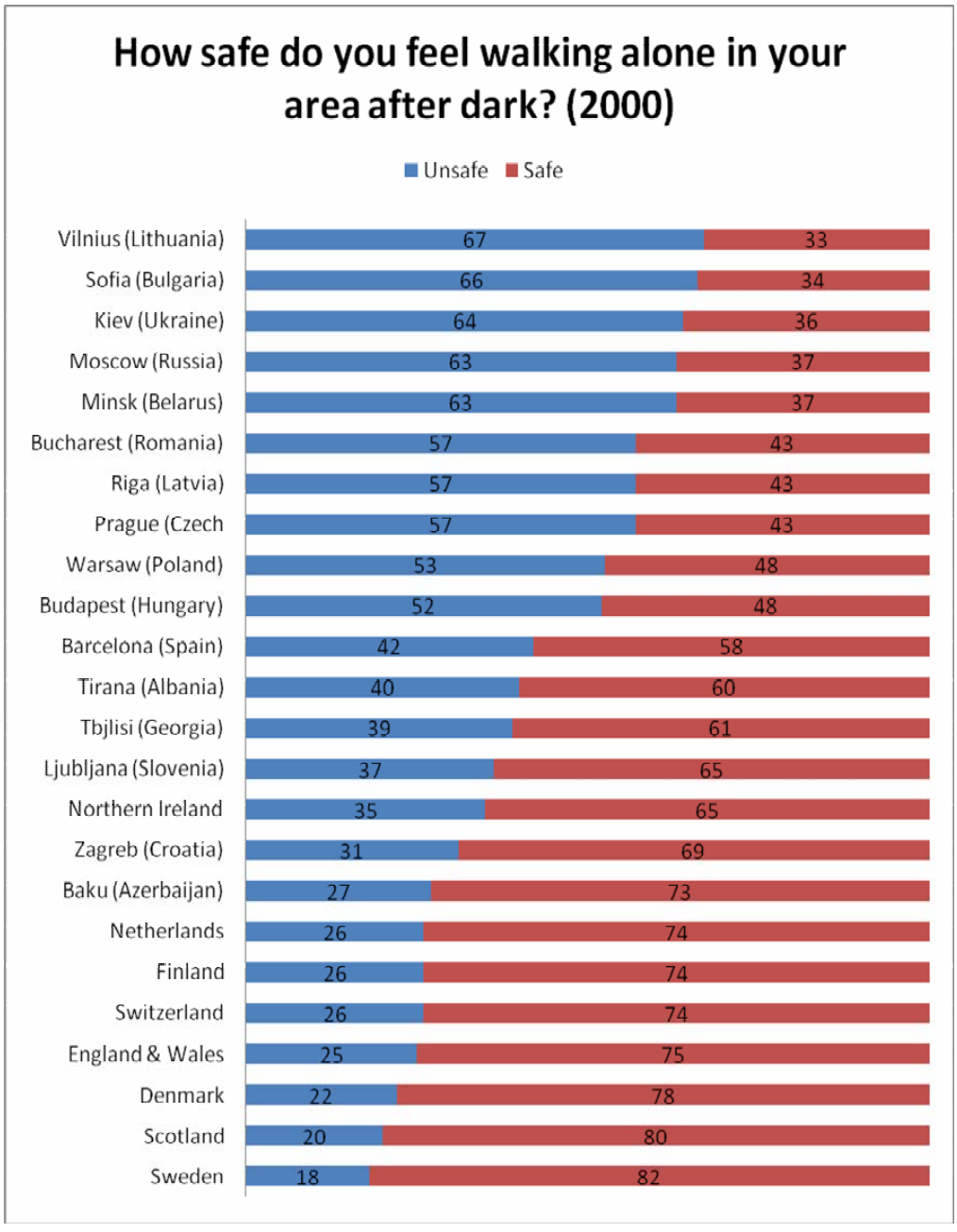


Figure 2. How safe do you feel walking alone in your area after dark? (2000)

Source: Alvazzi and Kesteren (2004): 19

With its fifth sweep ICVS-5/2005 initiative was developed into a global project. Over a time span of fifteen years, more than 300,000 people were interviewed about their experiences of victimisation and related subjects in 78 different countries. Again, no detailed analysis of the Hungarian case exists but the global comparisons are unique.

In 1999, the National Institute of Criminology carried out a local study about crime in Budapest containing a few questions about the citizens feeling of security and fear of crime. The sample covered around 1,000 respondents in three districts of the capital, the 5th, the 9th and the 22nd. However, the local focus of the survey and limited number of questions regarding fear of crime make the research incomparable to other national or local projects.

Between October 2001 and June 2004 a European research project titled: "*Insecurities in European Cities. Crime-Related Fears Within the Context of New Anxieties and Community-Based Crime Prevention*" (INSEC 2004) was carried out with Hungarian participation (Barabás, Irk and Kovács 2004). The research project covered insecurity and possible solutions in five European cities from the perspective of inhabitants of Amsterdam, Budapest, Hamburg, Kraków and Vienna. The overall focus of the research was much broader than fear of crime but it still contains some valuable data on the topic with the possibility of international comparison. The survey was carried out in two districts of Budapest, the 9th district (Ferencváros) representing one of the most severely crime-hit districts and the 22nd district (Budafok-Tétény), one of the most "peaceful" districts.

Data shows that people in Ferencváros had come to live together with crime in the district; their behaviour was not determined by fear of becoming a victim of crime, although there is a high probability of that. Crime had a smaller impact on the behaviour of the inhabitants concerning whether they stayed at home or went out after dark. The answers to the questions about personal assessment of risks indicated that the people in Ferencváros were aware of the dangers threatening them. They were more conscious of danger than the people in Budafok-Tétény. Those people whose awareness of danger is stronger, who have already become victims and in whose environment a lot of crimes take place assess the risks higher. Besides those "involved" in this way, it is the women and the people with a lower level of schooling who think it more probable than the average that they will become victims of crime. The people in Budafok-Tétény tended to prefer active forms of defence (self-defence courses, insurance, security equipment or having a dog) while the people in Ferencváros tended to prefer strategies of avoidance and defence (avoidance of certain places, streets and group, reserved behaviour).

The problems that appear in the local housing environment also influenced the interviewees' general sensitivity to problems, in an inverse proportion. In the 9th district, where local problems caused more concern, and where making a living was more difficult and the financial and social situation of the inhabitants was more unfavourable than in the 22nd district, people were less sensitive to the problems of the city and the "world" because they were kept busy by the local

concerns. The population of the 22nd district, which was in a better situation, was more sensitive to urban and global events because the more peaceful environment made it possible for them to care about suchissues. People can get used to the high level of crime, which decreases people's general sensitivity to problems and add to the importance of the problems existing in the municipality or the area. Through this mechanism, fear of crime and realistic fear of becoming a victim made the inhabitants more sensitive to the social and ethnic problems in their neighbourhood and the tendencies that have had other explanations become related to crime and appear as criminal problems.

Table 8. Personal risk assessment (InSec), Budapest, 2001 (%)

In your opinion how likely it is that you will become the victim of the following crimes involving injuries or damage?	**Rate of probability**	
	9th district	**22nd district**
Burglary and theft from your car	3.72	3.26
Burglary in your home	2.98	2.96
Attack by a dog involving injury	2.76	2.70
Road accident (involved as a pedestrian or a cyclist)	2.68	2.48
Robbery in the street (not involving aggression)	2.79	2.39
Mugging	2.46	2.12
Harassment	2.20	1.75
Assault and battery	2.15	1.73
Different kinds of sexual molestation	1.86	1.62
Rape	1.63	1.49

Source: Barabás, Irk and Kovács (2004): 56

Table 9. How often do you leave your flat after dark? Budapest, 2001

	9th District	22nd District	
Almost Never	95 19.0%	82 16.4%	177 17.7%
Rarely (more than once a month)	92 18.4%	101 20.2%	193 19.3%
Occasionally	95 19.0%	122 24.4%	217 21.7%
More often (at least once a week)	217 43.4%	196 39.1%	413 41.3%
999 (No answer)	1 0.2%	-	1 0.1%
Total	**500**	**501**	**1001**

Source: Barabás, Irk and Kovács (2004): 56

The only nationally representative victimisation survey was conducted in 2003–2004 **(***Victims and Opinions***)** covering 10,020 respondents by the Hungarian Gallup Institute, commissioned by The National Institute of Criminology. Based on the research a two-book edition has been published by the Institute (OKRI 2004). The large sample makes a detailed regional analysis possible. The questionnaire consisted of three parts: the first contained questions concerning general sociological data and victimological questions, the second part was dealing with the experience of those who suffered crime, and the third part was to be filled out by the respondents themselves with sensitive questions. In the next section we describe a study containing a detailed analysis of the factors influencing the fear of crime, so here we would like to point out some characteristics of the research.

The respondents found that crime is not the most important problem of contemporary Hungary. Unemployment was rated highest by far (21.6%), with crime at the sixth place (5.5%) after other mainly socio-economic issues (Table 10). When analysing the factors influencing fear of crime, it is worth to have a look at the respondents' estimations about different crimes. Respondents tend to highly overestimate the rate of robbery, care theft, murder and corruption. The serious overestimation of violent crime might possibly be best explained by the distorting effect of the media. This also leads to an increased fear from violent crime and crime against property and to a possible lack of preparedness against other types of crime.

Table 10. What is the most important problem in Hungary now? (%)

Unemployment	21.59
Social tensions	8.93
Economic, financial situation	7.68
General political life	7.64
Standard of living	7.13
Crime	**5.51**
Problems with the government	4.52
Social security	4.49
Opinions regarding moral values	3.96
Corruption	3.36
Situation of pensioners, elderly	3.22
Level of payments	3.17
Healthcare	3.12
Agriculture	2.81
EU accession	2.54
Minorities	1.18

Source: Kó 2004: 61

The survey contained around 30 different questions concerning fear of crime, mapping the affective, cognitive and connative dimensions in detail, and also specifying the type of crime and the place of crime. Respondents showed an increased feeling of security nearer their home and tended to shift over their fear to more distanced places. Researchers also tested different approaches to the same question. For example, questions regarding the possibility of becoming a victim seem to yield much more reliable answers when the question is specified in terms of the type of crime and time. When asked about whether there is a place that the respondent would avoid, the answers showed a significant difference between fear at night and day (Table 11).

Table 11. Is there a place that you would avoid because of your fear of crime? (%)

	At night	At day
Don't know	3.24	1.9
Afraid everywhere	4.44	0.58
There are many places	15.85	6.7
There is one place	15.83	9.13
There is no place to avoid	60.64	81.53

Source: Kó (2004): 83

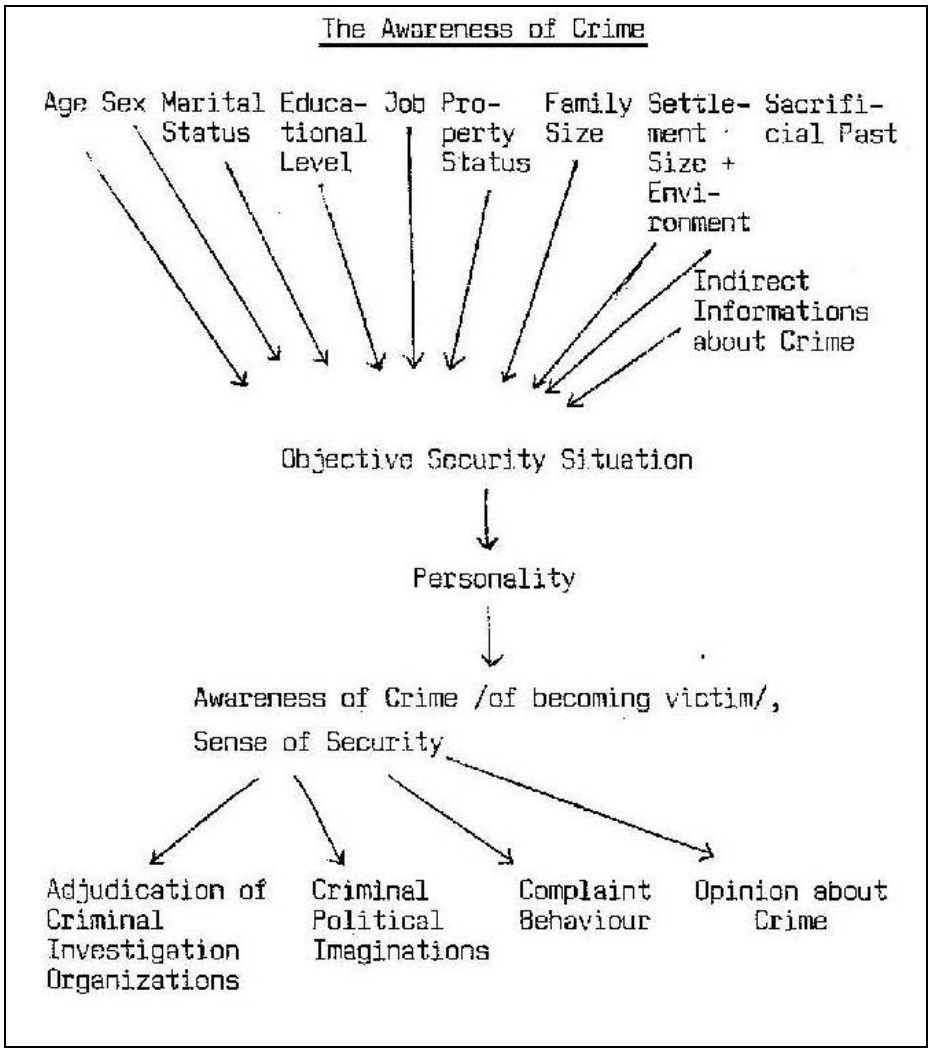


Figure 3. Theoretical reflections on fear of crime

Source: Korinek (1992): 63

Due to the lack of systematic and longitudinal investigations, theoretically informed and hypothesis-testing studies are lacking. The first efforts to map theoretical literature on fear of crime came from Korinek (1992; 2005). In a 1992 study, he differentiated ten factors and drew up a theoretical model (Figure 3) based on this (Korinek 1992). In his works Korinek introduces the Hungarian reader to the international literature and reflects on Hungarian empiria based on these theoretical insights, but due to the limitations of the surveys he did not have the opportunity to test the theories. So, the different explanations (victimisation theory, disorganisation theory, social problem theory, theory of moral panic, and Korinek's own invention, the "theory of general disorganisation") are known locally but their relevance is not clear.

The only study engaging in hypothesis testing relies on the data of the 2003–2004 survey (Kó 2005). In his piece, Kó points out the relevance of the different approaches to measuring fear of crime (the affective, cognitive and connative). Questions formulated according to the different approaches yield different answers. After reviewing the most important theories Kó continues by analyzing the questions of the survey (Table 12). The questionnaire is published in the appendix of the compilation processing the research (OKRI 2004). Kó analyzes the results of the different approaches trying to point out reliable and unreliable questions.

Table 12. Questions and approaches to measuring fear of crime, 2003

	Affective	**Cognitive**	**Connative**	**General**	**Comparative**
Specified crime	K 42, K 44	K 56.1-56.19	K 39.1-39.7 K 58.2		
Specified place	K 51, K 52, K 53	K 48.1-48.3	K 49, K 50 K 58.3-58.6	K 33-K 35 K 46, K 47	K 37
Non specific	K 57		K 58.1 K 58.7 K 58.8	K 41	K 19

Source: Kó (2005): 50

Table 13. Index of affective fear of crime, 2003 (%)

Type of town	Not Afraid	Afraid	Very Afraid	Total	Share of victims
Budapest	66.1	21.3	12.6	100	27.32
Towns with county status	75.1	16.0	8.9	100	19.52
Further towns	74.1	16.0	10.0	100	15.62
Township, village	78.3	13.5	8.2	100	12.41
Total	74.4	16.0	9.6	100	17.31

Source: Kó (2005): 56

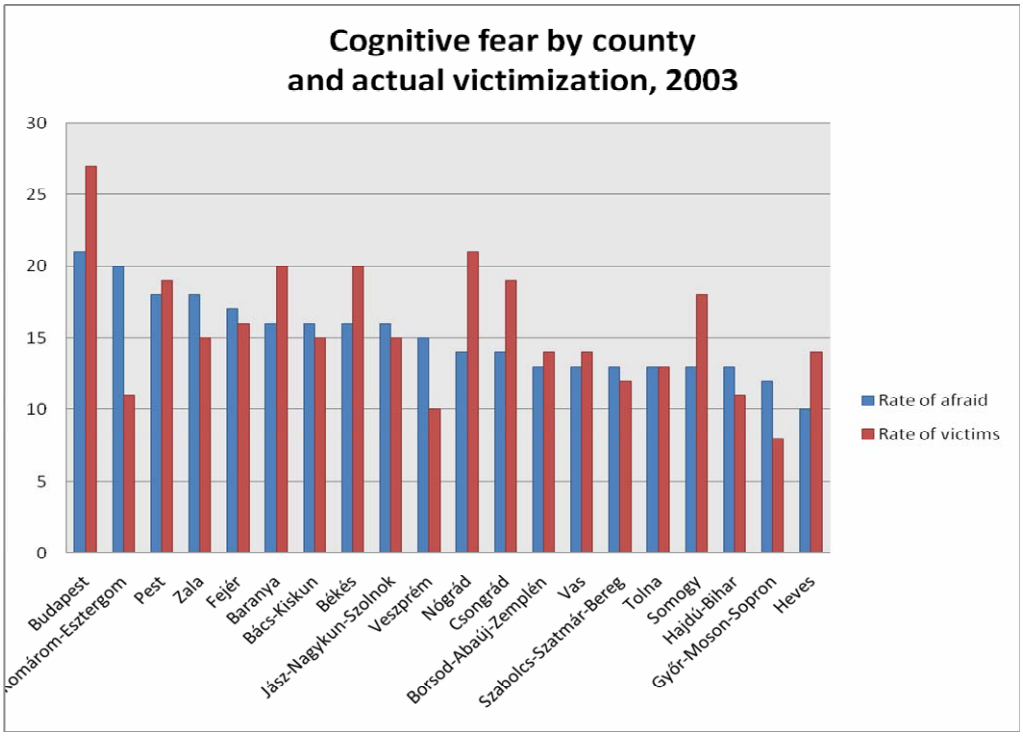


Figure 4. Cognitive fear by county and actual victimisation, 2003

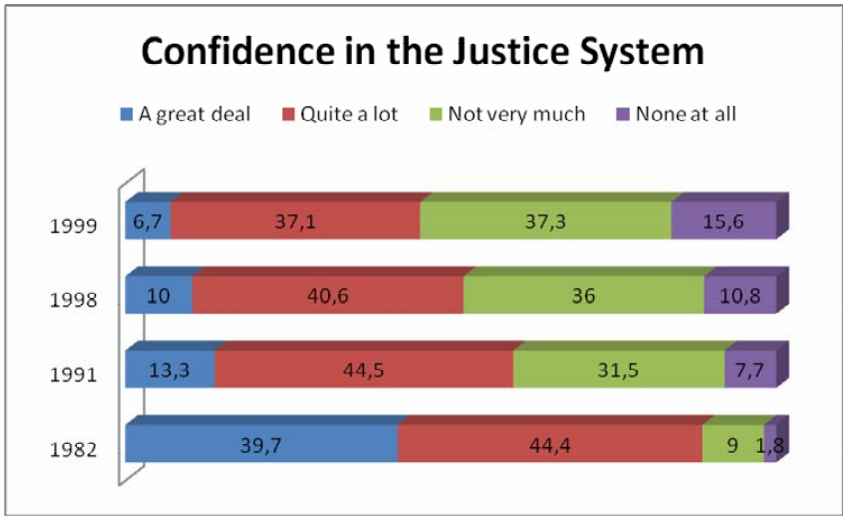
Source: Kó (2005): 62

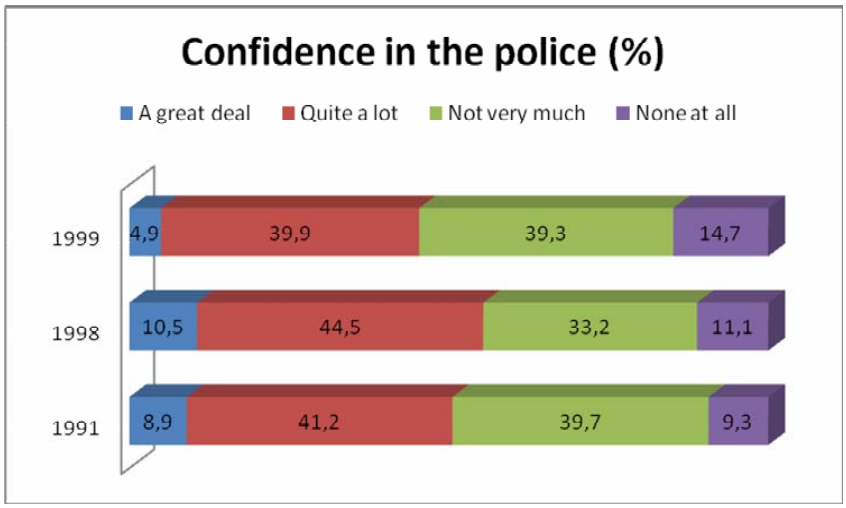
Kó places a special emphasis on how regionality influences fear of crime. He analysed the influence by constructing a fear of crime index and creating cross tables. Budapestians are by far the most afraid of crime, while people living in smaller towns feel the most secure (Table 13). There is a significant variation in the level of fear between different counties (Figure 4). This might be explained by local socio-economic factors. However, victimisation experience does not

show a significant relationship with fear neither in the affective nor in the cognitive dimension. Based on these Kó concludes that the theory of victimisation experience lacks explanatory power, regionality and the type of settlement plays a much more important role.

3.5.3 Confidence in justice

Data on confidence in justice is much scarcer than that on fear of crime. The European Values Survey contains questions about confidence. Figures 5 and 6 give a brief longitudinal overview. According to this, we can conclude that confidence both in the justice system and the police were seriously eroding during the first ten years of transition. These data are especially valuable from a historical perspective, as they go back as long as to 1982.





Figures 5 and 6. Confidence in the justice system and the police

Source: European Values Survey

More recent surveys are also available but their implementation is not coordinated and the results are not pooled. As a consequence, research on confidence is scattered and inserted into broader research projects (especially those measuring confidence in the institutions of democracy) without the possibility of a truly comparative or longitudinal analysis based on a unified dataset.

The question of "*How much do you trust*" the police/the justice system is measured regularly by the *Median Institute*. As the data is not available publicly, except for certain monthly newsletters describing short term changes in the level of confidence, we can only infer that their database could be a useful starting point for a longitudinal analysis.

The regular country reports of the *Eurobarometer* prepared for the Hungarian Representation of the European Commission since 2004 also contain data on trust in the police and in the justice system. According to the latest report, on the list of institutions Hungarian respondents trust, the EU is followed by the police, which are trusted by less than half of the respondents. The series of Eurobarometer surveys have shown a negative tendency in trusting the police. Also, a notable loss in trust is shown in the Hungarian army and in the national justice or legal system. (Eurobarometer 2008.)

Bruxinfo, a Hungarian private research institution dealing with issues relation to the EU prepared a report on trust in different European countries based on data stemming from Eurobarometer. Figure 7 summarises their results, showing a low level of trust in police throughout the CEE region.

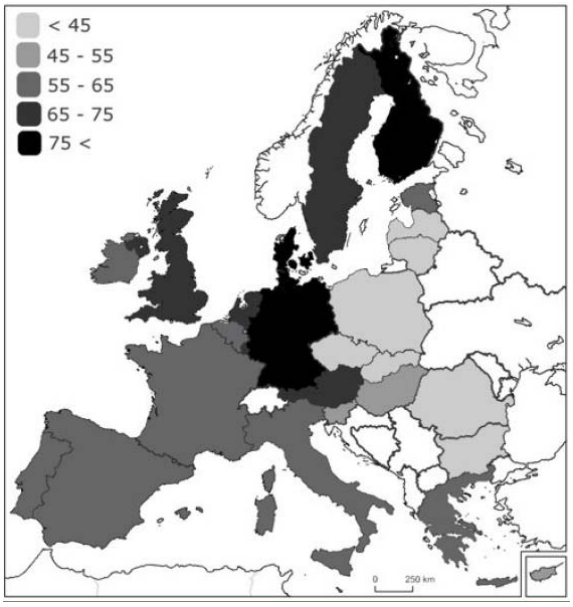


Figure 7. Trust in the police, in percentage, 2006

Source: Bruxinfo (2007):11

The *Central European Opinion Research Group* (CEORG) was established in 1999 as a result of the cooperation of three major public opinion research institutes from the Czech Republic (CVVM), Hungary (TÁRKI) and Poland (CBOS). In their monthly omnibus surveys, they include a yearly-based question regarding trust in institutions. The latest publicly available research is from September 2004. Representative samples of Czechs, Hungarians, Poles, Slovaks and Ukrainians were asked about their personal trust in different categories of social institutions (Political parties, Judges, Police, Army, Members of Parliaments, Prime Ministers, Presidents, newspapers, television, private companies, trade unions, Church, fellow citizens and people they know) with the choice of answers on the scale – definitely trust, rather trust, rather distrust, definitely distrust and do not know. Levels of trust in general, including trust in institutional control for partisan politics and the executive branches are highest in Czech Republic and Hungary, while distrust in general is the highest in Ukraine. The most differentiated is the evaluation of the police. On the one hand 64% of Hungarians and 54% of Poles trust Police and 33% of Hungarians and 29% of Poles distrust them. On the other hand the difference between trust and distrust was negative in the Czech Republic (0.3%), Slovakia (9%) but mainly in Ukraine (28%). (CEORG 2004.)

Not specified explicitly as a dimension of confidence, general opinion on the police is also measured by questions like "*How satisfied are you with the performance of the police*" or "*How would you rate the performance of the police*", "*To what extent does the police serve the population"* (Ernyes and Kertész 1992, Dános and Tauber 1993, Korinek 1996). Korinek's repeated research in Baranya revealed a steep decline in the general satisfaction with the justice system. Whereas 18 percent of the respondents found that the performance of the police was bad in 1982, this has risen to 30 percent by 1992. At the same time, the number of those satisfied declined from 25 to 14 percent. The same trend can be observed regarding satisfaction with prisons. In 1982, 24 percent of the population found that prisons were performing badly and 18 percent was satisfied, by 1992 the number of dissatisfied had risen to 44 percent with only 7 percent saying that prisons are doing a good job. The number of people who found the performance of courts satisfactory decreased from 56 percent to 39 percent. (Korinek 1996) We have to a make precautionary remark regarding these data. The reliability of the questions about the satisfaction with state institutions in the socialist era is questionable, as free expression of opinion was repressed even in 1982. On the other hand, the general turmoil that followed the transition decreased the overall trust in the institutions of democracy. Latter surveys showed an increase in the level of satisfaction.

The Hungarian Gallup Institute carried out three surveys on behalf of the National Police Headquarters that discovered an increase in the percentage of respondents satisfied from 38 in November 2002 to 44 by May 2003. This trend continued until November 2005 rising to 45 percent. (Gallup 2006) However, from the end of 2006 regular monthly surveys carried out by the Median Institute show a decrease in the trust in police (Figure 7). The reader should not forget that in the autumn of 2006, there were violent clashes between the police and

mainly right wing anti-governmental demonstrators that shocked the population. Lawyers say that the police was acting not in a way that would be expected from a key institution in a democracy (lack of visible individual identification numbers, use of special weapons, and lack of willingness to investigate abuse of police power).

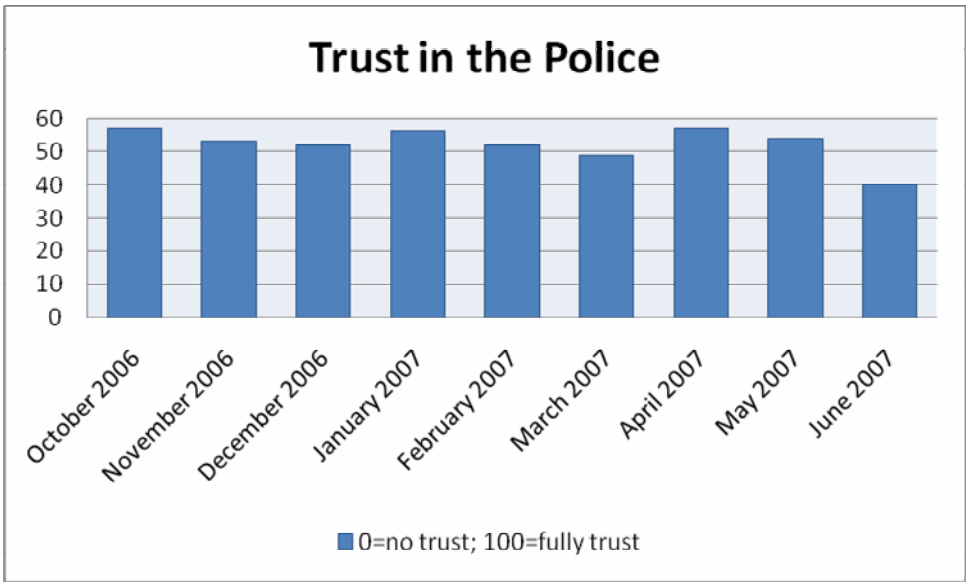


Figure 8. Trust in the police

Source: Median Institute (2007)

Related to the question of confidence is the *willingness to report a crime* which is sometimes measured in victimisation surveys. Korinek (1996), for example, found that among the reasons for not reporting, the doubt on the effectiveness of police investigation figures centrally, especially concerning theft, robbery and burglary. People's attitudes on punishment and their *expectations from the justice system* (eg. retribution or restitution) are also measured (Bőhm and Szőgyi 1994, Finszter and Irk 2000, Kerezsi 2006). A shared opinion among researchers and experts is that when people feel that the police do not live up to their expectations, they lose their trust in the police. Behind the relatively low rate of crime, there is an unwillingness to report smaller incidents (theft). On the one hand, this is related to a widely held perception that the police only deal with these issues formally, and on the other to the fact that the number of unexplored cases is rising. What follows is that the victim does not turn to the police, which may lead to an increased frustration with the justice system.

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3.6 Review of publications in the areas of fear of crime and confidence in justice in Italy

Stefano Maffei, Chiara Scivoletto, Cristina Pavarani, Alberto Cadoppi and Giorgio Afferni

3.6.1 Introduction

Italian literature on criminology and sociology devotes rather little attention to the topic of "public confidence" and attitudes to justice. The topic has received a great deal of attention in the United States and United Kingdom but it has been almost totally neglected in Italy so far. A cursory glance to the major textbooks of criminology (Ponti 1999, Merzagora Betsos 2001, Pisapia 2005, Vidoni Guidoni 2006) shows that scholars do not treat matters related to confidence as independent topics/chapters but, instead, as an issue pertaining to the concern about crime and social control. This translates in rather limited literature available on the aforementioned topic, despite an increasing interest for related matters such as urban security, social control, as well as efficiency of justice.

In contrast, "fear of crime" and, more broadly, concerns for crime and security of citizens, is more extensively studied. After the 1990s, increased attention has been devoted to the topic of fear of crime, and in recent times fear has received an unprecedented amount of attention in research and public opinion debates. As a matter of fact, one can safely argue that in Italy fear of crime has now become of significant concern not only for criminologists, victimologists but also policy-makers, politicians, the media and the general public. In spite of this, however, most dynamics of fear and security remain unknown and most questions posed by researchers are still unanswered. Most Italian authors agree that the topic is worthy of further investigation via surveys aimed to investigate its psychological and psycho-social aspects.

The purpose of this review is to review literature and research on fear of crime (sections 3.6.2-3.6.3) and to provide a detailed bibliography on confidence and fear (sections 3.6.4-3.6.5), as well as on methodological research in social sciences (section 3.6.6).

3.6.2 Fear of crime: review of literature and research before 1990

According to some commentators, contemporary problems of social insecurity and fear of crime are similar to those that appeared in Italy in the last decade of the 19th century. This analogy is based not only upon the similar increase of crime according to the related statistics at the time, but also upon the increasing interest of criminologists for the petty offences, also known as "predatory

crimes". The importance of this phenomenon was underlined, at the end of the past century, by Enrico Ferri. Ferri suggested that fear of crime is linked to petty offences, which increased significantly at his time, while the most serious crimes were stable. The work of Dario Melossi on criminal statistics between 1863 and 1994 shows that in Italy, at the end of the 19th century, variations in the crime rates for the most serious offences (murders, robberies) were practically insignificant. Instead, the increase in the number of inmates and sentences was regarded by most commentators as a true symptom of the deterioration of the social life in the country (Melossi 1997). In those early years, the Italian Positivist School argued that legal response to crime should not be based upon consideration of fear or morality, but rather on objective elements such as the harm caused by the offences. For this reasons, fear of crime was not considered an element to affect and impact on legislation and reforms of criminal justice.

3.6.3 Fear of crime: review of research and literature after 1990

In the following sections an overview is given with regard to research and literature on fear of crime after 1990.

Research

The very concept of fear of crime has dramatically changed in the last two decades, mainly due to academic research and surveys carried out by Universities and research centers around the country. It is now agreed by most commentators that fear or concern and public anxiety do affect policy and the legal reforms of criminal justice.

Although no in-depth research has yet been performed in Italy on fear of crime (Barbagli 1999), the National Institute of Statistics (ISTAT) has become the major data provider on the matter in the past 10 years.

Some surveys were specifically directed towards the issue of "citizens' safety" (*Indagine sui delitti denunciati dalle forze dell'ordine all'autorità giudiziaria, Indagine multiscopo sulle famiglie "Sicurezza dei cittadini*", which took into account a parallel research of the Ministry of Interior (*Indagine sul numero dei delitti denunciati all'autorità giudiziaria dalle forze di polizia*).

The first milestone research was *La criminalità in Italia - dati territoriali*, which covered the years from 1993 to 1998, but it was not specifically focused on perceptions of crime.

The *Multipurpose Survey*, conducted in 1995, instead, may be used for purposes of secondary analysis in the JUSTIS project to explore the spread and determinants of fear of crime in Italy (Miceli, Roccato, Rosato 2004). The 1995 *Multipurpose Survey* gathered data from 21,630 Italian families; for each of them the head of the family was interviewed. As mentioned, the ISTAT questionnaire

did not contain a "Fear of Crime Scale" or a single item measuring the affective side of crime reaction. However, they did contain a question on risk perception that can be reasonably considered as a proxy variable for the fear of crime: "Is the risk of crime in the area where your family lives high (4), moderate (3), low (2), or none (1)?" This question is very similar to the U.S. National Crime Survey (NCS) and General Social Survey (GSS) questions.

Results of analysis were as follows:

- The number of minor crimes recorded in the *Multipurpose Survey* and the one recorded in the judicial statistics are largely discrepant;
- Fear of crime is much more widespread than the objective risk of crime.

The most recent surveys have been conducted in 1998 and 2002, with a sample of 60,000 families interviewed by phone (*La sicurezza dei cittadini. Reati, vittime, percezione della sicurezza e sistemi di protezione*), and 2005–2007 (*100 statistiche per il Paese. Indicatori per conoscere e valutare*).

The first two surveys were deeply studied and interpreted by criminology scholars (Barbagli 1998; Barbagli & Gatti 2002). They suggested that fear can be induced by a variety of factors and circumstances and may not necessarily be a consequence of a single socio-demographic variable.

In broad terms, according to some authors data suggest that the degree of fear of crime in Italy is comparable to the level of fear in other Western Countries (Savona 1993).

It is relevant to underline that, according to these studies, fear is not evenly distributed among population groups. Instead, the level of fear is very different depending on age, gender and place of residence. More specifically, data shows that gender plays a crucial role, as fear is much more relevant to the female population. Further, fear and insecurity are much more significant among those living in metropolitan areas, compared to those living in municipalities with less than 15,000 inhabitants. In sum, more serious concerns arise amongst women (Villano & Mancini 1999), the elderly and people in bad health (physical factors), amongst victims without networks of social support (social factors), and in deserted areas where no help is available (situational factors).

Research seems to endorse the findings of those who believe that fear is often rooted in irrational sentiment (Oatley 1992) since the ISTAT survey suggests that fear does not exactly correspond to objective risks of victimisations.

A paradox emerged from the latest research ("*100 statistiche per il Paese. Indicatori per conoscere e valutare, 2008*", covering the years 2005-2007): murders decreased (apart from family murders) while fear of security significantly increased. It is perhaps worth underlining that in Italy the number of murders from 2000 to now declined from 13.1 to 10.3 per million of inhabitants (below the European average).

In 2006 “criminality” was mentioned as a source of worry and anxiety by over half of Italians (58.7%), with peaks across the country, in the regions of Piemonte, Liguria (North), Puglia, Campania and Sicily (South). In several northern regions, fear of crime is closely linked with adverse sentiments for the increased immigration and instances of crimes committed by immigrants.

Prof. Barbagli, the coordinator of the report on crime and on immigration conducted in 2007 by the Ministry of Interior, suggested that the survey confirmed the results of other pieces of research carried out in Italy, according to which “fear of crime is high and depends not only upon the number of offences but rather upon the degree of *perceived deterioration* of the social situation in which people live.

In this respect, one can easily understand why ISTAT suggests distinguishing between an *objective* component of insecurity (based upon the number of offences and anti-social behaviours) and a *subjective* component (based upon the social alarm caused by such behaviours). The two components do not necessarily correspond, but in Italy, at present, they significantly diverge.

Every year the State Institute Censis (Centro Studi Investimenti Sociali)**,** produces a detailed report on the social situation of the Country (*Rapporto annuale sulla situazione sociale del Paese*). The 2008 report (*37° Rapporto sulla situazione sociale del Paese*) is particularly relevant to the topic: it has underlined that fear of crime remains rather high: 51.2% of the population appears afraid of minor crime. More specifically, predatory crimes such as burglary and theft are central to these feeling of insecurity, alongside with a new fear over the protection of personal data (Bortoletti 2005).

Literature on fear of crime

This section offers a brief overview of the relevant literature of the last two decades.

According to some authors, fear of crime is becoming one of the most serious problems of our time (Amerio 1999). At the psychological level, it can have negative effects on individuals in terms of feelings of anxiety, distrust, alienation, dissatisfaction with life, and even mental illness. At the behavioral level, it can lead to constrained behaviours such as staying at home at night, cutting down on social activities, buying weapons, moving to the suburbs, and so on (Amendola 1993). Fear of crime may also exert negative influences on communities by decreasing collective cohesion and solidarity (Amerio & Roccato, in press).

Increasingly, in the last few years references to fear of crime appeared extensively in academic studies: more specifically academic research has frequently addressed the topic by investigating its correlates and determinants.

In 1998, one of the first Italian studies merely translated the results obtained in the United States and United Kingdom (Santinello et al. 1998). At the same time, some authors attempted a redefinition of the concept of "security", on the assumption that Italian research would have to be based on an independent concept of "security" (Manunta 1996).

At present, however, no consensus exists in Italy on a common concept of security. Some authors refer to urban security (*sicurezza urbana)* on a national level (Selmini 1999, 2004; Davoli, Pastore, Santinello, Vieno 2003) or regional level (Melossi & Selmini 2000), while others focus on a rather individualistic concept of personal security.

The most comprehensive dissertation on the topic of security (Selmini 2004) is divided into six chapters as follows: *Theory of criminality, Understanding criminality, Urban insecurity, Security policies, Government and security, Security and crime prevention*.

The most comprehensive study on *fear of crime* was published in 2002 (Travaini 2002). It includes a section on crime and fear, the state of fear in Italy, history of crime statistics in the country, victimisation surveys, and strategies to contain and reduce fear. As suggested above, in 2004 a study examined the spread and determinants of fear of crime in Italy, through a secondary analysis performed on the 1995 ISTAT survey data. In addition, the study analysed data from official judicial statistics.

The main results were as follows:

(a) fear of crime correlates with crime spread;

(b) fear of crime is more widespread than crime itself;

(c) the best predictors of fear of crime are urbanisation, degradation of residential areas, and residence in North-eastern Italy;

(d) criminal victimisation exerts a minor influence on the fear of crime; and

(e) socio-demographic variables under investigation exert little influence on the fear of crime.

The authors then discussed the results in reference to international literature, and suggested possible subsequent lines of research (Miceli, Roccato & Rosato 2004). In spite of limitations due to the lack of data available in Italy, the results can be considered a useful preliminary exploration of the reactions to crime in Italy.

In 2005 another study (Amerio & Roccato 2005) produced an Italian model for predicting fear of crime (FC) and concern about crime as a social problem (CC). The model was designed around three sets of independent variables concerning:

(a) the socio-demographic and criminal victimization domain;

(b) the psychosocial domain; and

(c) the mass media.

A secondary analysis on data gathered by the Observatory of the North-West was performed on a sample population of 3,262. Results showed that FC and CC are related yet distinct components: FC is less widespread than CC, and has different predictors. FC predictors are socio-demographic, psychosocial and, above all, victimization variables; whereas mass media and psychosocial variables predict CC. Results were compared with the literature on the topic. Implications, limitations, and future directions are discussed.

In 2007, another study (Merzagora Betsos & Maffei 2007) investigated the development of criminological research in Italy and places it in the context of broader considerations of the country's policies on crime and criminal justice. An overview of Italian research on crime and criminology reveals the versatility of Italian literature and jurisprudence; it also indicates that "new" forms of criminality (such as white-collar crimes, sexual offences and crimes committed by immigrants) are being discussed alongside the more traditional topics of murder, crimes against property and organised crime. Furthermore, this survey attempts to clarify why, in Italy, the level of public confidence in the criminal justice system is so low, despite the numerous recent reforms and the official crime rates, according to which Italy is about the European average for most categories of offences.

More recently research has focused on the relationship between fear of crime and likelihood of victimisation (Triventi 2008). Since objective victimisation undoubtedly affects fear of crime, the relationship between criminal victimisation and people's perception of safety is explored. At first sight, the connection between these phenomena seems to be obvious: victims of a crime are probably more unsafe than non-victims.

In addition, many recent studies have found that the relationship between fear and crime is more complex than expected. The author discusses, in the first part of the paper, the mixed research results and some reasons of this heterogeneity are identified. In the second part, an analysis is conducted on data from the Italian Survey on Citizens' Safety (*Indagine sulla sicurezza dei cittadini*). The main findings indicate that victimisation affects both feelings of safety in the streets and in one's own home, but with different intensity.

Victimisation to thefts and bag-snatching is associated with safety in the streets, whereas burglary victimisation is related to the perception of safety in one's own home. Multivariate binomial regression models show that in Italy previous victimisation contributes to increase the probability of feeling unsafe both in the streets and in one's own home, all other circumstances being equal.

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3.7 Literature review on confidence in justice in Lithuania

Rokas Uscila and Alfredas Kiškis

3.7.1 Confidence in criminal justice system and its components

Surveys on public confidence in law enforcement institutions began after Lithuania gained independence in 1991. Earlier, during the period of Soviet occupation, even an idea of such surveys was politically inappropriate. It took some time to settle a new justice system – more humane and respectful to human rights. Confidence in criminal justice surveys really began in 1993–1994. The first surveys were not published and were not publicly available. Materials were only for the internal use of criminal justice institutions. By today, dozens of surveys have been conducted, and all materials of recent surveys are publicly available. Many scientific articles, some methodological publications, and studies based on these materials were published. However, the available information is not yet sufficient. There is a lack of methodological information, and of fundamental works that analyse public confidence in criminal justice.

All sources can by divided into:

- Surveys
- Scientific articles
- Methodological studies.

Most of the materials in Lithuania are surveys and their reviews concerning confidence in the criminal justice system and its components, as well as insecurity or security of individuals, fear of falling victim of criminal activities.

Surveys in Lithuania are conducted by law enforcement institutions themselves (e.g., Department of Police, institutions of territorial police). These we denote as surveys "from inside", seeking to assess the degree of residents' trust in these institutions. There are also surveys "from outside"; such surveys are initiated and conducted by organizations having no direct connection to the topics being surveyed, such as crime prevention entities, academic institutions (e.g. Scientific Centre for Social Research of Šiauliai University, Law Institute under Republic of Lithuania and Ministry of Justice), or public institutions (e.g. Centre for Crime Prevention of Lithuania).

The surveys of the analysed category may be divided into:

- Regular, such as the survey conducted by the Department Public Security of the Ministry of Interior of Republic of Lithuania, "Assessment of Public Security Institutions and Feeling of Security" or the survey by the Department of Police under the Ministry of Interior of the Republic of Lithuania, "Survey of Lithuanian Residents opinion about the Police activities", and similar surveys. Such surveys are conducted yearly using a standardised methodology, with the function of monitoring;
- Single (on demand) surveys, which are mostly conducted within the framework of separate projects or programs. In these, several survey methodologies are applied.

3.7.2 Key surveys of recent five years

Survey conducted by the Ministry of Interior, Department of Public Security 2005–2007 "Assessment of public security institutions and feeling of security"[26]

Goals of this survey were: to assess the attitude of Lithuanian residents towards the performance of public security institutions and to assess their feeling of security; to determine changes in the attitude of Lithuanian residents towards public security and its enforcement institutions, and also to measure the attitudes of police officers towards public security and crime control and prevention.

[26] 2007 survey "Assessment of Public Security Institutions and Feeling of Security". http://www.vrm.lt/fileadmin/Padaliniu_failai/Viesojo_saugumo_dep/Visuomenes_saugumo_vertinimas_2007.pps

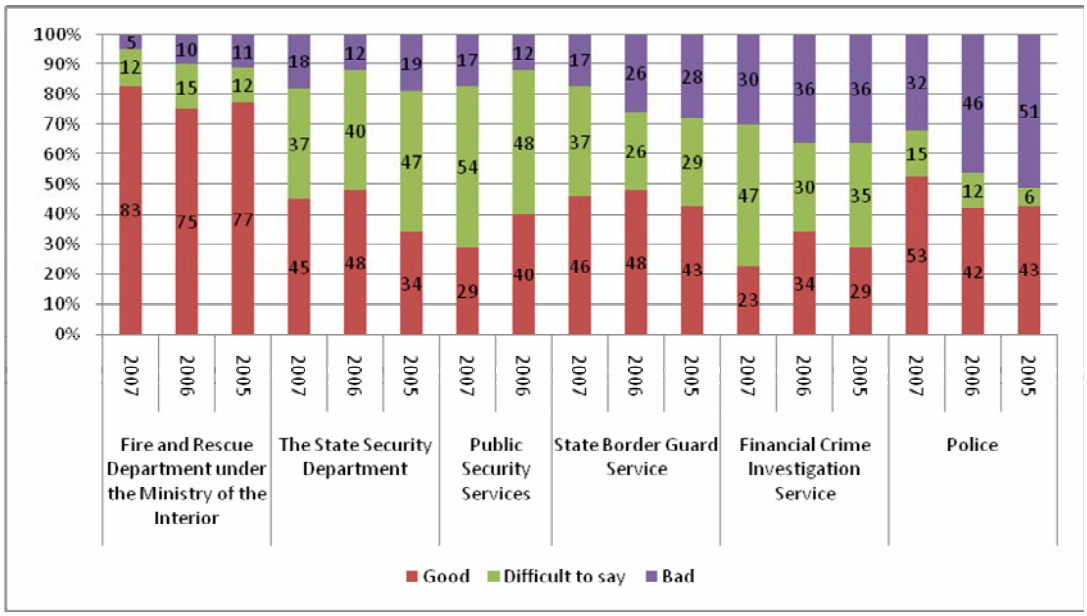

Figure 1. Performance assessment of public security institutions by Lithuanian residents 2005–2007 (per cent)

In 2006–2007 the police performance assessment changed from negative to positive. The share of Lithuanian residents holding a negative opinion about the police work decreased by 1.6 times.

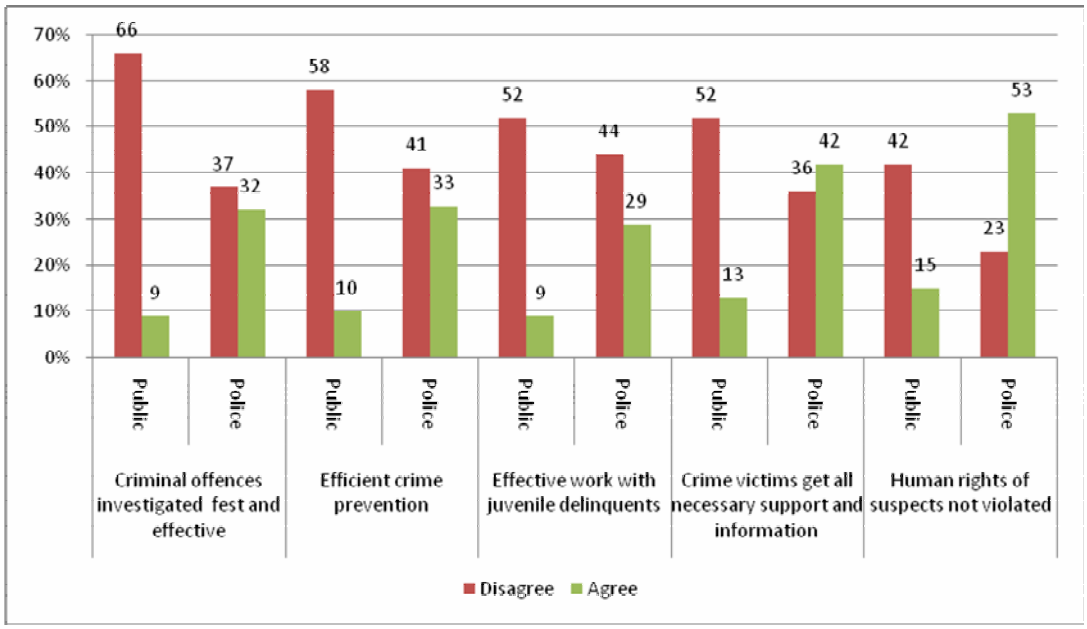

Figure 2. Opinion of Lithuanian residents and police officers about activities of police in Lithuania, 2006 (per cent)

The 2006 survey results show that the Lithuanian residents hold a negative opinion about police activities in Lithuania. More than half of the residents disagree with statements that crimes are solved in a prompt and effective manner, that crime prevention in Lithuania is efficient, that work with juvenile delinquents is effective and that crime victims are provided with all necessary help and information. On the other hand, police officers, assessing police work had a less negative opinion than residents. There were more police officers who agreed with the aforementioned statements than those who disagreed.

Surveys conducted by the Police Department under the Ministry of the Interior of the Republic of Lithuania

These surveys comprise evaluation of Lithuanian police performance and of public confidence. According to the 2008 survey, half of the victims (52%) who reported to the police assess its work as good or very good Compared with the 2007 survey, this assessment has improved significantly (by 14 percentage points) and regained the level of 2006 (Figure 3).

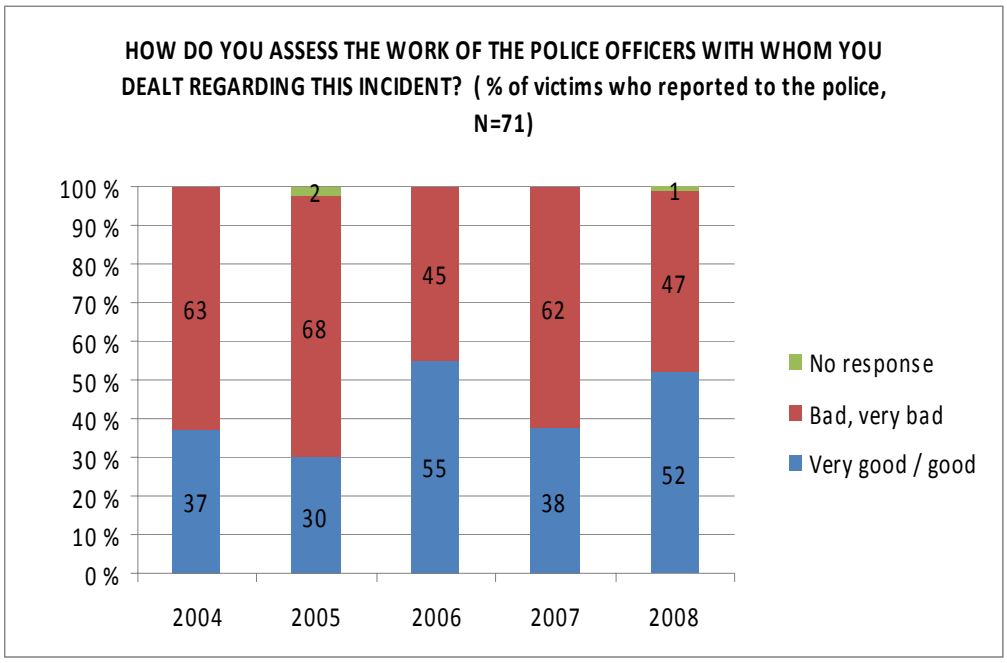

Figure 3. Assessment of police officers' work 2004-2008

According to the 2008 survey, more than half (53%) of Lithuanian residents trust the police (2% trust completely, 51% trust). 39% of the interviewees admit that they do not trust the police (6% do not trust at all, 33% do not trust) (Figure 4).

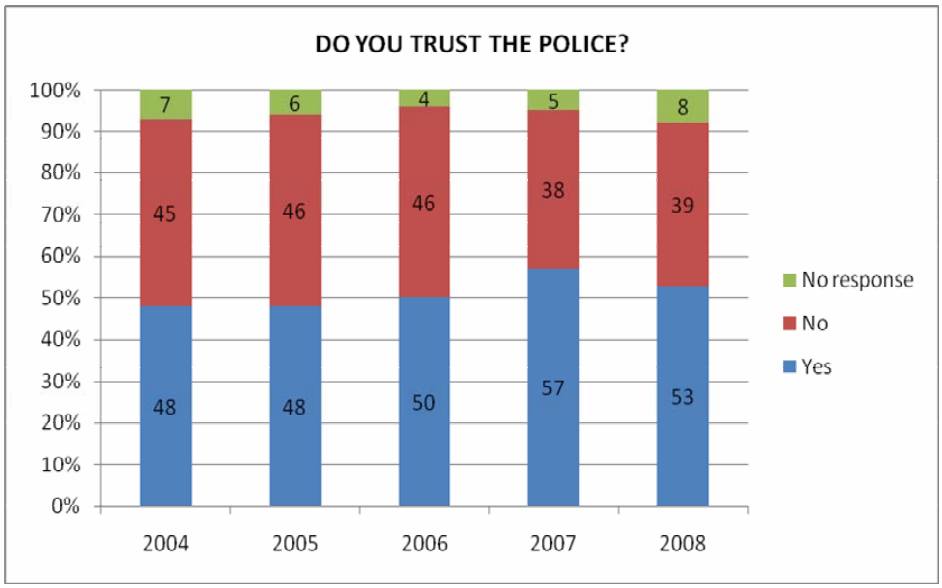

Figure 4. Do you trust the police? Police surveys 2004–2008.

Lithuanian residents do not trust the police mostly because they think that the police has connections to criminals and is corrupt (36%). The distrust in the police also results from the negative opinion about the quality of their work (26%) (Figure 5).

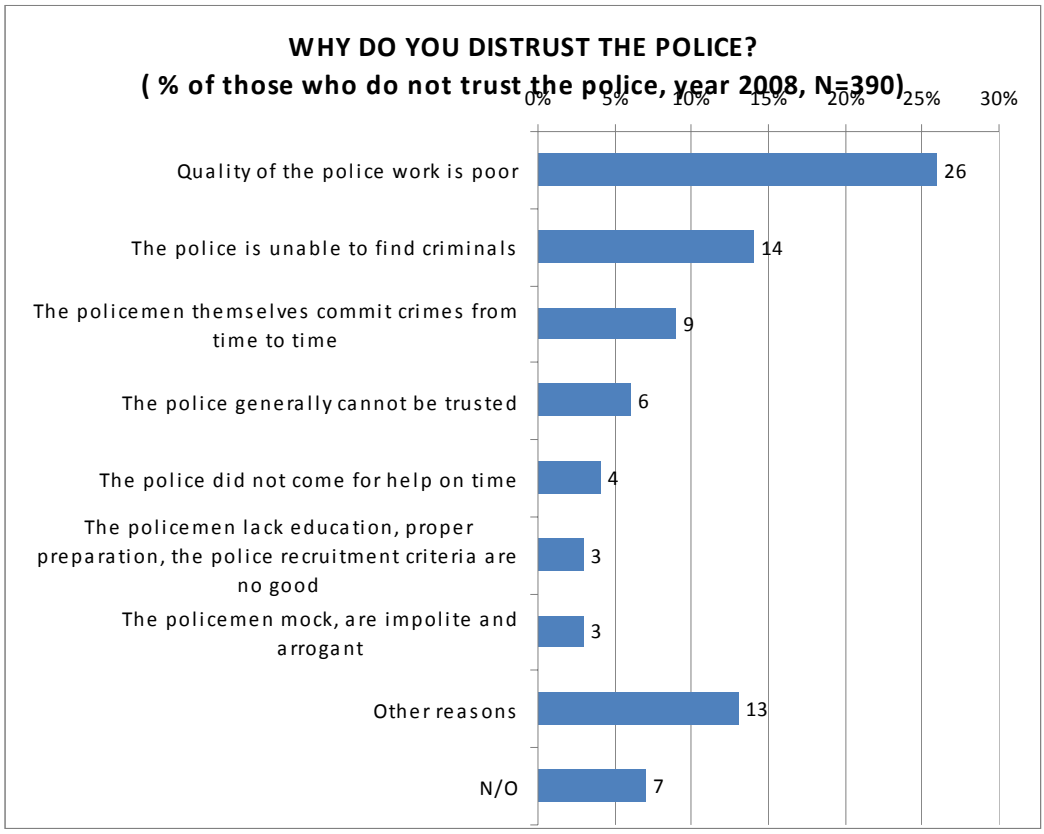

Figure 5. Reasons why Lithuanian residents do not trust the police 2008

During the year the relations between the police and residents in their residential area deteriorated and are now similar to the situation of 2004–2005 (Figure 6).

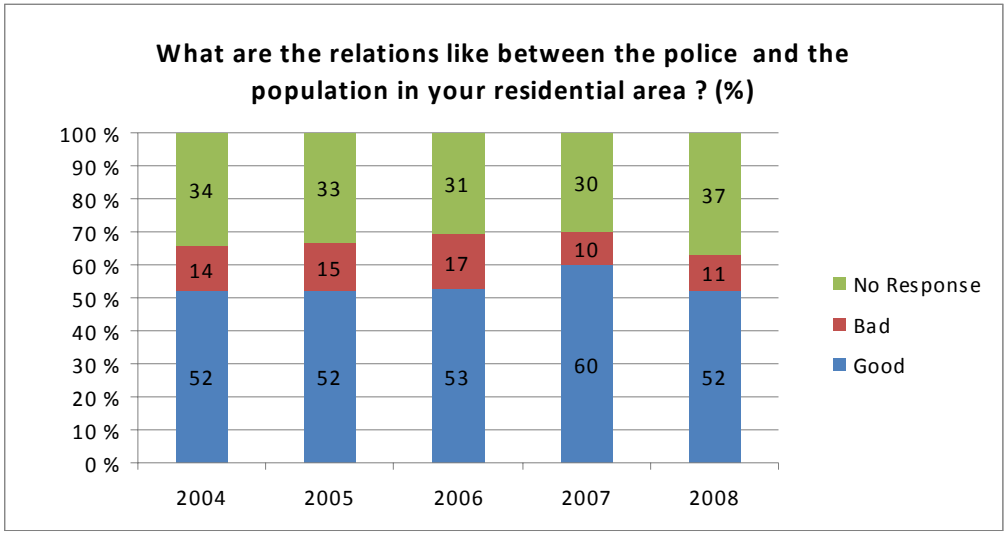

Figure 6. Relations between police and population 2004–2008

Surveys conducted by market or social research companies

Companies conducting opinion surveys can be divided into:

- Companies conducting opinion surveys, that are of "project" type, i.e. mostly with social partners and employers (subject to contracts for conducting a field survey).
- Companies conducting regular (follow up) surveys, aimed at determining changes and dynamics of trust in law enforcement institutions. Notable is also that some companies even perform a kind of monitoring function, when surveys are conducted practically on a monthly basis, e.g. by public opinion and market research centre "Vilmorus" (Figure 7) or "Baltijos tyrimai" (Figure 8).

Figure 7. Confidence of Lithuanian residents in Lithuanian police 2007–2008[27]

[27] Survey results upon an individual query received from public opinion and market research centre "Vilmorus". Survey "Attitude of Lithuanian Residents towards Institutions". Survey targets: Lithuanian residents aged 18 and older. Number of interviewees: 1001. Type of survey: face-to-face interview at home of the interviewee.

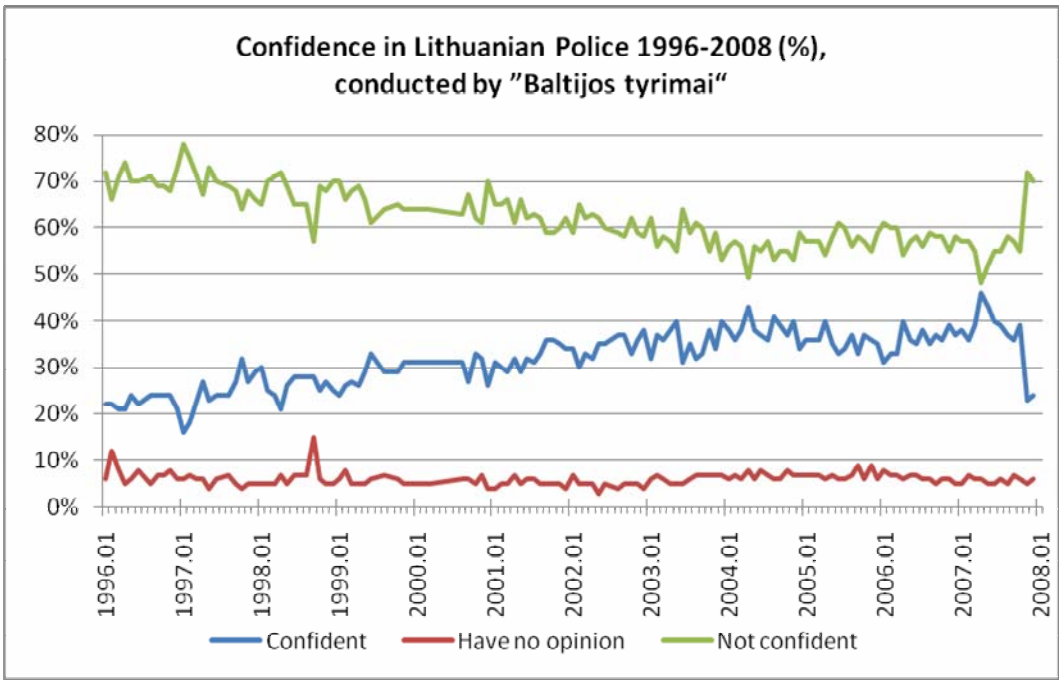

Figure 8. Confidence of Lithuanian residents in Lithuanian police 1996–2008

In the "Baltijos tyrimai" survey in January 2008, providing a general list of 20 state institutions, the police takes the penultimate – 19th place, the less trusted institution is only the Seimas (Parliament) of the Republic of Lithuania.

The residents of Lithuania mostly trust the following institutions: National Bank of Lithuania (trusted 68%), the State Social Insurance Fund Board under the Ministry of Social Security and Labour (66%), the church (65%), the Constitutional Court (62%), the national defense (58%), Lithuanian media (54%), the President's Office (52%), the State Border Guard Service (47%) and the commercial banks (45%). The mostly distrusted institutions are the Seimas of the Republic of Lithuania (distrusted by 74%), police (70%), courts (60%), the customs office (54%) and the prosecutor's office (52%).

The rating of other statutory institutions were: national defence (58%), State Border Guard Service (47%), Department of National Security (37%), Special Investigations Department (37%), customs office (31%), prosecutor's office (31%).

3.8 Overview of national surveys in Lithuania

Rokas Uscila and Evaldas Visockas

3.8.1 Analysis of public security situation in Lithuania

One of the most important indicators that can be used to assess the situation of security experienced by community members in a specific area and at a specific time is their feeling of security from criminal activities. Naturally, members of the society may feel wary of different triggers of insecurity, more or less substantiated fears, but in the targeted context the key aspect is the extent to which a person feels secure or insecure from criminal activities.

Figure 1 presents survey data, collected during 2006–2008 for a victimological survey conducted by the Center for Crime Prevention of Lithuania (NPLC). The survey indicates that more than half of the interviewed persons feel "insecure"or "rather insecure" because of criminal activities in Lithuania.

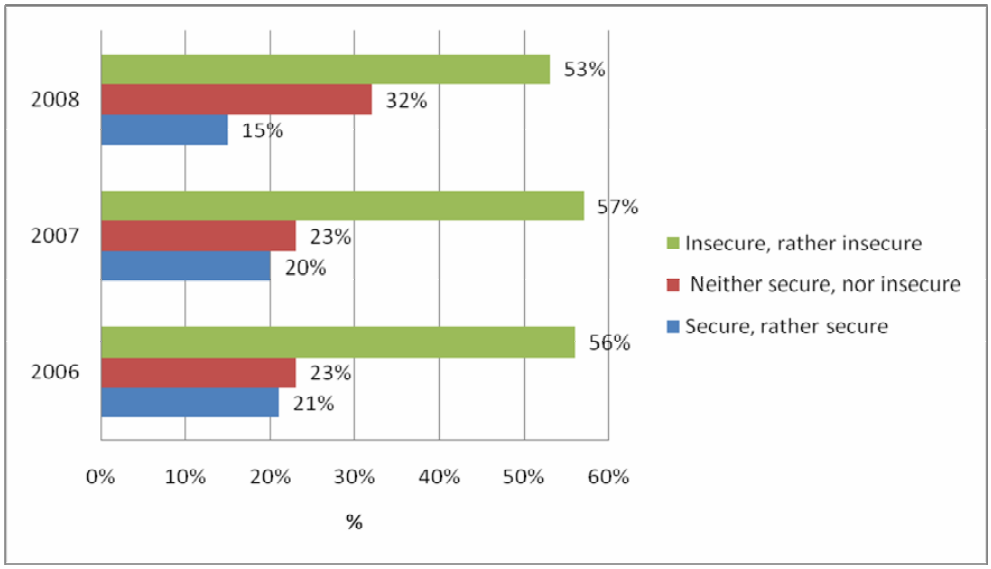

Figure 1. Feeling of insecurity from criminal activities, felt by Lithuanian residents, its changing during 2006 – 2008 year.

It is notable that in 2008 the percentage of people, who in the previous year felt either "insecure" or "rather insecure", decreased by 5 points. From 2006 to 2008 there is a clear tendency of growth in the ratio of people who feel secure and insecure from 2.7 to 3.5 times, i.e. the percentage of people who feel more secure in 2008 was by 3.5 times lower than that of those who felt insecure.

The survey of Lithuanian residents in 2008 showed that the following people feel more frequently secure in their residential area:

- men (Figure 2);
- members of young generation (under 30 years of age) (Figure 3);
- residents of rural areas and the capital city (Figure 6);
- residents with tertiary and incomplete secondary education (youngsters) (Figure 4);
- professionals and students, schoolchildren (Figure 5)

People who feel insecure in their residential area more frequently are:

- members of senior generation (above 50 years of age) (Figure 3);
- unemployed and retired people (Figure 5).

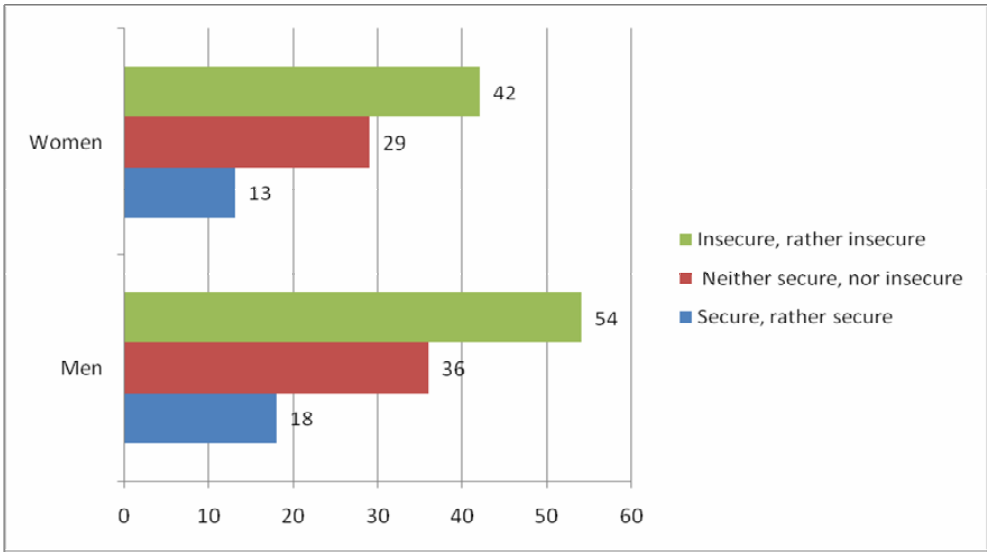

Figure 2. Feeling of insecurity from criminal activities, by gender, 2008.

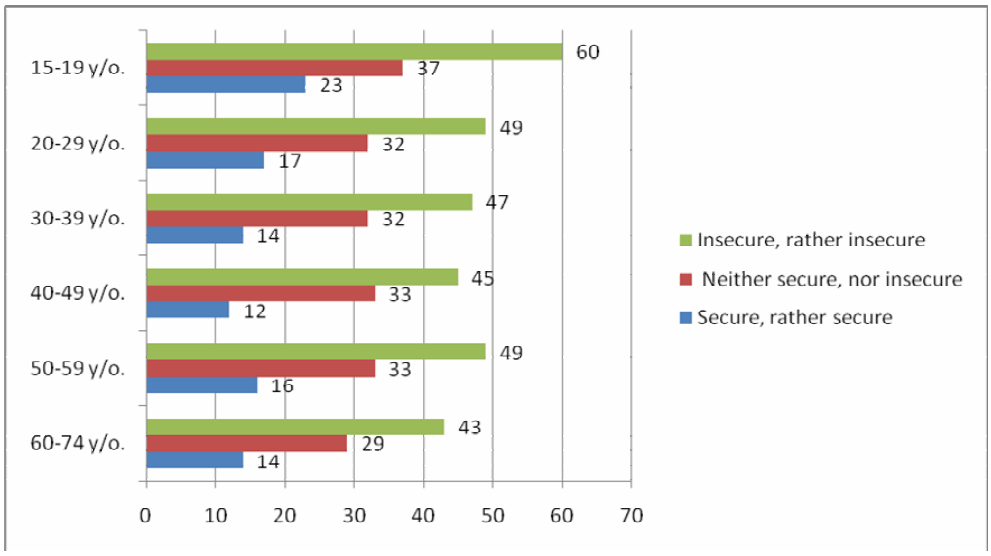

Figure 3. Feeling of security from criminal activities, by age, 2008.

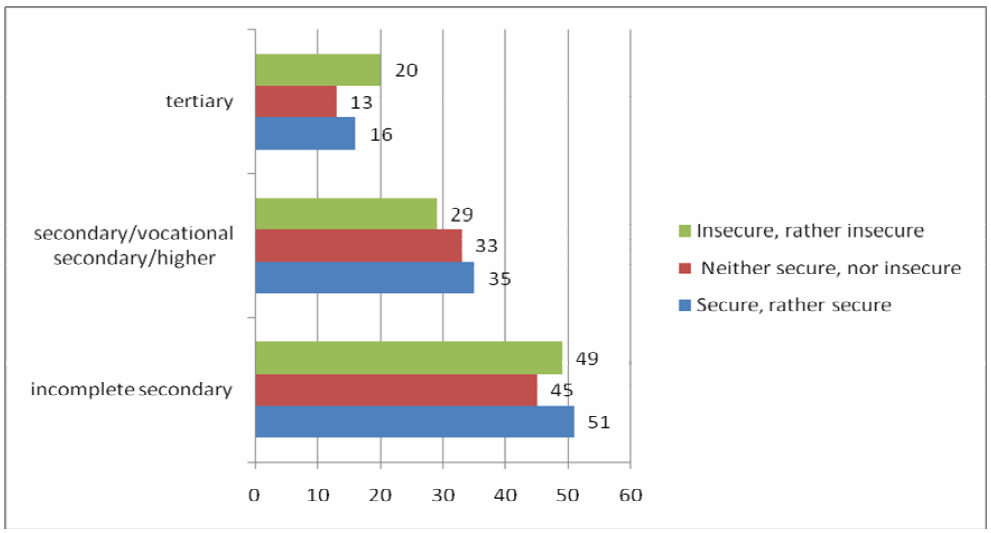

Figure 4. Feeling of security from criminal activities, by education, 2008

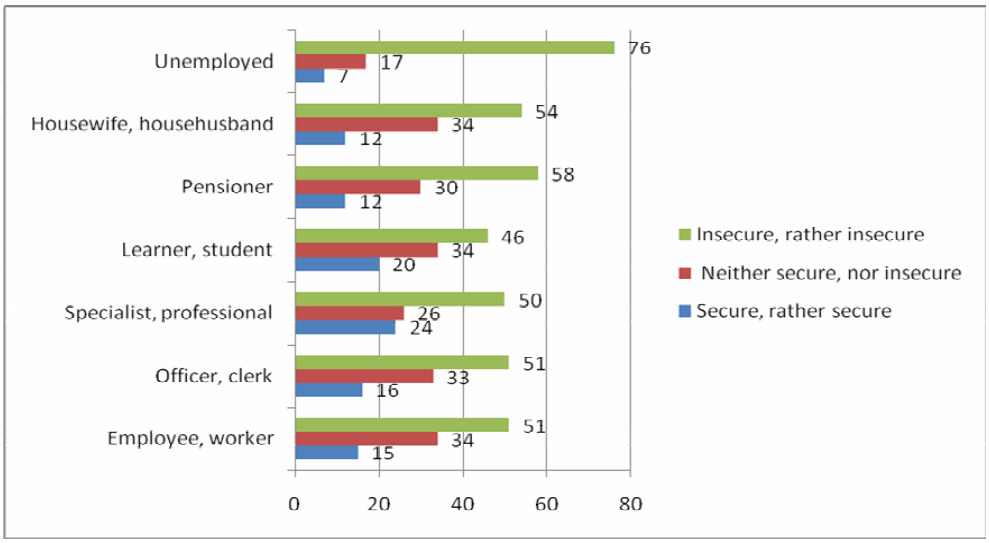

Figure 5. Feeling of security from criminal activities, by social status, 2008

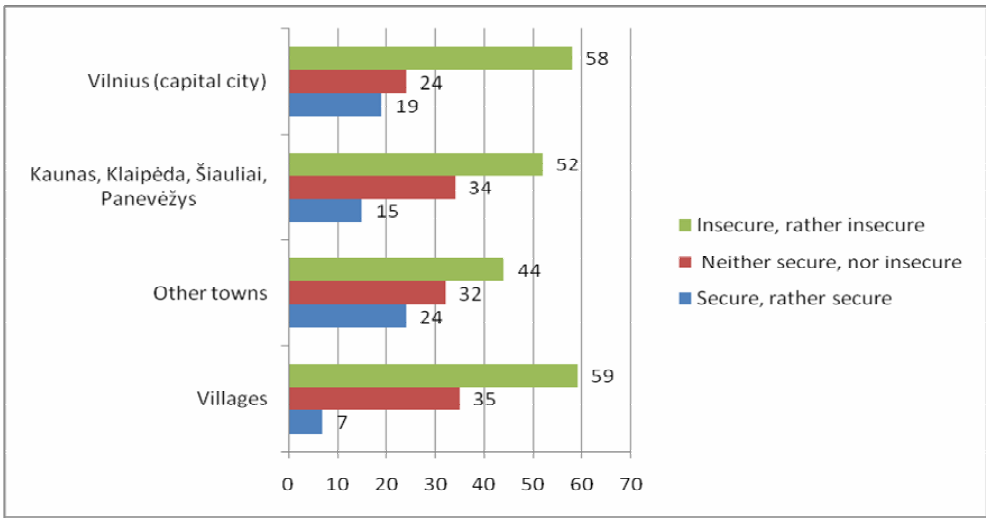

Figure 6. Feeling of security from criminal activities, by residential area, 2008

It is also notable that as many as 62% of the respondents indicated that criminality is one of the key sources of insecurity in Lithuania. Criminality is a factor that influences the feeling of insecurity, only second to increasing prices and inflation (82%) (Table 1).

Table 1. Sources of insecurity feeling of residents

Source of insecurity	%[28]
1. Risk of losing the job	20
2. Risk of family separation	4
3. Crime	**62**
4. Problems resulting from illness	41
5. Risk (likelihood) of failure to pay back the loan	6
6. Immigration (coming), emigration (leaving)	6
7. Increasing prices, inflation	81
8. Low pensions	26
9. Having no housing or losing it	11
10. External threats to the state of Lithuania	3
11. Damaging the environment, pollution	18

The data obtained through the NPLC survey can be supplemented with the data of Eurobarometer, which support the observation that criminality is one of the most crucial issues both in Lithuania and generally all across the European Union (Table 2).

Table 2. Key issues in Lithuania and the EU, 2007 (%)

Key issues in Lithuania	Lithuania	Lithuania	EU-27	EU-25
	2007 autumn-	2007 spring-	2007 autumn-	2007 spring-
Growing prices, inflation	62	38	26	18
Crime	**34**	**44**	**24**	**24**
Healthcare system	20	19	21	18
Economic situation	18	26	17	20
Taxes	15	12	9	8
Pensions	12	12	14	12
Provision of housing	9	7	8	8
Unemployment	7	13	27	34
Education system	7	5	9	9
Immigration	6	9	15	15

[28] Respondents could choose several options of answer

Energy	5	8	4	4
Environmental protection	1	1	7	7
Terrorism	1	1	10	12
Defense, foreign policy	0	1	2	2
Other	1	2	2	1

Moreover, the Lithuanian residents thought that to make the European Union stronger in the future, the greatest emphasis should be given to social issues, fight against crime, and solving of energy issues, while the least priorities should be culture policy, solidarity with poorer regions and scientific research (Table 3). In the opinion of the average European citizen, in order to strengthen the European Union, priority should be given primarily to fight against crime, immigration and environmental protection issues[29]

Table 3. Factors making the EU stronger in the future (%)

Factors making European Union stronger		
	Lithuania	**EU-27**
Social issues	47	26
Fight against crime	**41**	**36**
Energy issues	36	27
Internal market	25	15
European foreign policy	18	17
Immigration issues	17	33
European defense policy	15	15
European educational policy	15	14
Issue of environment	15	33
Scientific research	13	15
Solidarity with poorer regions	12	20
Culture policy	7	6
None of the above	1	1
Other	1	1
N/O	1	4

[29] Standard Eurobarometer 68 / Autumn 2007 – TNS Opinion & Social. Public opinion in the European Union. Autumn 2007. Member state report. Lithuania.

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3.9 Trust and confidence in criminal justice: A review of the British research literature

Ben Bradford, Jonathan Jackson, Mike Hough and Stephen Farrall

3.9.1 What is 'trust' and 'confidence' in justice?

Sociological work tends to portray trust as pervasive, inherent in and formative of many social situations, including both face-to-face encounters and the relationships between individuals and organisations, institutions or the state. Some theorists emphasise that trust reduces the complexity of the world by 'bracketing out' many possible events, freeing us up to act as if it was certain they were not going to occur (Luhmann, 1979). Trust therefore becomes necessary in situations of uncertainty and risk, particularly uncertainty regarding the motives, intentions and future actions of others on who we depend. Other work describes how, when placed, trust assumes that those who are trusted will in certain circumstances place one's interests above their own (Barber, 1983). Since trust involves placing oneself or one's interests, for whatever reason and in whatever way, at the mercy of individuals, groups or institutions (Tilly, 2005), it is embedded in our social relationships, and involves at its root tacit (or explicit) expectations that others will behave in predictable ways.

Trust creates a world that is stable and coherent. Trust allows us to get on with our lives, and it is embedded in our relationships with others. So what does this mean for trust in justice? Well, if one trusts the criminal justice system then encounters with police officers, court officials and others will be assumed to proceed predictably according to the assumed role and function of the justice system. Police officers and other actors will act effectively and efficiently, with fairness and respect, ultimately representing the rule of law and the moral base of society. If we witnessed a crime we would act appropriately; if we were stopped by the police we would expect them to be, and would act as if they were, effective and fair. Such moment-to-moment acts of consent, compliance and cooperation on behalf of the individual also express moments of perceived legitimacy of the criminal justice system (and the rule of law more generally) (Beetham, 1991).

In our view, therefore, 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 officer's behaviours.

In comparison to trust, confidence seems more of a 'system-level' institutionally-based attitude towards the activities of the criminal justice system. It is, we propose, something closer to a 'job rating' of the police and other agents of criminal justice. Sitting above actual encounters and specific moments of cooperation and compliance, confidence is a belief that the criminal justice as a set of institutions behaves effectively, fairly, and that it represents the interests and expresses the values of the community. While confidence may be a more stable evaluation than trust, it is of course subject to revision through experience. If confidence is rooted in understandings of the role and nature of criminal justice, and if confidence involves rather abstract assessments of the behaviour of the police organisation, it can be undermined by long term processes or events (such as the perceived decline in police visibility, which might represent a decline in availability and readiness to intervene, or increasingly widespread ideas that police do not treat everyone the same). Because it is based on and expressed by basic social understandings and assumptions, confidence may be relatively immune from short term change. But rather like an oil tanker, once a change of direction is underway it might be difficult to halt or reverse.

A key element of all trust/confidence relationships involving the criminal justice system is assessments of the fairness with which the system operates. Within this we might distinguish between distributive fairness and procedural justice. Distributive fairness addresses public beliefs regarding the fairness with which services are distributed, whether the police provide help to all groups equally or whether, following interaction with the police, people typically get what they deserve. Discussing the US, Sarat (1977) argues that the demand for equal treatment is a core theme running through public evaluations of the police and courts. He suggests that the '…perception of unequal treatment is the single most important source of popular dissatisfaction with the American legal system. According to available survey evidence, Americans' believe that the ideal of equal protection, which epitomizes what they find most valuable in their legal system, is betrayed by police, lawyers, judges, and other legal officials' (p. 434). By contrast, procedural justice refers to perceptions of fairness related to the ways in which procedures, independent of their specific outcomes, are conducted. Tyler (1990; Lind and Tyler 1988) found that individuals' concerns about fair process are far broader than a simple emphasis on self-interest (which an outcome-based model would privilege). People care about the type of authority exercising power as well as its motives for doing so, and they care about how they are treated and whether their rights are respected. These are issues unrelated to the substantive content of decisions made or the outcomes of a particular situation. Tyler (1990) also found that issues revolving around how people were treated were consistently more accurate predictors of perceptions of legitimacy than their judgments of the outcome of their interaction.

If trust is something you *do*, and confidence is something you *have*, then trust is about the relationship between you and individual actors in the criminal justice

(and about your behaviour and your experience) while confidence is about your assessment of the processes and activities of the criminal justice system at a much broader and personally remote level. Confidence involves attitudes towards effectiveness, fairness and perhaps also some kind of value alignment (the police understand the needs of our community and have 'our interests' at heart, although of course different people, in different contexts, may place more or less weight on each of these attitudes). In this distinction between trust and confidence, we follow the work Luhmann (1988). Luhmann holds that trust is active, 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 (not specifically to oneself). Trust stands for the more active and individually negotiated interactions with representatives of the criminal justice system: it is rooted in and tested by individual experiences and encounters, and in more concrete or low level assessments of the police organisation. More than confidence, trust is created or undermined in situations where the individual is an actor, where they are actively involved in interactions with police and can make their own assessments of, for example, the fairness of officer's behaviours. Trust is immediate, changeable, and arguably more capricious: a single negative experience might severely damage trust in the fairness of the police while at the same time having much less impact on confidence (that the police are effective in dealing with serious crime, for example).

In contrast to British research output on confidence and trust, legitimacy and criminal justice has received much less empirical attention. Legitimacy is a 'psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just' (Tyler, 2006). In political philosophy, theories of legitimacy are often confined to a very specific set of social relationships: namely, those between individuals and institutions – such as the police – or even more overarching structures such as the state. The concept of legitimacy is generally bound up with the right to be recognised, to have remit over a certain area of life (Habermas, 1979), and to command and be obeyed (Weber, 1978; Tyler, 1990). Applied to the criminal justice system, the concept of legitimacy brings to the fore notions of power and authority. Some political philosophers some have followed a loosely Weberian tradition, which sees legitimacy as essentially the mask of raw power, as noted above others maintain that in as much as legitimacy is granted by the individual to the institution it must contain a normative element, a decision by the individual, whether conscious or not, that the institution shares a certain moral or ethical position (Beetham, 1991). Legitimacy is not just an excuse for power; it is a justification of that power. Judgements among individuals about the legitimacy of an institution must be based to some degree on assessments of the congruence between its goals, practises and behaviours and their own. Perhaps most routinely, legitimacy in seen in those specific moments of compliance with the law and cooperation with the justice system (Sunshine & Tyler, 2003; Tyler & Huo, 2000). Here legitimacy overlaps conceptually with trust. But more broadly, legitimacy is about the moral justifiability of the power relations bound

up in the state and its justice system; for example, conformity to people's values, the ability to satisfy public interests and normative expectations, and the legality of police power.

How has trust and confidence been measured in UK research?

The British Crime Survey (BCS) is the main source of quantitative data on confidence in the criminal justice system. Trust and confidence has generally been measured in the BCS by survey questions of the type: 'How good a job do you think the police/the police in this area are doing?' Such a question has appeared in every sweep of the BCS since 1982, as well as in other surveys such as the 2000 Policing for London Survey (PfLS) and the Metropolitan Police's Public Attitudes Survey (METPAS). Indeed the BCS now contains equivalent questions relating to other key parts of the criminal justice system – the Crown Prosecution Service, courts, prisons and so on.

The questions used in the BCS (and the aspects of the criminal justice system and agencies they relate to) have changed considerably however, even if the good job/bad job questions have remained a benchmark comparative measure. Taking the police as an example, questions have developed from the simple "How good a job do the police in this area do?" in 1982, through the addition of a similar question about an abstract 'police' in 1996, to the current situation where these general opinions are augmented by the elicitation of more specific views, through the questions set out below.

How much would you agree or disagree that…

A. They (the police in this area) can be relied on to be there when you need them.
B. They (the police in this area) would treat you with respect if you had contact with them for any reason.
C. The police in this area treat everyone fairly regardless of who they are.
D. They (the police in this area) can be relied on to deal with minor crimes.
E. They (the police in this area) understand the issues that affect this community.
F. They (the police in this area) are dealing with the things that matter to people in this community.
G. Taking everything into account I have confidence in the police in this area.
Answers on five point scales: strongly agree; tend to agree; neither agree or disagree; tend to disagree; strongly disagree.

Source: British Crime Survey 2005/06 Final Questionnaire

Table 1 presents the findings from factor analysis of data arising from these measures (in the 2005/2006 BCS), showing good scaling properties for a one-factor solution. This suggests that these items measure one underlying construct,

which we would term: 'public confidence in police engagement and procedural justice.'

Table 1. Factor analysis of measures of public confidence in police engagement and procedural justice

	Factor loading
They can be relied on to be there when you need them	.683
They would treat you with respect if you had contact with them for any reason	.616
They treat everyone fairly regardless of who they are	.620
They can be relied on to deal with minor crimes	.707
They understand the issues that affect this community	.741
They are dealing with the things that matter to people in this community	.816
Taking everything into account I have a lot of confidence in the police in this area	.858

Source: 2005/2006 BCS (non-victim form, including ethnic booster sample). n = 50,624.
χ^2 11810 df 14, p<.0005. 52.6% of the shared variance explained by the one-factor solution.

The 2004/2005 BCS also fielded a series of questions on police effectiveness, shown in the box below.

A. How effective are police at solving crimes in the local area?

B. How effective are police at working with the community in the local area?

C. How effective are police at preventing crime in the local area?

D. How effective are police at keeping order on the streets in the local area?

E. How effective are police at dealing with problems that concern you?

Answers on four point scales: very effective; fairly effective; not very effective; not at all effective.

Source: British Crime Survey 2004/05 Final Questionnaire

Table 2 presents the findings from factor analysis of data arising from these measures. Again, there were good scaling properties for a one-factor solution, suggesting that these items measure one underlying construct, which we would term: 'public confidence in police effectiveness.'

Table 2. Factor analysis of measures of public confidence in police effectiveness

	Factor loading
How effective are police at solving crimes in the local area?	.768
How effective are police at working with the community in the local area?	.729
How effective are police at preventing crime in the local area?	.814
How effective are police at keeping order on the streets in the local area?	.755
How effective are police at dealing with problems that concern you?	.817

Source: 2004/2005 BCS (non-victim form, including ethnic booster sample). n = 2,792.
χ^2 64.8, df 5, p<.0005. 60.5% of the shared variance explained by the one-factor solution.

Unfortunately, no sweep of the BSC has fielded both scales, meaning that we cannot test the empirical distinctiveness of (a) public confidence in engagement/procedural justice, and (b) public confidence in police effectiveness. For this we need to turn to the London Metropolitan Police Public Attitudes Survey (METPAS). Work on the METPAS provides a further example of how opinions are built up from a range of views, in this case encompassing ideas about the effectiveness, fairness and community engagement (Bradford *et al*., in press a). The questions used are shown below:

Questions assessing views about police effectiveness and police engagement/procedural justice

Effectiveness of the police
'Here is a list of services that the police provide. For each one, I would like you to tell me how well you think the Metropolitan Police actually carry out each of them.'

Prevents terrorism
Responds to emergencies promptly
Provide a visible patrolling presence
Tackle gun crime
Support victims and witnesses
Tackle drug dealing and drug use
Tackle dangerous driving
Deal with teenagers hanging around
Deal with people being drunk or rowdy

Police engagement and procedural justice
'To what extent do you agree with these statements about the police in this area?'

They can be relied on to be there when you need them
They would treat you with respect if you had contact with them for any reason
The police in this area treat everyone fairly regardless of who they are
They can be relied on to deal with minor crimes
They understand the issues that affect this community
They are dealing with the things that matter to people in this community
Taking everything into account I have a lot of confidence in the police in this area
The police in this area listen to the concerns of local people
The police in this area are helpful
The police in this area are friendly and approachable
The police in this area are easy to contact

Source: 2007/2008 Metropolitan Police Public Attitudes Survey

Table 3 shows that, while related (r =.129), views across these two aspects of police performance and behaviour were quite distinct, suggesting that they represent two different underlying constructs.

Table 3. Factor analysis of measures of public confidence in police effectiveness and community engagement/procedural justice (oblimen rotation r = .129)

	Loading on first factor	Loading on second factor
They can be relied on to be there when you need them	.716	
They would treat you with respect if you had contact with them for any reason	.676	
The police in this area treat everyone fairly regardless of who they are	.706	
They can be relied on to deal with minor crimes	.711	
They understand the issues that affect this community	.779	
They are dealing with the things that matter to people in this community	.792	
Taking everything into account I have a lot of confidence in the police in this area	.776	
The police in this area listen to the concerns of local people	.794	
The police in this area are helpful	.816	
The police in this area are friendly and approachable	.765	
The police in this area are easy to contact	.729	
Prevents terrorism		.578

Responds to emergencies promptly		.702
Provide a visible patrolling presence		.608
Tackle gun crime		.706
Support victims and witnesses		.638
Tackle drug dealing and drug use		.753
Tackle dangerous driving		.705
Deal with teenagers hanging around		.747
Deal with people being drunk or rowdy		.754

Source: 2007/2008 London Metropolitan Police Public Attitudes Survey. n = 26,240.
χ^2 29090 df 151, p<.0005. 32.6% of the shared variance explained by the first factor and 20.4% explained by the second factor.

Questions on other criminal justice agencies and the system as a whole were introduced into the BCS in a similar manner to that described above. General ratings of the CPS, judges, magistrates, prison and probation service were first assessed in 1996, and from 2000 questions a range of questions about the performance of the criminal justice system in specific areas began to be introduced. By 2001/02 these had taken the following form:

How confident are you that the Criminal Justice System:

A. Is effective in bringing people who commit crimes to justice?

B. Meets the needs of victims of crime?

C. Deals with cases promptly and efficiently?

D. That people who come forward as witnesses are treated well?

E. And how effective do you think the Criminal Justice System as a whole is in reducing crime?

F. And how effective do you think it is in dealing with young people accused of crime?

Answers on four point scales: very confident; fairly confidence; not very confident; not at all confident.

Source: British Crime Survey 2006/07 Final Questionnaire

Table 4 presents the findings from factor analysis of data arising from these measures (in the 2006/2007 BCS), showing good scaling properties for a one-factor solution.

Table 4. Factor analysis of measures of public confidence in the criminal justice system

	Factor loading
How confident are you that CJS is effective in bringing people who commit crimes to justice?	.789
How confident are you that CJS meets the needs of victims of crime?	.766
How confident are you that CJS deals with cases promptly and efficiently?	.666
How confident are you that witnesses are treated well by CJS?	.560
How effective is CJS in reducing crime?	.752
How effective is CJS in dealing with young people accused of crime?	.700

Source: 2006/2007 BCS (non-victim form, including ethnic booster sample). n = 44,591.
χ^2 4990 df 9, p<.0005. 50.3% of the shared variance explained by the one-factor solution.

The current British Crime Survey questions are not the only ways of operationalising the concepts of concern here. Roberts and Hough (2005: 32) summarise the range of questions which have been used in social surveys to address issues of the fairness and integrity, and competence and effectiveness, of the CJS. These include:

- Global questions about confidence in and satisfaction with the CJS as a whole.
- Questions about confidence in specific branches of the system.
- Questions about the perceived performance of the system as a whole, or specific agencies, for example in 'fighting' or dealing with crime.
- Levels of satisfaction with personal experiences.

They go on to underline that no single question will ever be enough to assess the concepts of trust and confidence, and that a range of indicators, possibly from a range of sources, will always be needed to capture adequately the complexity of public opinions in this area.

Thus far we have outlined UK measures of confidence in justice. These have comprised 'job ratings' of the criminal justice system as a whole and of the various branches of the system. Recent developments have also distinguished between confidence in *effective* and confidence in *fairness*. Our definition of confidence is therefore closer to the institutional trust that some scholars research. By contrast, trust sits not at the level of assessment of institution, but at the level of your connection with criminal justice professionals (you and a police

officer, for example). Trust can be *stated* (if I were to be stopped in the street by a police officer, I imagine they would treat me fairly) or *revealed* (when I was stopped in the street, I was treated in this way, and my expectations of the behaviour of the officer was confirmed or challenged). Thus, to measure trust we might measure 'stated trust' (e.g. intentions to cooperate with the justice system and my expectation of fair treatment in future interactions) and 'revealed trust' (e.g. my past behaviours and past encounters with the justice system).

The first Policing for London study (Smith and Gray 1985) and its sister survey (PfLS) carried out 20 years later (Fitzgerald *et al.* 2002) contained a number of questions asking respondents about the likelihood of them supporting the police and CJS in a variety of situations. These may be assumed to tap into some of the feelings or prerogatives which are held to stem from perceptions that, in this case the police and the courts, are legitimate institutions which in some way command support. In both cases these questions took the form of vignettes – in the 2000 survey, for example, respondents were asked if they would call the police; identify those responsible, give a witness statement, and appear in court in each of a number of situations, such as:

- On witnessing youths vandalizing a bus shelter.
- On seeing two youths knock a man down and steal his wallet
- Seeing people deal hard drugs in their neighbourhood.

As well as general opinions and answered based on hypothetical situations, people's responses to actual encounters with CJS agencies can provide a useful measure of public opinion. As the most visible face of the CJS investigations in this area have focused on the police, most notably in the BCS, PfLS, METPAS and similar surveys. These have all contained a suite of questions asking respondents about their recent contacts with the police, how these went (for example, questions might ask about response times, the behaviour of officers, and any outcomes which were forthcoming), and their overall satisfaction with what is usually termed the service provided by the police. Because of the quite different sets of expectations and needs each implies police-public interactions are generally divided into distinct groups for these purposes – public initiated contacts, such as calls from victims, witnesses or those seeking information on the one hand, police initiated contacts such as street- or traffic-stops on the other. For fuller discussions of the implications of contact experiences for trust and confidence, see Skogan (2006) and Bradford *et al.* (in press a).

3.9.2 Levels of confidence in the criminal justice system, current and historical

There is considerable variation in levels of confidence in the different branches of the British Criminal Justice System, but the police habitually come top, being the objects of considerably higher levels of confidence (Roberts and Hough 2005) or ratings of performance (Fitzgerald *et al.* 2002; Jansson *et al.* 2007) than other agencies. Beyond this, different sources report different rankings of the various agencies when it comes to public confidence, albeit with one consistent finding – the youth courts come at the bottom of the pile. Quite why this should be the case is uncertain, although we can speculate that the youth courts system is associated in the public mind with dominant media narratives about 'youth out of control', and consequently suffers because of this.

Yet, despite the comparatively high levels of confidence in the police compared with other CJS agencies, the police fare less well compared with other public services. Fitzgerald *et al.* (2002) report that while just 18 per cent of Londoners in 2000 through the police (local or national) did a very good job, 37 per cent gave this opinion of doctors, 39 per for teachers, 64 per cent for nurses and 73 per cent for firemen. In comparison, 20 per cent rated social workers as very good, with just 11 per cent giving judges this score. Indeed, it is in part the relatively poor performance of the police in this regard which continues to trigger concern around public feelings toward the police and the CJS more widely.

What then are the broad trends in trust and confidence in the police in the UK? The previous section demonstrated that although there are now a relatively good range of indicators available for assessing public opinions about the criminal justice system in England and Wales. But this is a relatively recent phenomenon. Ranging back in time, quantitative research in this area has concentrated primarily on the police. Any attempt to place public opinions in a historical context must therefore concentrate on ideas on policing, and it is to this task that we now turn.

Viewing public trust and confidence in the police through a historical lens immediately emphasises one of the two major reasons why this topic is currently such an important issue in government and policing policy.[30] On all the available evidence it seems that trust and confidence appears to have been declining since the 1960s, and has certainly done so since the 1980s (Hough 2007b). However, conflicting understandings of this phenomenon have emerged. Reiner (2000) paints a picture of long term decline from an apogee in the 1950s to the current situation where trust in the police is at best fractured, is in many cases contingent, and which in some social groups has collapsed entirely. The trend overall has been characterised by some as representing a continued, and serious, decline in the standing and indeed legitimacy of the police. Reiner catalogues

[30] The second being the 'reassurance gap' (see below).

convincingly some of the reasons for this decline – including growing antagonism between the police and marginal and excluded groups, particularly the young and ethnic minorities, increasing politicisation of the police, growing pluralism in the delivery of policing, and processes of social and economic change such as the 'de-incorporation' of elements of the working class and the advent of neo-liberal economics.

This view has been questioned, however. Loader and Mulcahy (2003) note that although survey evidence does suggest a decline in trust and confidence, this should not be considered catastrophic. Considerable reservoirs of support remain, for example, among the non-metropolitan White middle class. Such criticisms of the idea that support for the police has 'haemorrhaged' are based in part on interpretations of the survey question involved. In particular, Loader and Mulcahy (2003) note that descriptions of decline are largely based on BCS responses which give a 'very good' rating to the police – if 'fairly good' ratings are included support has actually been relatively constant since the early 1980s. While Hough (2007b) is probably correct in stating that some 'fairly good' ratings are functionally equivalent to 'don't know', implying that more attention should be given to the definite indications of support given by 'very good' responses, this second strand of thinking provides a useful corrective to ideas that the British police are actually *un*popular.

Early assessments of public opinions about the police certainly suggested extremely high levels of support. The 1962 Royal Commission on the Police reported findings from a random sample survey assessing public views of the police and noted that:

> "No less than 83 per cent of those interviewed professed great respect for the police, 16 per cent said they had mixed feelings, and only 1 per cent said they had little or no respect" (Royal Commission on the Police 1962: 103).

A decade later Belson (1975) reported findings from a survey of Londoners which found that 73 per cent of adults had 'a lot' of respect for the police, 25 per cent had 'some' respect and just 2 per cent had 'not much' respect. Similarly, 61 per cent said they were 'very satisfied' with the police, with a further 35 per cent 'fairly' satisfied. Only 4 per cent were dissatisfied in some way (ibid: 7).

Despite the generally extremely positive picture outlined in both these early studies differences between younger and older people were mentioned as being an area of note or concern. The Royal Commission noted "a measure of antipathy towards the police" (Royal Commission on the Police 1962: 103-4) among the youngest respondents aged 18-25. Belson (1975: 7) more concretely, reported that only 44 per cent of young people (aged 12-20) had 'a lot' of respect for the police (compared with the figure of 73 per cent for all adults noted above). These early reports therefore contain hints of a divergence in the views

of the youngest age groups, something which proved to be a theme in the later British Crime Survey reports.

Some more qualitative work further cautions against painting too rosy a picture of public opinion in the immediate post-war years. Based on oral history accounts of ex-officers who served from the 1920s through to the 1960s Weinberger (1995) presents a picture of a well respected and generally well *liked* police force operating within a situation which was not however free from tension. For example the policing of every-day public order caused friction between police and those who relied on street-life, both legal and semi-legal, for their living; traffic policing was also mentioned as a site of dissension and difficulties. Most tellingly, perhaps, in a passage recalling William's (1973) account of a perennial nostalgia for a golden age just passed, Weinberger notes that:

> Disquiet over police behaviour in the 1920s, especially in the Metropolis … (culminated) in the 1929 Royal Commission on the police. These inquiries revealed a degree of illegal behaviour that les the Home Secretary to admit that the police had lost public trust and needed to regain the 'full support and sympathy – as they used to have 20 or even 10 years ago – and the affection of the public as a whole'" (Weinberger, 1995: 167)

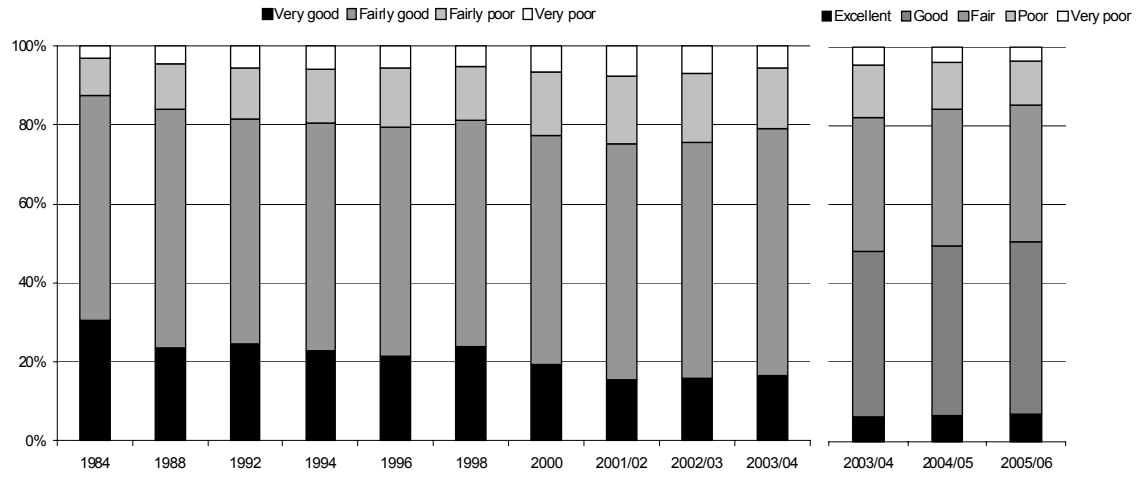
Overall, the story which emerges is one in which, within a paradigm of what by modern standards was a very popular police force, public disquiet and growing distrust after the war years through to the 1960s was specifically related to (a) growing concerns about police scandals, corruption and abuse of power, (b) growing public awareness of both its own rights and of the fact that a police officers word was not necessarily law and (c) these trends inculcating a growing fear of, and declining trust in, the police.

These trends reached a crises point in the early 1980s, marked among other things by urban riots in London, Bristol and Liverpool which were in many ways directed at the police, and the use, at the behest of the then Conservative government, of heavy-handed policing tactics against striking miners and other workers. It was in this atmosphere that the first Policing for London study was carried out (Smith 1983; Smith and Gray 1985). Based on an extensive programme of research this study set out to create the conditions for 'reasoned public debate' about the role of policing in a modern Britain. Survey evidence reported from the study found high levels of public disquiet about the honesty and integrity of the police (25 per cent through that the police 'often' used threats during question, for example), that people were sometimes stopped without good reason (over two thirds of 'West Indian' respondents felt this way), and, among ethnic minority respondents in particular, that some groups in society are treated unfairly by the police. Overall, the report found that:

> "There need to be mechanisms that try to achieve a measure of harmony between how the police behave … and how people wish and expect them to … Whatever the mechanism is, it will tend to be seen within the police force as a means of obtaining public support for the policies and practices they believe are right; and outside the police force as a means of ensuring that policing policy is adapted to meet public expectations." (Smith and Gray 1985: 15-16)

Subsequent to the earlier studies already outlined the first British Crime Survey (BCS) was conducted in 1982, with further waves following in 1984, 1988, 1992, every two years until 2000, and then annually from then on. A key finding presented by successive waves of the BCS was indeed an apparent decline in confidence in the local police over time (Jackson *et al.* 2008; Bradford 2008; Jansson 2008). However, findings from the BCS suggest that in the debate between Reiner, Hough and Loader and Mulcahy outline above a middle way can perhaps be charted. The question referring to the local police changed format in 2003/04, allowing comparison of earlier and later periods. The implications of the change are shown clearly in Figure 1, which presents the overall picture and underlines the importance of the debate over the meaning of 'very' and 'fairly' good. If 'fairly good' really does mean 'don't know', as Hough suggests, then support for the police was indeed at an all time low in the early 2000s. However, if it can be taken at face value then support was very much higher. In fact the change to the question format in 2003/04, the results of which are also shown, suggests that Hough was perhaps half correct. For example, while only 7 per cent of people rated their local police as 'excellent' in 2005/06, a further 44 per cent gave an unequivocal 'good' response. For all that levels of confidence in the police are lower than in the past at the very least Figure 1 suggests bedrock of support which has remained constant over recent years, and may even have increased slightly.

Ratings of the local police, 1984 to 2005/06
England and Wales



Notes: Responses to question 'How good a job are the police in this area doing'. Response categories changed in 2003/04, which is shown on both old and new basis here to allow comparison.
Data are produced from dataset which combines all sweeps of the BCS from 1984 to 2005/06 and may therefore differ slightly from those presented elsewhere.
Data for 2001/02 include entire calender year of 2001.
Source: British Crime Survey 1984 to 2005/06

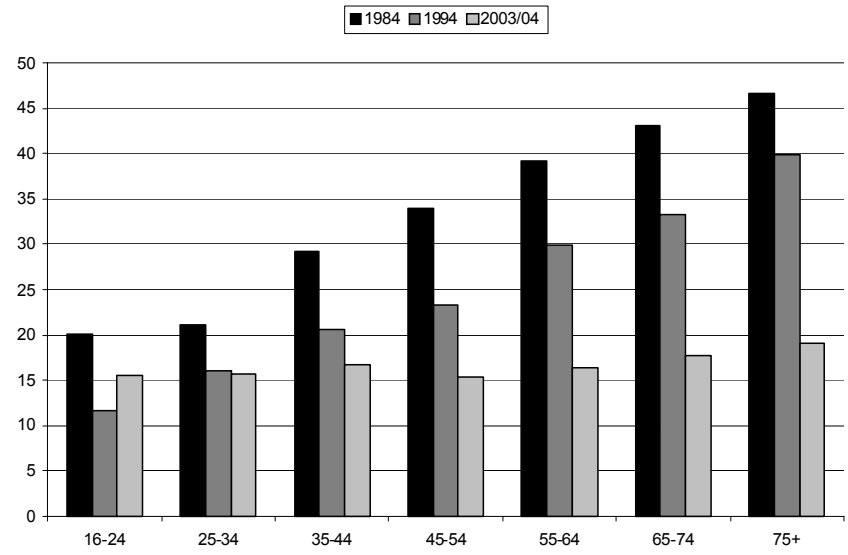
Figure 1. Ratings of the local police, 1984 to 2005/6, England and Wales

Turning to examine in more detail the consistent series of questions used from 1984 to 2003/04, Figure 2 demonstrates that the decline in confidence in the police was not uniform across different age groups. It was greatest in the most elderly, 75 plus age group (from over 45 per cent in 1984 to less than 20 per cent in 2003/04) and smallest among the youngest 16-24 age group (20 per cent to 15 per cent). Indeed by this measure trust and confidence in the police *increased* slightly among 16-24 year olds between 1994 and 2003/04. This means that while in 1984 there was a strong gradation in opinions of the police by age, with older people much more supportive than younger, by 2003/04 this had almost disappeared, such that there was relatively little variation by age in the later period. One other pattern of note from Figure 2 is the timing of the greatest part of the decline. For those age 25-44, and arguably 45-54, it was between 1984 and 1994: for older people, and especially the eldest 75 plus age group, it was between 1994 and 2003/04.

If patterns of opinion among different age groups look like they have become more similar over time, what is the situation for different ethnic groups? Figure 3 shows that the situation here is somewhat more complex. Support for the police appeared to decline steadily among the White group, with 'very good' ratings falling from 31 per cent to 15 per cent over the 20 years. In contrast support in the Black and Asian groups seemed to fall sharply between 1984 and 1988 and then fluctuate after that, notably ending in both cases at higher levels in 2003/04

than was the case among Whites.[31] However in other aspects the message from Figure 3 is similar to that described above. The biggest change in opinions over the whole 20 year period occurred in the group with the greatest confidence in the police in 1984, the Whites. Furthermore opinions appeared to be more homogenous in 2003/04 than they had been in 1984, with differences between groups significantly smaller.

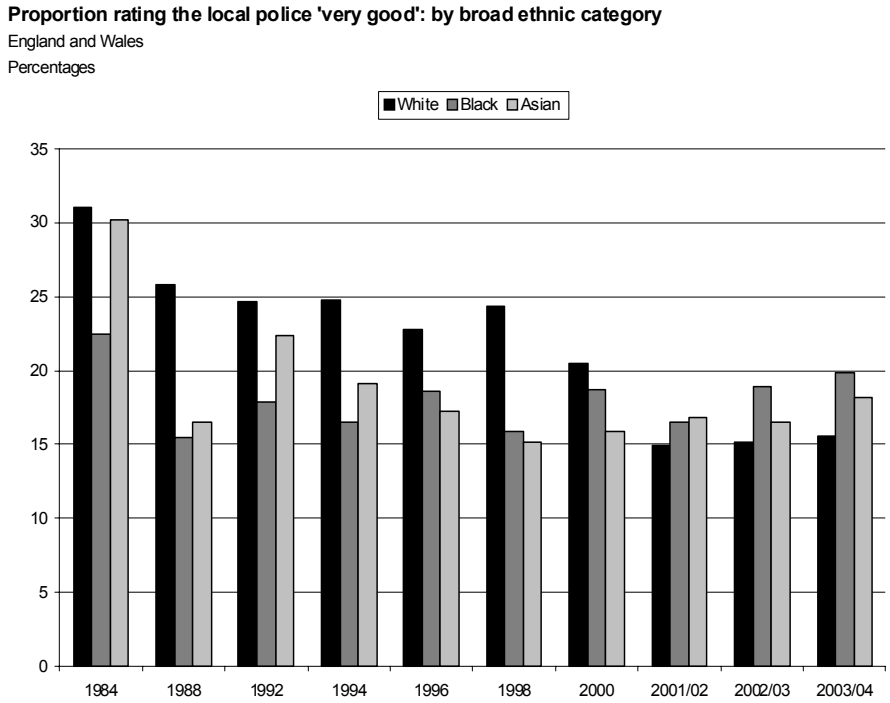
Proportion rating the local police 'very good': by age
England and Wales
Percentages



Note: Unweighted data. Percentages calculated from total escluding 'Don't know' responses.
Source: British Crime Survey 1984; 1994; 2003/04

Figure 2. Proportion rating the local police "very good" by age, England and Wales

[31] Note that small sample sizes for the Black and Asian groups in 1984 and 1992 mean that estimates for those years should be treated with caution.



Note: Unweighted data. Percentages calculated from total excluding 'Don't know' responses.
Source: British Crime Survey 1984 - 2003/04

Figure 3. Proportion rating the local police "very" good: by broad ethnic category, England and Wales

So far we have considered the available data on confidence in the local and national police. By contrast, there is much less data on trust. If confidence is a general assessment of the activities and functions of the criminal justice, then trust is embedded in our relationships with individual actors within the criminal justice system. Trust involves tacit expectations that others will behave predictably. Trust is revealed by our past moments of cooperation and is stated in our future intentions to cooperate. Indeed perhaps the best measure of trust is the stated intention to cooperate with the police (report crimes, give information to the police, etc.) and revealed by previous acts of cooperation. Here, again, there is very little research on this issue.

Instead, most of the UK research on trust (so defined) has focused on public encounters with the police, which to our mind are important not just as an influence on subsequent confidence in the police, but also as capturing those moments within which trust emerges and develops. A significant body of research highlights the importance of improving the fairness and transparency of the procedures used by officers. For example, a recent study of Londoners found that the main cause of dissatisfaction with police contacts among crime victims was a perceived lack of fairness, interest and effort on the part of officers, rather than lack of a 'result' (Fitzgerald *et al.* 2002). This is consistent with the findings of a number of US studies (e.g.Tyler 2001, Tyler and Fagan 2006; see also

Mastrofski *et al.* 1996, 2002, McCluskey *et al.* 1999, McCluskey 2003, Engel 2005).

3.9.3 Sources of confidence in policing

Contact and experience (including vicarious experience and victimisation)

While many of the classic police studies monographs, books and reports (for example, Banton 1964; Holdaway 1983) contained a considerable amount of information about contacts between the police and public, this was largely presented from the viewpoint of sociologies of the police, meaning there was relatively little emphasis on the public experience of these encounters and any effects such experiences might have. This may have been because support for the police among the public was taken as a given, or at least extremely well entrenched, among large sections of the population, as it appears to have been by Banton when he made his famous statement that it was on occasion worth studying a social institution (the police) that was functioning well. The situation changed in the early 1980s with the publication in the space of a few years *Police and People in London* (Smith 1983), reports from the Islington Crime Survey (Jones, MacLean *et al.* 1986) and a number of Home Office papers, including the first report of the British Crime Survey (Hough and Mayhew 1983) as well as others (for example, Tuck and Southgate 1981). For the first time in the UK these reports attempted not only to map out who was coming into contact with the police but also how the public judged these encounters and the potential impacts on orientations toward the police. Much of this work was conducted, of course, in the aftermath of the Brixton, St Paul's and other riots, confrontations between police and Black Caribbean and other marginalised youth often caused in part by extremely negative experiences of the police (Gilroy 1987; Keith 1993; Hall 1993 (1978)).

Subsequent to this flurry of activity interest in contact with the police per se, as opposed to symbolic and other aspects of the public imaginary, seems to have moved very much out of the academic spotlight in the UK (Bradford *et al*., in press b), albeit with two important exceptions. One was the continued interest in the experiences of ethnic minority and other groups with difficult relationships with the police, especially with regard to stop and search activity, while the other was a focus on the experience of victims of crime (see below). Beyond these two areas the idea that personal contact with the police could be formative of general opinions toward them among all sections of the population them faded very much into the background – often assumed, seldom explored.

However the BCS continues to release general figures on rates of contact with the police. These show that rates of contact fluctuate largely in line with crime rates and have therefore been falling over the last decade (Bradford *et al.,* in press b). Perhaps the key point is not however year on year fluctuations but the fact that across the period covered by the BCS a significant proportion of people

each year have come into contact with the police – around 40 per cent according to recent survey waves (Allen, Edmonds *et al.* 2006). Despite the undoubted importance of media and other social representations in informing and even moulding opinions about the police (Mawby 2002; Leishman and Mason 2003), personal contact seems likely to remain a key factor in many people's experiences. While not the only crucible in which ideas about institutions like the police are formed, moments of personal contact are likely to be vital in people's experiences. Media representations and vicarious experience – the tales told and stories exchanged within family and friendship groups – may be of equal importance in the long run, but few will have the immediacy and, arguably, potential impact of face to face encounters, the more so because contacts will often occur at times of stress, difficulty and drama.

The relationship between personal experience and public opinion is different for the police than for many other public services. Whereas in most cases personal experience boosts opinions – for example among National Health Service patients (MORI 2007) – for the police this situation is reversed, and opinions are routinely found to be lower among those who have had recent contact than among those who have not (Fitzgerald *et al.,* 2002; Allen *et al.*, 2006; Skogan 2006). This unusual relationship seems to hold across most situations and for most social groups, although until now much UK work on police-public interactions has concentrated on particular population groups, the most important being ethnic minorities (Keith 1993; Bowling and Philips 2002), other excluded or marginal groups (Loader 1996; Choongh 1997) and of course those calling the police for help (Newburn and Merry 1990; Waddington 1993; Ames and Hard 2003). This emphasis has in part been prompted by the long history of difficult relations between police and some social groups, especially certain ethnic minority communities (Gilroy 1987; Hall 1993 (1978)). Other studies have looked in-depth at one type of contact, most notably stop and search (MVA and Miller 2000; Waddington, Stenson *et al.* 2004; Shiner 2006; Bowling and Philips 2007). In contrast recent survey reports have generally taken a very broad-brush approach to personal contacts, leaving many avenues unexplored (Fitzgerald *et al.* 2002; Allen, Edmonds *et al.* 2006).

Despite the apparent negative association between contact and confidence current policies intended to halt the decline in trust and confidence, from 'reassurance policing' and application of the 'signal crimes' approach (Innes 2004a) to specific activities on the ground conducted by neighbourhood policing teams, are predicated on the idea that increasing the number and quality of police-citizen contacts will arrest and reverse the fall in trust and confidence. Police officers have an ethical and a legal duty to treat those whom they come into contact with fairly and decently, but these ideas and policies go much further. They suggest that improving the ways officers deal with people, and increasing police visibility and responsiveness, can have concrete effects in enhancing police-community relations.

However there is considerable debate about the extent to which direct contact *can* improve trust and confidence. While there is empirical evidence from some

quarters that contact which is found to be satisfactory can have an uplifting effect on trust and confidence (Tyler and Fagan 2006; Bradford *et al.,* in press a), the magnitude of such effects is usually much smaller than any negative consequences from unsatisfactory contacts. This has lead some to talk of an 'asymmetry' in impacts of contact on confidence (Skogan 2006), with the implication that schemes designed to improve the standing of police by improving the quality of contacts are destined to failure. This would be bad news indeed for a UK policing agenda which is firmly fixed on increasing the presence, visibility and activity of police in local areas, and which explicitly links these to improvements in both trust and confidence and feelings of reassurance (OPSR 2003; Dalgliesh and Myhill 2004; Tuffin, Morris *et al.* 2006; Quinton and Morris 2008).

Despite any evidence that personal contact with the police is more likely to harm public opinion than enhance it, the focus on reassurance and neighbourhood policing might be seen primarily as a response to what the public say, time and again, they want: more visible and accessible police and above all 'bobbies on the beat' (Fitzgerald *et al.* 2002; Roberts and Hough 2005). But it is also a recognition of, and attempt to circumvent, the 'reassurance gap' (Duffy, Wake *et al.* 2008), the much discussed phenomena that confidence in the police appears to have fallen, or at least bottomed out, at a time when crime rates (as measured by the BCS) have been falling in a manner unprecedented since the post-war crime boom began (Jansson 2008). Many causes for the reassurance gap have been offered, from the arrival of New Public Management (NPM) techniques in policing policy (Hough 2003; 2007b) to the suggestion that in judging the police people are less concerned with crime *per se* than with (non-criminal) disorder, anti-social behaviour and other representations of social decay and breakdown (Jackson and Bradford 2008). Central to many such discussions has been the idea that while crime may be falling people do not *feel* this to be the case. Apparent successes in reducing crime have not resulted in improvements in opinion: reassurance policing is supposed to convince the public that they are indeed safer from crime, and that the police are in some way responsible for this.

Of course other types of personal experience which do not directly involve the police or other CJS agencies can also have profound influences on opinions in this area. Most obviously being a victim of crime, whether it is reported to the police or not, seems likely to affect ideas about the ability of the CJS to win the 'war on crime'. However while the rise in victimisation from the 1960s onwards must have played some role in the decline in trust and confidence in the police in particular, events in recent years have suggested that these two things are not connected entirely straightforwardly. According to the BCS rates of victimisation have been falling since the mid 1990s, but this has not been accompanied by any great improvements in opinions of the police. Furthermore detailed analyses of the correlates of confidence in the police generally find that victimisation (net of actual contact) and fear of crime (in as much as this represents lay assessments of the extent of the crime problem), while significantly related to trust and confidence, have only a relatively small impact,

and that other factors are much more important - the experience of non-criminal disorder, for example. These ideas are explored in more depth below.

Public concerns about crime and neighbourhood breakdown

Roberts and Hough (2005) report that, when asked to rate the importance of 20 possible functions of the criminal justice system some 72 per cent of respondents to a MORI poll conducted in 2003 rated treating all people fairly as being 'absolutely essential', making this the single most important function for respondents. This is essentially a normative function – it relates to the principles which guide the system (ibid: 9). However the next six most important functions, covering public safety, bringing offenders to justice, and reducing crime – were all utilitarian or instrumental in nature, suggesting that public beliefs about the function of the criminal justice system are centred around the idea that it is there to 'fight', or otherwise deal with, crime. In a similar manner, the ethos, image and mythology of the police is built around an institution comprised of thief-takers and crime-stoppers (Reiner 2000). As such we would expect public confidence in the criminal justice system to be based at the very least in part on assessments about the job it is doing in fighting crime and, through this, reducing fear of crime and the chances of victimisation.

But is it actually the case that when forming overall opinions about the criminal justice system people think primarily, or purely, in terms of crime-rates, perceived chances of victimisation, or fear of attack? Or do they consider a much broader range of issues, including those more normative concerns about the behaviour of the system itself which the MORI poll suggested were somewhat less important when it came to priorities? It is certainly true that crime increased from the Second World War onwards (although it has been falling since the mid 1990s) and it is tempting to see the relative low levels of confidence in the criminal justice system as reflecting this fact. Public confidence may therefore on one account be rooted primarily in judgments about the severity of the crime problem, in anxieties about falling victim, and in assessments of the (in)effectiveness of the criminal justice system. When people are worried about becoming a victim of crime, confidence suffers because people look to it for protection.

The emergence of the so-called 'reassurance gap' (Duffy, Wake *et al.* 2008) or 'paradox' (Crawford 2007), however, complicates the picture. Although crime rates have been falling in the UK since the mid 1990s (Nicholas *et al.,* 2007), confidence in the police and criminal justice system have not seen commensurate improvements. Despite the fact that there have been apparent successes in dealing with crime (although of course the extent to which any criminal justice policies actually affect the crime rate remains open to question), the public does not seem to have rewarded this with improved confidence ratings. This issue has become a central element of government policy, with programmes such as the National Reassurance Policing Programme (NRPP) set up specifically to combat fear of crime and improve confidence in the police (Tuffin *et al.,* 2006).

Might these recent dynamics be partly explained by a public that remains unconvinced about reductions in the threat of crime? Police officers might be tempted to view the public as holding somewhat unrealistic beliefs about crime, driven partly by sensational mass media coverage and political rhetoric and compounded by a low level of faith in official crime statistics. In other words, the police are held responsible for irrational anxieties about crime and risk. There is evidence that people have an unbalanced picture of the reality of crime. Sweep after sweep of the BCS has shown that the majority of the population of England and Wales believe that crime in their local area has actually increased over the past two years. Public confidence in policing may therefore suffer because the public does not 'feel' any improvements in crime: a fearful population may have an exaggerated sense of the crime problem, feeling let down by the police because their streets and homes feel unsafe. If this explanation holds, in order to secure public confidence in their effectiveness the police might consider educating the public about the reality of crime.[32] Publicizing success and trying to calm down anxiety may therefore pay dividends.

There is however another account of the source of opinions about police and policing activity. With anti-social behaviour very much on the public policy agenda, and with the notion of 'signal crimes' feeding into policing strategies (Innes, 2004a, 2004b; Millie and Herrington, 2005), it may be that public concern about incivilities may instead be key – and judgement of disorder is the one aspect of public opinion that has echoed changing levels of public confidence in policing over the last decade.

Why would satisfaction with the police be influenced more by such things as teenagers hanging around the streets, or litter on the floor, or graffiti and vandalism in one's neighbourhood, and less by worry about falling victim of violent crime or burglary? It could be that the first set of concerns is vital for public confidence because they comprise an expressive orientation toward policing (and attitudes towards punishment) which is rooted in the moral significance of rule-breaking behaviour. This symbolic or expressive model suggests that rule-breaking is an affront to shared values and norms. Individuals base their opinion of the police not on whether they fear for their own safety, but on the extent to which they believe the police are addressing the moral consequences of rule-breaking behaviour they perceive around them on a daily basis (Girling *et al*., 2000). Such concerns are intimately bound up with ideas about social cohesion, community effectiveness, and local disorder.

This expressive model proposes that the police are viewed as prototypical representatives and authorities of the community, and individuals therefore look to the police to strengthen moral structures. It follows that when signs of social breakdown are evident, the police will be judged to be ineffective, regardless what is happening to crime more narrowly defined. As Lofthouse (1996: 44)

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[32] Of course it is debatable whether the police have it in their power to influence fear of crime or lay beliefs about crime

argues: '. . . the police are not just the simple protectors of the community, they are constantly and actively engaged in the construction and reconstruction of the *moral* and *social order*' (emphasis added).

The more day-to-day concerns over anti-social behaviour, disorder & incivilities, signs of low community cohesion and moral authority therefore move toward the foreground of public confidence in policing, in part of course because these things loom larger in most people's lives than do more serious crimes. Low level disorder and incivilities may even promote fear of crime themselves (Jackson 2004). A sense that communities are losing the low-level, informal social controls that used to regulate behaviour is also key. People look on the police less as super-cops roaring past in patrol cars to a bank-robbing or assault, and more as a old-fashioned representative of community values and norms – symbols of moral authority – there to address these everyday problems.

This expressive model already finds support in work from both the US (Tyler & Boeckmann, 1997) and the UK (Jackson & Sunshine, 2007; Jackson & Bradford, 2008; Jackson *et al.,* in press). These studies suggest that when it highlights ASB, 'youths hanging around' and public drunkenness the right-wing press (which Hough, 2007, refers to as encouraging the view of spiralling moral decline), is tapping a public nerve which links social anxieties about the pace and direction of social change (and more locatable anxieties about neighbourhood disorder and cohesion) to anxieties about crime and policing.

US research sheds further light on the drivers of public confidence in policing. Confidence appears to be less about effectiveness and the distribution of police services and attention, and more about both procedural fairness (which in part functions in part to communicate status) and identification with group values (of which the police are the proto-typical representatives) (Tyler, 1990, Tyler and Huo, 2002). In many ways this these concerns resonate with some of the original ideas of policing, which were always at least as concerned with order as with crime (Reiner, 2000; Johnston, 2003).

Mass media and (lack of) knowledge

Research has suggested that for most people the media, not personal experience, is the primary source of information on the police (Mawby, 2002; c.f. Skogan, 1990; 1994; Fizgerald *et al*., 2002) report findings from the *Policing for London Survey* which back this up: 28 per cent of people said the TV and radio news was their main source; 16 per cent named broadsheet papers; 15 per cent tabloid papers; and 11 per cent TV documentaries (fully 80 per cent named newspapers as one their sources, with a similar proportion mentioning TV news and documentaries). It is also noteworthy that almost all people (92 per cent) saw their main source as accurate (ibid: 78). The BCS reports similar findings, with local papers, news programmes on TV and radio, and tabloids and broadsheets among the most commonly cited sources (Allen *et al.,* 2006).The public's judgement that its sources of information are accurate is very much at odds with

a police view which perceives a public seriously mislead about the realities of policing by mass media reports.

Police activities in its broadest sense (corruption/scandals, reassurance activities, changing priorities, etc.)

While the police obviously play a key role in the processes, described above, which have resulted in challenges to and changes in trust and confidence they are not in every case the major player; sometimes, in the case of media messages about the seriousness of the crime problem for example, even appearing largely powerless in the face of problems which threaten public confidence. However there is another set of such challenges which has its source much nearer to 'home' – the activities, actions and policies of the police itself.

This idea has most fully been explored by Robert Reiner (2000; see also Mawby 2002). The legitimacy of the British police was not, as Reiner points out, something which was inherent in the institution or a social given from the moment the public police were initiated in London in 1829. From the outset, the role and activities of the Metropolitan police were severely contested, not only among the working class, the primary objects of police attention, but also among the middle and upper classes. However deliberate police policy, as well as wider social change, in particular the incorporation of the working class, meant that by the early 1950s the English police enjoyed a legitimacy commonly thought of as of quite unparalleled in extent: "[B]y the 1950s 'policing by consent' had been achieved in Britain to the maximal degree it is ever attainable" (ibid: 49).

Reiner traces convincingly the major components of the police legitimation project: bureaucratic organisation; the rule of law; a strategy of minimal force; non-partisanship; accountability; the service role; preventive policing; and police effectiveness. Many of these elements, of course, were always more important at an ideological, even mythical, level than that of everyday lived reality – the example, the purported police role as *the* crime fighting organisation was probably always more a matter of presentation than any actual ability to seriously affect crime rates beyond certain very limited circumstances. But each was an important pillar underpinning the extremely high level of trust and confidence in the 1950s and each, in its different way, was undermined in subsequent decades at least in part by the activities of the police itself. This is not the place to repeat Reiner's argument, but a summary of his key points will suffice in order to illustrate the general point.

Bureaucratic organisation. A key element in the legitimation project was an accent on training and discipline or, perhaps more importantly, standardisation of these. The dominant image was of a uniform, and uniformed, force or service which was able to treat all those with whom it came into contact with equal skill and dedication. This is plainly an impossible remit to fulfil – different levels of ability, aptitude and commitment among officers means that it will always be the case that different people (and different groups of people) will receive different

levels of service, something which will forcefully bought home to the public during some of their personal contacts with the police.

The rule of law. This was a major concern of the founders of the Metropolitan police, who were keenly aware of the need for the fledgling police to be seen to be governed by the same rules as those they policed. However, as is commonly remarked by students of the police, it is actually impossible for the police, on a day to day basis, to follow the rule of law to the letter, for example, by making an arrest for every infringement they witness (reference). The very concept of police discretion mitigates against a full (and therefore in many senses fair) application of the rule of law, since it presupposes that different circumstances merit different responses.

Accountability. As well as their legal accountability, the police were "purported to be accountable through an almost mythical process of identification with the British people … they were supposed to be in tune with the popular will because of their social representativeness and lack of special powers" (ibid: 55). While the idea that the police were accountable to the public via some mythic connection still held negative results from encounters were accepted because they came from the police as embodiments of the popular will (Manning, 1997). However, Reiner makes the important point that this type of accountability-through-identification has been massively undermined by a pluralisation of society (in terms of race, culture, gender roles and sexuality) which has left police representivity floundering in its wake: if and when the mythic connection is lost, and the police are no longer seen as representatives of the people, they loose an important element of their right to 'enforce' negative outcomes.

Non-partisanship. In this context non-partisanship refers essentially to the political impartiality of the police, which was fatally undermined by the actions of both James Anderton and other chief constables and the 'rank and file' Police Federation from the mid 1970s onwards.

The service role. While the service role of the police continues to be (over)stated in official discourse (Reiner, 2000: 74), academic investigation has amply demonstrated that at the operational level this type of work has always been disparaged by officers 'on the ground' (Foster 2003), who have overwhelmingly emphasised enforcement, action and 'thief-taking' roles. Encounters between police and public will be the chief arena in which this contradiction is played out, as members of the public, perhaps expecting sympathy, understanding and support, may often be confronted by action-oriented officers keen to get the boring jobs of statement writing or witness processing over in order to answer the next call from dispatch.

Preventative policing. Preventative policing was thought of by the founders of the public police in terms of a physical presence on the street – 'scarecrow policing' (Reiner, 2000: 76) – and the image the uniformed bobby is something which chimes with the public to this day, being overwhelmingly the single thing which people believe will most improve the police service (Roberts and Hough, 2005: 55). This was always an issue more of image than reality, however, and

Reiner notes that throughout the history of the police resources have always been more readily focused on specialist departments rather then the uniformed patrol (see also Loveday 1997), although in recent years the emphasis on community policing, for example the Met's safer neighbourhoods initiative, suggests that this may no longer strictly be the case. Furthermore, the *effectiveness* of street patrols in preventing crime is, whatever the public may like to think, doubtful to say the least.

Police effectiveness. That crime rates (whatever the problems 'counting crime' - Coleman and Moynihan 1996) increased dramatically from the 1950s, and that public concern about crime, partly although perhaps not entirely in response to this (Newburn, 2007) also massively deepened over the same period need hardly be rehearsed here (see Hope and Sparks, 2006). The extent to which the police are held to blame for this among the public is perhaps moot (Jackson and Bradford, 2008); however, what is most important is that in many circumstances the public will (when victimized) be confronted with the inability of the police to solve 'their' crime, return their stolen goods and so on. Since less than a third of recorded crimes are detected – 27 per cent in 2005/06 (Walker *et al,* 2006: 137) – it is perhaps surprising that opinions of the police are not lower among victims that they actually appear to be. That this is the case suggests that in the formation of public assessments of the police many more elements are important than simple functional concerns about the solving of crimes. Despite this, it remains incontrovertible that a key element of the police's claim to legitimacy, their role as crime fighters and thief catchers, will be compromised in a majority of the actual contacts they have with the victims of crime.

However policing activities will not and do not lead inevitably lead to declines in trust and confidence. In a review of the available evidence, Myhill (2004) found strong support from a number of studies that strategies to enhance community engagement in policing can improve police-community relations and perceptions of the police. For example the Home Office's evaluation of the National Reassurance Policing Programme (Tuffin *et al.,* 2006) found a 15 percentage point increase in people rating their local police as 'excellent' or 'good' in the programme trial sites, compared with 3 percentage points in the control sites.

Furthermore Mawby (2002) points to the importance of an active police role with regard to 'image work' – "..all the activities in which police forces engage and which project meanings of policing" (ibid: 1). These range from intentional activities such as media and public relations, to everyday, unintentional practises which communicate images of policing which may affect public opinions in some way. The importance of police image work can be discerned in a number of survey sources. For example, Bradford, *et al.* (in press a) found that people who felt more informed about police activities had, net of other characteristics, more favourable views (although it is of course unclear as to *why* they felt better informed, active practises such as leaflet drops may well have a role to play).

There is in all this something of a danger for the police, however. Loader (2006) forcibly makes the point that constant police-lead talk centred around the

apparent pervasiveness of crime and insecurity (and when do police communications ever contain messages *not* related to real or potential crime and disorder), which in and of itself can do little to address the social and economic conditions generating crime and feelings of insecurity among the public, may actually act to stimulate feelings of threat or fear among those listening to such messages. Their feelings trigger desires for further policing responses, thus creating conditions in which a "vicious – insecurity-sustaining – cycle is thereby joined" (ibid: 209). Opinions of the police appear likely to actually suffer in such circumstance (if people feel increasingly insecure they may well blame the police – see Jackson and Bradford 2008), and this will especially be the case if policing tactics or programmes are presented in an unrealistic way as providing out and out solutions to the problems people face. There is indeed some empirical evidence for this. For example in an evaluation of a community policing scheme in a small northern English town Crawford *et al.* (2003) found that the proportion of people who felt unsafe rose over the course of the programme, while confidence in the police fell. At least part of the reason for this is surmised to be unrealistic expectations of the scheme among residents which were not properly managed, as well as the inability of policing response to tackle the 'real' or root causes of people's fears.

The broader context (declining deference, declining institutional trust, increasing diversity including increasing diversity of expectation).

In an echo of Reiner's list of legitimation strategies outlined above, Smith (2007) has outlined a set of new challenges to police legitimacy. While Reiner alludes primarily to aspects of police and policing at least nominally under the control of the service itself, Smith accentuates the challenges to police legitimacy which have arisen from much wider social events and trends. These include:

- the response to terrorism;
- policing beyond the state;
- new interpretations of accountability;
- centralization of the police service;
- increasing social diversity;
- prevention, risk management, and intelligence lead policing; and
- new political context.

It is striking to note that while Reiner's list of legitimating strategies is largely concerned with what the police do (or perhaps more correctly are thought to do or present themselves as doing) and how they do it, Smith's list of challenges is broader, taking in activities (the response to terrorism, intelligence lead policing), external developments (plural policing, the increased emphasis on

other State and non-State actors taking on policing roles), internal organisation (centralization, which can itself be best seen as a response to external developments such as the impact of the new public managerialism on state bodies) and social changes (the social and political contexts within which policing occurs). As such, many impacts from the factors in Smith's list will be prior to either personal contact with the police among members of the public or active police strategies or policies. For example, social changes such as the decline in deference (Miliband, 1975) and the increasing diversity of society may combine to mean that the police are held to less representative and less worthy of respect and, in part because of this, less legitimate.

Reiner's list is essentially modern in character. It contains by and large concrete strategies which were consciously set up and followed by the founders of the public police which are at least theoretically open to empirical examination at the level of individual experience as well at more abstract social and cultural planes: that is, to questions of the type "is this police officer acting fairly and with minimum force?". The legitimation process is therefore seen as one in which questions of this type were asked and answered at personal, group and societal levels, in the period up to 1950 largely favourably, but in subsequent years increasingly unfavourably. Of course, a key assumption is that there was 'a' view of what policing should and could entail (for example, a settled view on what minimum force actually was) which, for all that it in reality existed only at an ideological level, meant that a large majority of people could 'buy in' to police legitimacy in the terms that the project presented itself. It is one of Reiner's central points that this ideological unity has been compromised by the processes of late- or post-modernity, in particular a breakdown consensus as to the proper roles and functions of state bodies like the police and the growth in social diversity, and that these large scale changes, as much as police behaviour (for example corruption and the framing of suspects), were behind the challenges to and decline in police legitimacy.

Smiths's list appears to summarise some of the implications of these wider changes. No longer solely, or even primarily, concerned with what the police actually do on an everyday basis, the issues are now about what they are, how they fit into wider regimes of governance, and how they should address the social and political diversity which confronts them. Even when tangible police work is considered, the accent is not on mundane responses to crimes reported or the handling of public disputes or disorder, but on the battle against the existential (and arguably abstract) threat of terrorism, or on the relatively arcane realms of risk management and intelligence lead policing. There is certainly little to suggest that the police as a public body can actually address or respond to many of these challenges to its legitimacy, since they operate at levels so far removed from its sphere of influence. The emphasis is no longer modern, but indeed in some sense post-modern, as conflicting, multi-layered issues and concerns mitigate against the idea that 'the police', individually or corporately, can either affect the challenges posed or be held to account for what arises from them, or indeed even exist as a unitary body or organisation. A concrete example of this is the challenge presented to the legitimacy of the public police

by the growth in private policing, most notably as the public police's Weberian monopolisation of legitimate force is eroded through the use of private security guards to police both mundane public spaces like shopping centres and highly controversial demonstrations and disputes (South 1997).

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3.10 Public insecurities about crime: A review of the British research literature

Jonathan Jackson, Stephen Farrall, Mike Hough and Ben Bradford

3.10.1 What is fear of crime?

The nature, scope and priority of the 'fear of crime' has generated much debate within British criminology. Concerns over the definition of 'fear' have led to not only a greater appreciation of the complexities of public insecurities about crime (e.g. Taylor, 1996; Hollway & Jefferson, 1997; Pain, 2000; Girling *et al.,* 2000; Nayak, 2003; Gabriel & Greve, 2003; Hough, 2004; Farrall, 2004; Gray *et al.,* 2008; Farrall *et al.,* 2009) but also to improvements in survey instruments (e.g. Hough, 1995; Farrall & Gadd, 2004; Jackson, 2005; Gray *et al.,* 2008). Along these lines, notable methodological and empirical developments include:

- data on the effects of worry about crime on everyday life and public health (Pain, 1997; Stafford *et al.,* 2007; Dolan & Peasgood, 2007);
- insights into the patterning of moments of worry using experience sampling methods (Gray *et al.,* 2006; Farrall *et al.,* 2009); and,
- qualitative investigations into everyday emotions (Pain, 1997, 2000; Farrall *et al.,* 1997; Hollway & Jefferson, 1997; Gray *et al.,* 2008; Farrall *et al.,* 2009) and the social and cultural significance of crime (Taylor *et al.,* 1996; Girling *et al.,* 2000);
- a distinction between an adaptive and functional worry about crime (that motivates precaution and does not erode well-being) and a more damaging worry about crime (Jackson & Gray, 2008); and
- the potential effects of social desirability and interviewer effects on the reporting of fear (Sutton & Farrall, 2005, 2008; Brunton-Smith, 2008).

Since a common way of defining 'fear of crime' has been to distinguish between *feelings*, *thoughts* and *behaviours* regarding the risk of criminal victimisation, we structure the first part of our review in this way. We begin with the emotional dimension of 'fear.'

Feelings about the prospect of crime

The British Crime Survey (BCS) has been the major data source on fear of crime over the past 25 years, with respondents routinely asked how worried they are

about falling victim of various crimes ('not at all', 'not very', 'fairly' and 'very'). On the one hand, these measures may tap into specific 'moments' of worry amongst the general populace. On the other hand, fear of crime may be a more diffuse set of anxieties and concerns (Hough, 1995, 2004); indeed Sacco (2005: 125) proposes that standard measures capture an anticipated fear that is: '….more of an attitude or a perception than a physical response' (see also Warr, 2000: 453).

One way forward is to treat fear of crime as both generalised *mental states* of low-level anxiety and past *mental events* or 'spikes' of emotion (Farrall & Gadd, 2004; Gray *et al.,* 2008; Farrall *et al.,* 2009; for a discussion, see Hough, 2004; Farrall, 2004). A recent study drew on British Crime Survey (BCS) data to differentiate between rare moments of emotion regarding threats to personal security (concrete moment of worry for one's safety) and a more widespread and diffuse insecurity and awareness/management of risk (Farrall *et al.,* 2009). This was achieved by asking survey respondents both 'How worried are you about being burgled/robbed?' and 'In the past year, have you ever actually worried about being burgled/robbed? [If so, how often?]'.

Whether worry about crime is a mental event, a mental event, or a mixture of the two, fear of crime is widely seen as an unqualified social ill. Yet a recent study found that worry about crime can (in some instances) be helpful and adapative, even functional (at least in the eyes of the very people being studied). Around one-quarter of individuals who said they were worried about crime also reported that they took precautions, that these precautions made them feel less safer, and that neither the precautions nor the worries about crime reduced the quality of life (Jackson & Gray, 2008). In such circumstances 'fear' might be best seen as a risk management strategy and natural defense against crime, rather than any damaging and timorous retreat.

Equally, anxiety, worry and unease may not be the only emotional responses to the threat of crime; anger might be just as common an experience as anxiety and worry about crime (Ditton *et al.,* 1999). However we know little about how often anger about crime manifests in people's everyday lives, or what stimulates moments of anger. Perhaps anger results moral outrage at the breach of cherised norms and rules, at the thought of another person preying on oneself? Perhaps anger is linked to public affront about the disturbance of routinely reproduced order?

Another unanswered question is whether people worry about the safety of friends and loved ones as much as they worry about their own safety (Warr, 1992; Warr & Ellison, 2000; Snedker, 2006). To our knowledge, no study outside of the US has examined such 'altruistic fear.' But as Warr (2000: 456) argues:

> 'It is entirely possible that altruistic fear is as prevalent as personal fear (perhaps more so) and has consequences that are distinct from or amplify those arising from personal fear. Research on altruistic fear

> could also provide insights into the sociometry of fear in social organizations. For example, in family households, do wives fear for their husbands as much as husbands do for wives? Do they share equal fear for their children? How does the age or sex of children affect their parents' fear?'

Finally, work by Sutton & colleagues (Sutton & Farrall, 2005, 2008; Sutton *et al.,* 2008) has suggested that gender differences in fear may have less to do with actual differences in fear and more to do with men being less willing to report fear than women. Self-presentation biases and social desirability may shape our data. Indeed the interviewer may also alter the dynamics of the conversation, with a knock-on effect on expressed worry about crime (Brunton-Smith, 2008).

Thoughts about the prospect of crime

Thoughts about crime can range from assessments of the crime problem, to perceptions of criminals/potential criminals, to concerns about the effect of crime on others and one's community and society at large. However, most fear of crime studies have focused on public perceptions of risk, and here we can differentiate between perceptions of the likelihood of victimisation, perceptions of the consequences of victimisation and perceptions of control over the possibility of victimisation. There is evidence to suggest that people 'read' their local environment in order to assess the likelihood of victimisation (for reviews, see Hale, 1996; Vanderveen, 2007; Farrall *et al.,* 2007): public perceptions of neighbourhood disorder, social cohesion, and collective efficacy generate a sense of the possibility of personal victimisation. Crucially, the effect of such perceptions on worry about crime is then mediated by *perceptions of the likelihood of victimisation* (Jackson, 2004).

But *perceptions of consequence* and *perceptions of control* may also be important in generating worry about crime, particularly in the context of a personal sense of vulnerability to crime. The idea here is that some people see themselves as particularly susceptible to victimisation, and this increased susceptibility operates through a heightened sense of the risk of crime. Hale (1996: 95) argues that:

> 'Any model trying to explain fear will include some notion of vulnerability. At a common sense level people who feel unable to protect themselves, either because they cannot run fast, or lack the physical prowess to ward off attackers, or because they cannot afford to protect their homes, or because it would take them longer than average to recover from material or physical injuries might be expected to 'fear' crime more than others. Three broad groups have been identified as falling into this category: women, the elder and the poor.'

Killias (1990) suggests that there are physical, social and situational aspects to vulnerability, which are each related to 'dimensions of threat' that cover 'exposure to non-negligible risk', a 'loss of control', and 'seriousness of consequences.' More serious consequences are expected to occur amongst women, the elderly and people in bad health (physical factors), amongst victims without networks of social support (social factors), and in deserted areas where no help is available (situational factors). Treating social, personal and situational characteristics as markers of vulnerability – and treating differential perceptions of likelihood, control and consequence as the psychological mechanisms that underpin vulnerability – Jackson (in press) found that females worried more frequently than males partly because (a) they felt less able to physically defend themselves, (b) they had lower perceived self-efficacy, (c) they had higher perceived negative impact, and (d) they saw the likelihood of victimisation as higher for themselves and for their social group.

In a US study, Warr (1987) found that the influence of perceived likelihood on fear was moderated by perceptions of the seriousness of the given crime-type. When people judged crime to be especially serious, A lower level of perceived likelihood was needed to stimulate some level of personal fear. Individuals were thus more 'sensitive' to a given level of perceived likelihood when they viewed the crime to be especially serious. A UK study found that public perception of the likelihood of victimization strongly predicted the frequency of worry, but two pivotal roles were played by perceived control over victimisation and perceived consequence of victimisation: (a) each predicted perceived likelihood; and (b) each moderated the relationship between perceived likelihood and worry about crime (Jackson, 2008a). When individuals perceived crime to be especially serious in its personal impact, and when individuals perceived that they have little personal control over the victimization event occurring, a lower level of perceived likelihood was needed to raise the frequency of worry.

Such work on public perceptions of risk and vulnerability may help explain both why some people worry more than other people (they feel more susceptible to vulnerable because they judge victimisation, judging crime to to be uncontrollable and highly consequential) and why levels of worry are generally high: mass media coverage that disproportionately focuses on the sensational then creates a heightened sense of risk amongst the public; this then combines with existing vulnerabilities to elevate worry and anxiety.

Behaviours in response to the threat of crime

The best research on public precautions against crime has been qualitative. People construct 'mental maps' of localities in order to represent and avoid certain areas (e.g. Lupton and Tulloch, 1999; Taylor, 1996) and these maps draw on shared representations of social relations and people whom inhabit or pass through such places (Taylor *et al.,* 1996). Crime related information flows most easily between socially and spatially proximate individuals (Smith, 1986).

Moreover, women tend to use a variety of habitual coping and behavioural strategies to manage threat and safety (Stanko, 1990). These coping and behavioural strategies create and reinforce restrictions on daily activities (Pain, 1997; Painter, 1993; Stanko, 1990).

How we behave in response to our perceived risk of crime may be treated as both a consequence or an indicator of fear (Fattah & Sacco, 1989), so if an individual has invested in numerous security devices should we say that their fear of crime is (a) high (hence all the precautions) or (b) low (since they are now protected)? As Zedner (2003) points out, the proliferation of security devices may serve only to remind people of their (implied) vulnerability. More security might produce more fear.

Qualitative research and the 'interpretative turn'

Our worries and talk about crime may also be bound up with perceptions of and anxieties about social relations and cohesion, and changing values and morals in society (Sparks, 1992). Anxieties about crime may serve to articulate these broader concerns about our neighbourhood and society, its social, economic and cultural fortunes, and the direction they are perceived to be going in.

Qualitative methods can afford a: ' . . . fuller appreciation of the political and moral resonance of the category 'crime' and of its implication in experiences of social change' (Sparks, 1992: 14). An exemplar is Girling *et al.*'s (2000, p. 170) study, which sought to:

> ' . . . pursue the idea that people's everyday talk about crime and order (its intensity, the vocabularies used, the imagery mobilised, the associations that are made) both depends upon, and helps to constitute their sense of place; that it takes the form of stories and anecdotes that fold together elements of biography, community career, and perceptions of national change and decline . . . [such stories] are one of the means by which people routinely come to acquire a sense, not only of crime, but also of the place in which they live - its habitability, its inward tensions and divisions and its future prospects.'

Examining public perceptions and responses to crime in a prosperous village in the North of England, public attitudes became more explicable when one examined the residents 'sense of place':

> '. . . it is a fear that the exclusive pastoral corner of the English social and spatial landscape in which they have invested heavily, both materially and emotionally, can no longer exempt itself (as it

> properly should) from the malign currents that flow through the wider world, and that its established social and moral order is being threatened, perhaps even eroded, by a combination of outsiders (professional criminals) and strangers (drug-using, disorderly local youths).' Loader *et al.* (2000: 66-67)

Local residents deemed crime and disorder small-scale, yet they also identified three threats: professional burglary, car crime, and teenage disorder. It was what these *represented* that made them salient and gave them meaning (as much as likelihood of their occurrence or the consequences of the potential events themselves). The first two threats had their roots in outsiders largely from Manchester and Liverpool (two nearby cities) coming to Prestbury because of its 'rich-pickings'. Teenage disorder seemed, in fact, more troubling. Teenagers loitering around: ' . . . threatened to erode *from within* the idea of Prestbury as a safe home, free of the troubles that bedevil so much of contemporary English society elsewhere' (*ibid.,* p. 71). Here we are reminded of Pearson's work (1983), which suggests that this has been a perennial anxiety of the 'respectable.'

More qualitative work – this time conducted in Manchester – showed the metaphorical capacity of crime for (other) related concerns about the locality (Taylor *et al.,* 1996). Neighbourhood concerns could include unemployment, the deterioration of the physical environment, increased social diversity and social disorder cues. And fear of crime can be seen as a metaphor for 'urban fortunes' – the ways in which one understands and represents one's locality, with its perceived levels of safety, socio-economic conditions, and civil character.

Evans *et al*. (1996) highlighted the trust of trust in fear of crime, where being seen as 'local' created a sense of safety from victimisation, and being familiar with the neighbourhood indicated who was safe to co-operate with. Yet conversely, fear of crime can result in changing attitudes towards uncertainty and ambiguity in human behaviour: a movement to see others as threatening and representational of crime (Furedi, 1998). It may increase the propensity to employ certain mechanisms to identify and categorise strangers and groups (and indeed certain locations or environments) by certain traits, connoting threat, danger and crime.

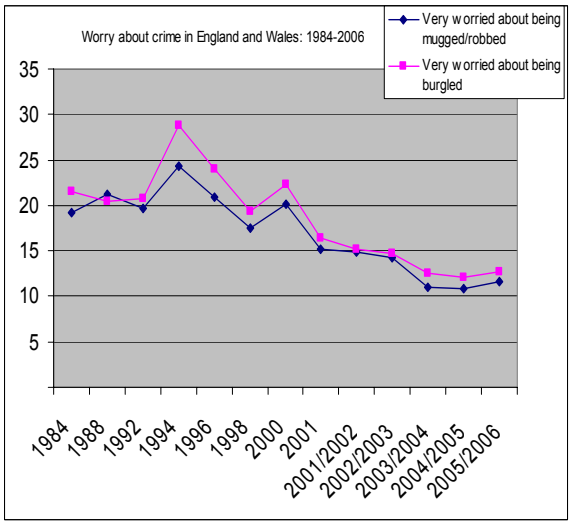
3.10.2 The trajectory and distribution of fear of crime in the UK

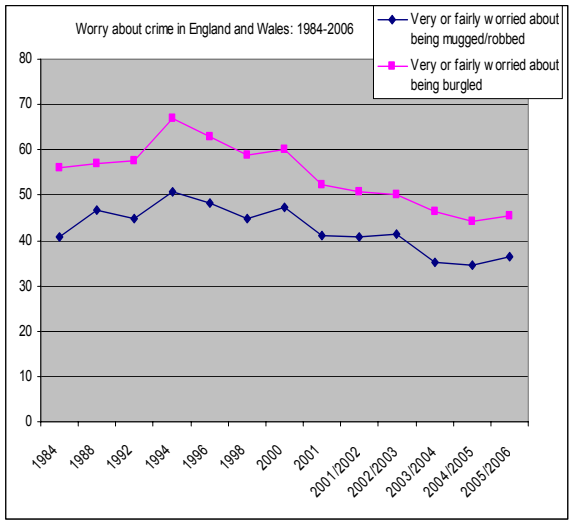
Currently underway is a study that draws on data from 14 sweeps of the BCS to assess trends and trajectories of the fear of crime over the past 25 years; we here summarise some key findings (for more details see Jackson, 2008b).

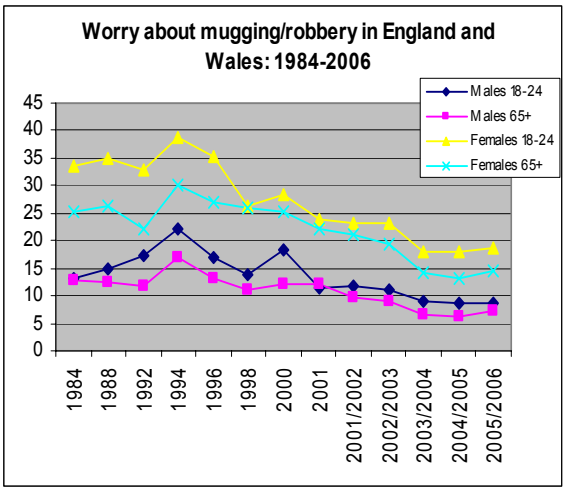
Figures 1–8 show the trajectory of worry about crime (focusing on mugging/robbery and burglary) from 1984 to 2005/2006. The top-left graph shows the percentage of respondents who said they were 'very worried' about falling victim of each of the two crimes. We find an increase between 1984 and

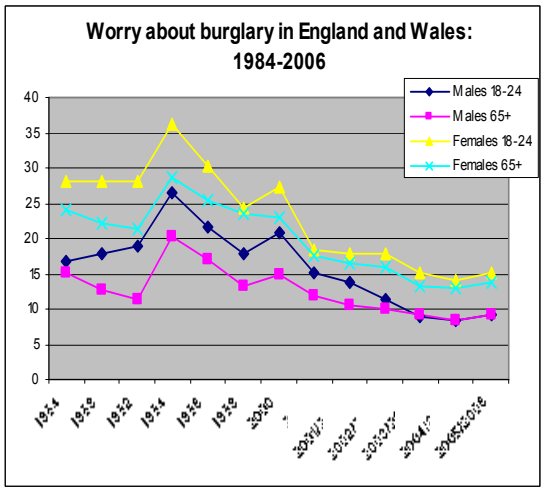
1994, then a sharp decrease until 2001, and a slower decrease since then. The top-right graph shows the percentage of respondents who said they were either 'very worried' or 'fairly worried' about falling victim of each of the two crimes. We find a similar, albeit less marked, pattern.

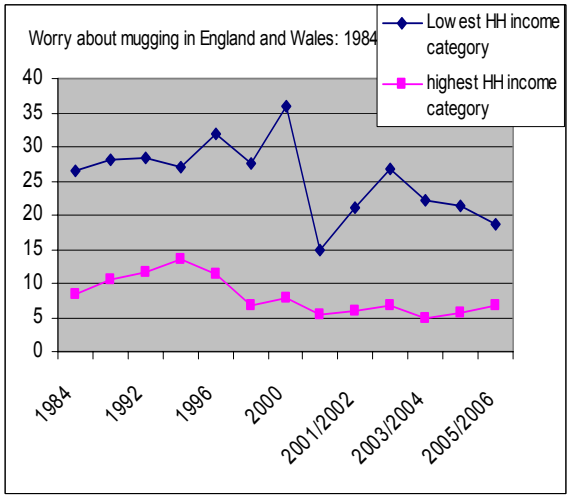
The next two graphs (below) show the trajectory of worry (for mugging/robbery on the left, and for burglary on the right) broken down by age and gender, and specifically by males 18-24, males 65+, females 18-24, and females 65+. We find roughly the same pattern of changes over time, but we also find that young females worry the most, then old females, then young males, and finally old males worry the least. The next two graphs (below) show the trajectory of worry (for mugging/robbery on the left, and for burglary on the right) broken down by the two extremes of household income (5-10% of lowest income in each sweep, and 5-10% of highest income in each sweep). Those who fall in the lowest household income group are clearly far more likely to be 'very worried' about crime than those who fall in the highest household income group. Finally, the bottom two graphs show the trajectory of worry amongst victims and non-victims (defined as having been a victim of any crime over the previous 12 months). Victims are more likely to be worry about crime than non-victim, although the contrast is not as striking as for household income.

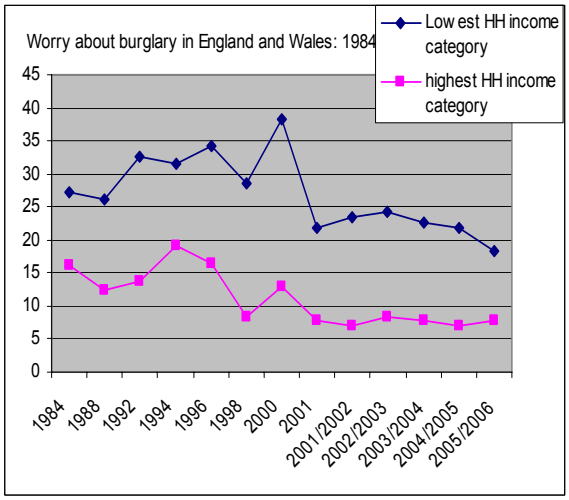


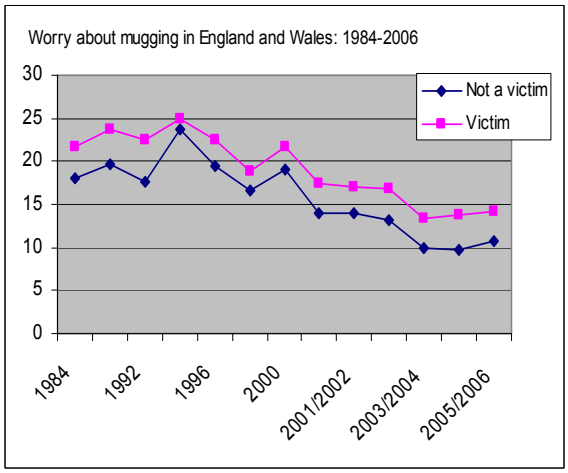


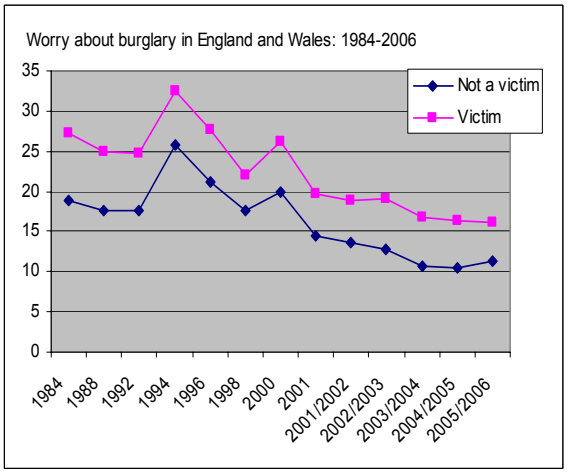












Figures 1-8. Trends and trajectories of worry about crime from the BCS

Individual and ecological predictors of worry about crime

Analysis of the trends and trajectories of fear of crime can provide valuable insights into this social phenomenon over time. However, a complementary investigation can assess the individual and ecological variables associated with worry about crime according to one snapshot of the phenomenon at one time period. So, rather than asking how fear of crime changes over time, we can ask whether worry about crime is related to certain characteristics of the individual and the area in which an individual lives. We draw again on the ongoing work of Jackson (2008b).

When assessing individual and ecological correlates of fear, we might first ask to what extent the neighbourhood in which someone lives influences their worry about crime. In other words, does fear of crime cluster in neighbourhoods? Is fear of crime somehow an emergent property of that neighbourhood? And if fear of crime does cluster in neighbourhoods, is it linked to the *actual* levels of crime and deprivation in that neighbourhood? An important implication flows if we find that the fear of crime both clusters in neighbourhoods and is related to problems of crime and deprivation: namely, fear of crime emerges as a property of existing structural neighbourhood disadvantage.

On the other hand, the lack of a strong connection between fear and crime (particularly area-level crime levels) is one of the reasons why the fear of crime continues to be a high-profile and politically-sensitive issue. Certainly, as research enters its fourth decade it is striking how the same themes have persisted in much of the research and debate. More people feel at risk than are likely to fall victim (in any given year); personal experience of victimisation and actual crime rates are not strongly correlated with fear. If fear of crime does not cluster in neighbourhoods and is not related to the levels of crime in a neighborhood, then we might conclude that fear of crime is less an emergent property of the neighbourhood in which one lives, and more of a general syndrome that spreads across society, emerging out of diverse perceptions of the quality of one's social world (Jackson, 2004; Farrall *et al.,* 2009).

3.10.3 Theories of fear

The past few analyses bring us nicely to a broad summary of the key themes of explanation in fear of crime research in the UK. Looking across the British literature, five themes emerge (Farrall *et al.* 2007; for other reviews see Vanderveen, 2007, Hale, 1996):

- the victimisation thesis;
- imagined victimisation and the psychology of risk;
- disorder, cohesion and collective efficacy – environmental perception and the fear of crime;

– structural change and macro-level influences on fear; and,
– connecting anxieties about crime to other types of anxiety.

According to the victimisation thesis, public anxieties about crime are a function of levels of crime (objective risk rates) and personal experiences of victimisation. While there is some evidence that being a recent victim of crime is associated with higher levels of fear (Garofalo, 1979; Skogan, 1981; Liska *et al.,* 1988; McCoy *et al.,* 1996; Denkers & Winkel, 1998), other studies have shown negligible or weak effects (Hale, 1996). Since more people worry than fall victim (in a given year), and since those with the highest risk (young males) tend to worry the least, it is safe to conclude that most research shows only a loose coupling between *fear* and *crime* or *personal victimisation.*[33]

The 'imagined victimisation and the psychology of risk' thesis states that people worry about victimisation when they can *imagine* themselves becoming a victim. There is a good deal of evidence that hearing stories of victimisation increases worry, whether through interpersonal communication (Tyler, 1980; Tyler and Cook, 1984) or the mass media. Investigating one psychological process, Winkel and Vrij (1990: 264) found that perceived personal relevance was an important factor in translating the reading of a crime report to the increase of personal anxiety: 'Stimulus similarity relates to the degree to which the reader identifies with the described victim, to the measure in which one's neighbourhood is seen to bear resemblance to the described locale, and to the extent to which the described form of crime is similar to the form of crime one fears.' While more work needs to be done, hearing about crime may raise perceptions of risk via judgements of likelihood of victimisation (Ferraro, 1995), the seriousness of the consequences of victimisation (Warr and Stafford, 1983; Warr, 1987), and feelings of control over its occurrence (Sacco and Glackman, 1987; Tulloch, 2003; Jackson, 2004). Indeed these components of risk may inter-relate (for theoretical work on this, see: Killias, 1990; Gabriel and Greve, 2003; Jackson, 2006) to form a sense of vulnerability and appraisal of threat (Jackson, *in press*). A promising area for future work centres upon the notion of 'risk sensitivity.' Developing Warr's (1987) US work, Jackson (2008a) found that when individuals perceived crime to be especially serious in its personal impact, and when individuals perceived that they have little personal control over the victimization event occurring, a lower level of perceived likelihood was needed to raise the frequency of worry.

The 'disorder, cohesion and collective efficacy' theme focuses on the influence of a particular form of social perception. Signs of norms and values in

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[33] Two caveats should be placed here. First, legal definitions of victimisation tend to exclude sexual harassment (see Kelly, 1987, 1988; Phillips, 1999, 2000). Second, the strength of the association seems to increase when one measures fear of crime using more precise indicators of the everyday experience of worry (Farrall et al., 2009; Brunton-Smith, 2007).

flux; the presence of certain individuals behaving in intimidating manners or judged along certain stereotypical lines; a lack of social trust and informal social control – all these are proposed to erode feelings of security and elevate judgements of risk. Innes and colleagues (Innes and Fielding, 2002; Innes, 2004) argue that certain criminal or disorderly events have a disproportionate effect on fear through their semiotic properties. So-called 'signal crimes' convey a sense that a neighbourhood lacks particular features of cohesion, control and normative pressures. These are valued aspects of the social environment, so the perceived deterioration can be unsettling to the observer, as well as stimulate beliefs about crime. Numerous other studies attest to the importance of how people make sense of their environment (Merry, 1981; Skogan and Maxfield, 1981; Taylor *et al.,* 1985; Smith, 1986 Taylor and Hale, 1986; Box *et al.,* 1988; Skogan, 1990; Warr, 1990; Covington and Taylor, 1991; LaGrange *et al.,* 1992; Perkins *et al.,* 1993; Hough, 1995; Ferraro, 1995; Rountree and Land, 1996; Perkins and Taylor, 1996; Jackson, 2004). Public anxieties about crime may even express interpretative activity that links fundamental social values to attitudes towards social change, to evaluations of social cohesion and moral consensus (Jackson, 2006; Farrall *et al.,* 2009).

The 'structural change and macro-level influences on fear' theme further widens the scope, this time to include long-term and broad-scale influences on public insecurity about crime at neighbourhood and at societal levels. An obvious example is changing local levels of crime and disorder which erode public feelings of security, Skogan (1986: 203) goes further, arguing that: 'fear of crime in declining neighbourhoods does not always accurately reflect actual crime levels. It is derived from primary and secondary knowledge of neighbourhood crime rates, observable evidence of physical and social disorder, and prejudices arising from changes in neighbourhood ethnic composition.' Greenberg (1986) sketches out an 'economic-viability' model of the fear of crime which moves to the foreground public confidence in the trajectory of economic well being in their neighbourhood. Her hypothesis was that 'concern about the economic future of the neighbourhood may make individuals feel vulnerable to events that are beyond their control, one of which is crime' (*ibid.:* 48). She found that perceptions of disorder and confidence in neighbourhood economic well being both predicted levels of fear – indeed they both mediated the impact of neighbourhood crime levels on fear.

The final theme reflects the idea that anxieties about crime express anxieties about related social issues (Taylor, 1996; Taylor and Jamieson, 1998; Taylor *et al.,* 1996; Girling *et al.,* 2000). As Garofalo and Laub (1978: 245) suggested: '…what has been measured and conceptualised as "fear of crime" has its roots in something more diffuse than the perceived threat of some specific danger in the immediate environment. In their qualitative investigation of so-called 'Middle England', Girling *et al.* (2000) argued that public sentiment towards crime was embedded in people's local and lived environment. Concerns about crime chimed with:

> '… a fear that the exclusive pastoral corner of the English social and spatial landscape in which they have invested heavily, both materially and emotionally, can no longer exempt itself (as it properly should) from the malign currents that flow through the wider world, and that its established social and moral order is being threatened, perhaps even eroded, by a combination of outsiders (professional criminals) and strangers (drug-using, disorderly local youths).' (Loader *et al.,* 2000: 66-67)

As Farrall *et al.,* (2009) argue, crime is not some abstract category that emerges from nowhere. The risk of crime is projected into a given environment, elaborated with a face (the potential criminal) and a context (the place it might take place), rooted and situated in the everyday. Perceptions of the risk of crime thus disclose a host of subtle evaluations of and responses to the social world – a way of responding to variable levels of social order and control, a sense of unease in an unpredictable environment, the association of particular individuals or conditions with deviance and hostile intent.

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3.11 Public trust in criminal justice: A review of the research literature in the United States

Ben Bradford and Jonathan Jackson

This review complements a series of country-based reviews of trust in justice produced by JUSTIS team members. Given a number of similarities between the US and the UK in terms of policing, the current review of the US research follows the structure and themes laid out by the UK review (Bradford et al., 2008). This paper is not intended to be a comprehensive review of the vast US literature in this area. The objective is, instead, to draw out some of the lessons to be learned from US conceptual and empirical work that might illuminate understandings of public trust and confidence in justice, as these terms are coming to be understood on this side of the Atlantic. The focus is the police, although work on the courts is also covered.

3.11.1 What is 'trust' and 'confidence' in justice?

According to Tonry (2007) scholarly concern about legitimacy and procedural justice in relation to the police and courts has, until recently, been peculiarly American (although it could be argued that such concerns have long been present in the UK as well, albeit in a slightly different guise). He points to the distinctive constitutional structure of the US with its notions of limited powers and the centrality of (private) citizens' rights. Yet he also notes that the situation may be changing. Concerns hitherto largely confined to the US are beginning to be picked up in Europe and elsewhere. Indeed the collected volume in which he was writing (Tyler 2007) and the JUSTIS project itself are indicative of this trend.

Tonry draws a distinction between two conceptualisations of legitimacy. The first emphasises the perceived legitimacy of state institutions in the eyes of the public at large, while the second concentrates on the legitimacy of the police and courts among those who have direct dealings with them. Although the situation may again be changing, the first conception is held to be prevalent in Europe, while the second holds more sway in the US. The idea that legitimacy (or, perhaps, trust and confidence) is primarily of importance to the users of police and courts or those subject to their attention underpins much US work in this area. Most notably, the most common moments in which issues of trust, confidence and legitimacy have been raised lie in the relationships between legal authorities and those inner city and/or minority citizens who both require their services and are objects of their attention.

We identify in this review three strands of thought about (or orientations toward) the ideas of trust, confidence and legitimacy. The first – often concerned with policy relevant findings relating to racial variation in levels of support for

the police and courts (see below) – treats public confidence as unproblematically related to (and measured by) simple concepts such as satisfaction with service, general support, and statements of confidence. The second strand, which often shares similar aims to the first strand, uses more complex variables but then combines opinions across a range of different areas to get at something like 'overall confidence.' The third is a fuller exploration of what trust, confidence and legitimacy mean; how these concepts are related to each other; and what the implications for understanding the complexity of public feelings about the police and courts are. Each of these strands are discussed in turn.

Strand one

It is not an exaggeration to state that in many cases, US work on public confidence in the police and courts has relied on quite basic concepts and measures of public feeling about the organisations or institutions themselves. This has been the case with regard to statistics collated by the central government (Bureau of Justice Statistics 2007) and in academic papers which have drawn on a wealth of national and locally based surveys (see for example Brandl et al. 1994; Brandl et al. 1997; Cao 2001; MacDonald and Stokes 2006; Weitzer 2002; and for the courts Benesh and Howell 2001; Brooks and Jeon-Slaughter 2001).

Box 1 contains some sample questions from this strand of work. A common feature is the use of either single indicators or question sets that cover the provision of policing services or what might be termed instrumental concerns (although specific opinions about, for example, police brutality, have also been measured by single indicators, see Weitzer 2002). Other papers address more specific attitudes toward the police – such as trust – in a similar way (MacDonald and Stokes 2006). At base the assumption is that attitudes toward the police can be summed up under the banner of a single question, broadly analogous to the 'how good a job' question used in the British Crime Survey and elsewhere in the UK (Bradford et al. 2008). And whatever the specific question wording, answers relate to the same 'thing' – that is, general opinions of the police. Such an assumption is not unreasonable, with Brandl et al. (1997) arguing that 'regardless of question forms or referent, substantively and statistically similar levels of support are produced … perhaps respondents have more of an ideology toward the police than dynamic, peculiaristic attitudes that vary with question focus or referent' (ibid: 479).

Box 1. Sample measures of public trust in criminal justice

Bureau of Justice Statistics 2007

Reported confidence in the police:

> "I am going to read you a list of institutions in American society. Please tell me how much confidence you, yourself, have in each one – a great deal, quite a lot, some, or very little: The police?"

Reported confidence in the police to protect from violent crime:

> "How much confidence do you have in the ability of the police to protect you from violent crime – a great deal, quite a lot, some, or none at all?"

Honesty and ethical standards:

> "Please tell me how you would rate the honesty and ethnical standards of people in these different fields – very high, high, average or very low: Policemen (sic)?"

Cao 2001

Confidence in the police:

> "How much confidence do you have in the police?"

MacDonald and Stokes 2006

Trust in the local police:

> "Think about the police in your local community. Generally speaking would you say you trust them a lot, some, only a little or not at all?"

Brandl et al. 1994

'Global' attitudes:

> "In general, how satisfied are you with the police?"

'Specific' attitudes (following contact):

> "How satisfied were you with the way the police handled the problem?"
>
> "How satisfied were you with the way you were treated?"
>
> "How satisfied were you with the police in their handling of the incident?"

Schafer et al. 2003

Support for global police services:

> "Overall, how satisfied are you with the quality of police services in your neighbourhood?"

Satisfaction with traditional police services:

> "Police officers are easy to contact."
>
> "Police officers respond to citizens calls for service in a timely manner."

Perceptions of community-policing services:

> "How would you rate the job the police are doing in terms of working with people in your neighbourhood to solve neighbourhood problems?"
>
> "Citizens in this community are not comfortable working closely with police."

Schuck and Rosenbaum 2005

Resident's general attitudes (scale): *Agreement/disagreement with the following statements.*

> "Police officers are often rude to the public"
>
> "Police officers are verbally abusive to people"
>
> "Police officers are physically abusive to people"
>
> "Police officers stop people for no good reason"

Neighbourhood-specific attitudes (scale): Questions as above, with addition of 'in your neighbourhood'.

Reisig and Parks 2000

Satisfaction with police (scale):

> "How satisfied are you with the quality of police service in your neighbourhood?"
> "Police provide services that neighbourhood residents want"
>
> "How would you rate the job the police are doing in terms of working with people in your neighbourhood to solve local problems?"

Strand two

Despite Brandl et als' findings, other authors have treated people's opinions of the police as more multi-faceted than single question approaches can allow. Work in this second strand takes into account the idea that people may hold varying opinions about different aspects of policing, or different 'levels' of police (national or local). While apprehendable by single questions, such an approach calls for more complex question sets, yet it is common to then combine answers to such question sets into a single indicator. This then becomes, in essence, a replacement for the single questions discussed above. An example of such an approach comes from Sampson and Jeglum Bartusch (1998), who construct a satisfaction with police scale from 5 items covering police engagement with the local neighbourhood, effectiveness in dealing with crime and disorder, and responses to crime victims (see Box 1 for sample question sets). Similar approaches can be seen in many other articles (see for example Reisig and Parks 2000; Rosenbaum et al. 2005; Schafer et al. 2003; Silver and Miller 2004; Skogan 2006). On occasion, composite measures of one aspect of police behaviour, such as fairness, are used as proxies for general opinions of the police (Shuck and Rosenbaum 2005). Box 2 provides some examples.

Work of this type supposes that opinions of the police are multi-faceted, comprising not only instrumental concerns but also judgements about police community engagement, fairness, and so forth. However, these opinions are held to relate to a single underlying opinion orientation toward the police which, once

measured effectively, can be used as a response variable in models investigating a wide range of potential correlates and representing a variety of theoretical conceptualisations of public confidence and support (or as an explanatory variable predicting other outcomes).

Box 2. Measures of trust in criminal justice where different 'types' of indicators are combined in one scale

Sampson and Jeglum Bartusch 1998

Satisfaction with police (scale):

"The police in this neighbourhood are responsive to local issues"

"The police are doing a good job in dealing with problems that really concern people in this neighbourhood"

"The police are not doing a good job in preventing crime in this neighbourhood" reversed)

"The police do a good job in responding to people in the neighbourhood after they have been victims of crime"

"The police are not able to maintain order on the streets and sidewalks in the neighbourhood".

Schuck and Rosenbaum 2005

Resident's general attitudes (scale): *Agreement/disagreement with the following statements.*

"Police officers are often rude to the public"

"Police officers are verbally abusive to people"

"Police officers are physically abusive to people"

"Police officers stop people for no good reason"

Neighbourhood-specific attitudes (scale): Questions as above, with addition of 'in your neighbourhood'.

Reisig and Parks 2000

Satisfaction with police (scale):

"How satisfied are you with the quality of police service in your neighbourhood?"

"Police provide services that neighbourhood residents want"

"How would you rate the job the police are doing in terms of working with people in your neighbourhood to solve local problems?"

Sampson and Jeglum Bartusch 1998

Satisfaction with police (scale):

"The police in this neighbourhood are responsive to local issues"

"The police are doing a good job in dealing with problems that really concern people in this neighbourhood"

"The police are not doing a good job in preventing crime in this neighbourhood" (reversed)

"The police do a good job in responding to people in the neighbourhood after they have been victims of crime"

"The police are not able to maintain order on the streets and sidewalks in the neighbourhood".

Strand three

Other work has attempted to unpack this underlying orientation into its component parts, to see how opinions are built up, to uncover relationships between ideas about different aspects of police behaviour and activity, and to investigate the implications of confidence or support in terms of citizen behaviour. This approach is most strongly associated with the work of Tyler and colleagues (Sunshine and Tyler 2003a, 2003b; Tyler 1990; 2001; 2004; Tyler and Huo 1992; Tyler and Wakslak 2004; Tyler and Fagan 2006). The procedural justice approach developed in this body of work (which covers police, courts and many other organisations) consistently finds that public opinions about such institutions/organisations are based less on instrumental concerns than on perceptions of the fairness with which people are treated. The procedural justice approach posits that opinions of the police and courts are composed of different elements or sets of concerns which, although obviously related, are distinct and even potentially in conflict with each other.

Most importantly, the procedural justice model holds that people's opinions about the effectiveness, procedural fairness and distributive fairness of legal authorities are distinct. Furthermore, the legitimacy of such authorities (where legitimacy is defined by Tyler and colleagues as 'a property of an authority or institution that leads people to feel that it is entitled to be deferred to and obeyed', see Sunshine and Tyler 2003b: 514), is itself separate from other opinions such as satisfaction with services received or assessments of operational effectiveness.34 That is, while these elements may well be components of an over-arching attitude orientation, they can be usefully and empirically separated out. In the causal models put forward by Tyler, paths are traced from the experience of fair, decent and open treatment, through assessments of the procedural justice of and motive-based trust in the authority, to its legitimacy (readiness to comply with its instructions voluntarily) as well as to more general 'satisfaction' or similar assessments. Furthermore, the extent to which an authority is considered to be legitimate is then linked to willingness to cooperate with it, 'empower' it and, in the case of legal authorities, comply with the law. The effectiveness of the authority or institution in instrumental terms, and assessments of fairness with which it distributes its activity, are found to have weaker associations with legitimacy, satisfaction, and so forth.

[34] This idea of legitimacy is often extended to include institutional trust and emotional affect, particularly with regard to the operationalisation of the concept.

These and related concepts have been measured by a wide variety of questions in the work of Tyler and colleagues (see Box 3 for some examples). We should say that operationalisation of the key concepts of the procedural justice model has varied slightly from study to study – a point nicely made and investigated by Reisig et al. (2007). It is worth at this point spending a little time considering Reisig et al's constructive criticisms, since their paper contains some important refinements to the central measures Tyler has put forward. This work also represents exactly the kind of careful methodological approach we hope to pursue in the JUSTIS project.

Box 3. Measures used in procedural justice-type approaches to trust in justice (taken from Sunshine and Tyler 2003b, see also Reisig et al. 2007).

Police legitimacy scale: *Combination of perceived obligation to obey, trust and affective feelings toward the police*

"You should accept the decisions made by police, even if thin they are wrong"

"Communities work best when people follow the directives of the police"

"Disobeying the police is seldom justified"

"It would be difficult for you to break the law and keep your self-respect"

"The police can be trusted to make decisions that are right for the people in your neighbourhood"

"People's basic rights are well protected by the police in your neighbourhood"

"The police in your neighbourhood are generally honest"

"New York City has one of the best police forces in the United States"

"I am proud of the work of the NYPD"

"I am happy to defend the work of the NYPD when I am talking to my friends"

"I agree with many of the values that define what the NYPD stands for"

"I cannot think of another police force that I respect more than the NYPD"

"The work of the NYPD encourages me to feel good about our city"

Measures of emotions toward the NYPD – respect, trust, appreciation, fear, contempt and anger.

Performance in fighting crime scale:

"How effective have the police been at controlling violent crime/gang violence/drugs/gun violence/burglary?"

"How quickly do the police respond when they are called for help?"

"How quickly do the police respond when people in your neighbourhood call the police for help"

"Are the police effective in providing help?"

"Do the police try to be of assistance?"

Distributive fairness scale:

"How often do people receive the outcomes they deserve under the law when they deal with the police?"

"Are the outcomes that people receive from the police better than they deserve, worse than they deserve, or about what they deserve under the law"

"How often do the police give people in your neighbourhood less help than they give others due to their race?"

"The police do not provide the same quality of service to people living in all areas of the city"

"Minority residents of the city receive a lower quality of service from the NYPD than do whites"

Compliance scale: *Respondents how often they followed the rules about seven types of behaviour*

Where to park a car legally

How to legally dispose of trash and litter

Not making noise at night

Not speeding or breaking traffic laws

Not buying possible stolen items on the street

Not taking inexpensive items from stores or restaurants without paying

Not using drugs such as marijuana.

Cooperation scale: *How likely are respondents to*

"Call the police to report a crime occurring in your neighbourhood"

"Call the police to report and accident"

"Help the police to find someone suspected of committing a crime"

"Call and give the police information to help the police solve a crime"

"Report dangerous or suspicious activities in your neighbourhood to the police"

"Voluntarily work as a police-community liaison worker at night or during the weekends"

"Spend some of you time helping new police officers by showing them round your neighbourhood"

"Volunteer to attend a community meeting to discuss crime in your neighbourhood"

"Work with others in your neighbourhood on neighbourhood watch activities to lower crime"

"Be willing to serve on a neighbourhood committee to discuss problems in your neighbourhood with the police"

'Empowerment' scale:

"The police should have the right to stop and question people on the street"

"The police should have the power to decide which areas of the city should received most police protection"

"Because of their training and experience, the police are best able to decide how to deal with crime in you neighbourhood"

"The police should have the power to do whatever is needed to fight crime"

"If we give enough power to the police, they will be able to effectively control crime"

Procedural fairness scale: *How often do the police in your neighbourhood*

"Make decisions about how to handle problems in fair ways?"

"Treat people fairly?"

"Treat everyone with dignity and respect?"

"Treat everyone in your community equally?"

"Accurately understand and apply the law?"

"Make their decisions based upon facts, not their personal biases or opinions?"

How fairly do the police decide

"Who to stop and question in the street?"

"Who to stop for traffic violations?"

"Who to arrest and take to jail?"

"How much they will help people with problems?"

Quality of treatment – do the police

"Clearly explain the reasons for their actions?"

"Give honest explanations for their actions?"

"Give people a chance to express their views before making decisions?"

"Consider people's opinions when deciding what to do?"

"Take account of people's needs and concerns?"

"Treat people with dignity and respect?"

"Respect people's rights?"

"Sincerely try to help people with their problems?"

"Try to find the best solutions for people's problems?"

"The NYPD treats citizens with courtesy and respect"

Reisig et al. (2007) make three important points in relation to the scales used by Tyler and colleagues (of which the contents of Box 2 can be considered representative). First, scale construction has relied too heavy on alpha coefficients, which increase simply as a function of the number of items used in a scale, meaning multiple items can inflate apparent homogeneity. Second, insufficient attention has been given to inter-scale correlations, which may have resulted in high levels of collinearity and misleading significance levels. Third, and linked to both preceding points, the scales used may contain both redundant

information and violate one of the key assumptions of measurement theory, that a set of items used in an instrument measure just one thing in common (Hattie 1985).

According to Reisig et al. these potential problems have differential implications for the scales used in procedural justice models. 'Compliance' and 'cooperation' do indeed appear to be both internally consistent and reflective of distinct latent constructs (2007: 1016). However this was not the case for the antecedents of compliance and cooperation, namely procedural justice, distributive fairness, and legitimacy. The techniques used by Reisig et al. (using very similar questions to those shown in Box 2) suggest that is four underlying factors behind these three concepts (ibid.), and that these can be described in two blocks.

First, the procedural justice and distributive fairness scales used by Tyler and colleagues were generally replicated. However, two procedural justice items (police 'make decisions based on their own personal feelings' and 'don't listen to all citizens involved before deciding what to do') loaded on the distributive justice factor. Similarly, two distributive fairness items (police 'enforce the law consistently when dealing with all people' and 'make sure citizens receive the outcomes they deserve under the law') loaded on the procedural justice factor. Reisig et al. conclude that 'because these items were originally designed to measure different factors, we determined … [they] should be eliminated' from the models (ibid: 1018).

Second, the legitimacy scale analysed by Reisig et al. was found to have two underlying factors: obligation to obey and trust in the police. However three items commonly used in such scales were found to load on neither factor to a sufficient extent. These were 'disobeying the police is seldom justified', 'it is difficult to break the law and keep one's self respect' and 'police in your community have too much power (reversed)', and the recommendation is again that these items should not be used in scales constructed to represent the underlying constructs of obligation to obey and trust in the police. Reisig et al. conclude that their four refined scales for procedural justice, distributive fairness, obligation to obey and trust in the police represent distinct constructs, within which the relevant subscales combine satisfactorily to produce 'high levels of internal consistency and discriminant validity' (ibid: 1020).

Using their refined scales, the authors find that many elements of the procedural justice model are supported. For example, the idea that legitimacy is much more heavily influenced by procedural justice than by distributive fairness appears robust. However this is not uniformly the case – in particular, 'trust in the police predicted both compliance and cooperation, distributive fairness was related to cooperation, and obligation to obey had no meaningful influence on either of the two outcome measures' (ibid: 1023). In other words, any effect that the legitimacy of the police (as represented by trust and obligation to obey) has on compliance and cooperation operates purely through trust. Obligation to obey the police has no independent effect on these outcomes, but somewhat counter to the predictions of the procedural justice model, distributive fairness is associated

with public willingness to cooperate with the police. These findings imply that institutional trust is potentially more important in influencing public cooperation and compliance than was hitherto thought. Crucially, when narrowly defined as obligation to obey, legitimacy has much less impact.

Taking different approaches to Tyler and colleagues, other US authors have started to unpack opinions of the police in more subtle ways than some of single indicators or basic scales outlined above can allow. Based on qualitative work in Boston, Stoutland (2001) identifies four dimensions of trust in the relationships between police and community. These are: priorities (that is, people's feeling that the police recognise and share their priorities), competence, dependability, and respectfulness. One important point is that people can and do hold conflicting views – those interviewed by Stoutland, residents of poor urban areas, often held relatively favourable views about police competence and dependability while being much more sceptical about priorities and respect.

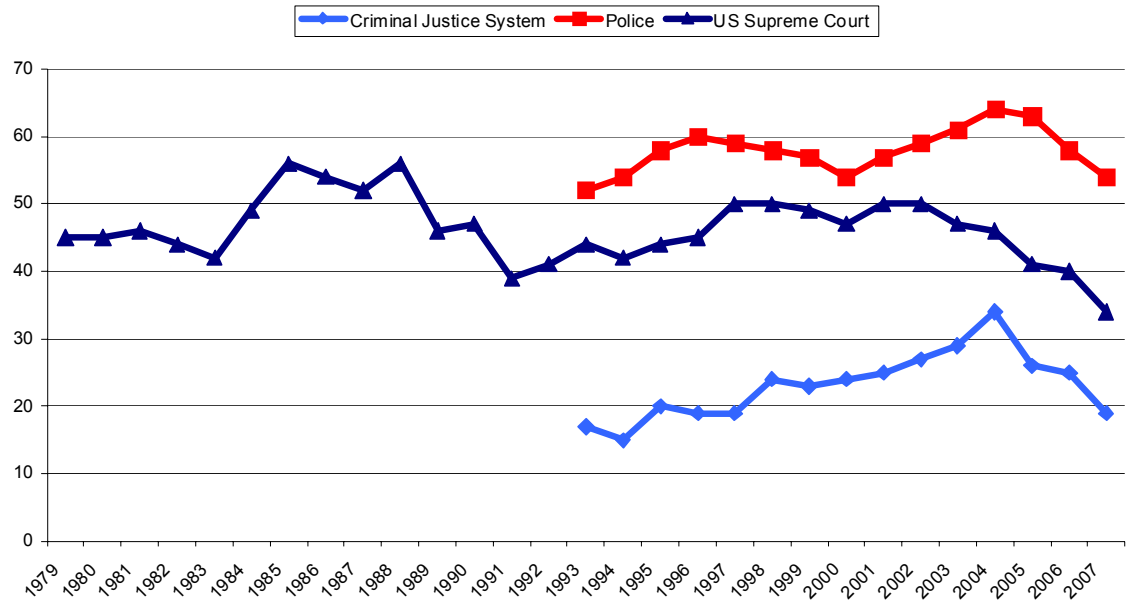
In an implicit critique of many of the approaches outlined above, Hawdon (2008: 182) notes that: '…much of the research on citizen trust of police and perceptions of police legitimacy conflates the concepts of trust and legitimacy. While these concepts are interrelated, they are conceptually distinct'. Hawdon goes on to outline concepts of legitimacy and trust which attempt to capture this distinction, suggesting that legitimacy adheres to institutions, while trust adheres to individuals and is placed in specific people in specific social contexts. On this account trust must be earned by officers through behaving in a manner consistent with the perceived role of police officer (ibid: 186). While trust is surely emergent in and expressed through social interaction this is perhaps only half the story. Put simply, relatively few people are regularly placed in a situation to make such judgements about individual officers, but are more than ready to say they trust the police (and behave in ways congruent with this, or example by calling the police to provide assistance). Precisely why people make what Mollering (2006) calls the 'leap of faith' to trust the police is beyond the scope of this review, but any conception of trust which relies purely on face to face interactions cannot do justice to the complexity of the public's relationship with the police and other criminal justice agencies. That said, the (partial) decoupling of trust and legitimacy suggested by Hawdon may mark an important milestone in the US literature which has indeed often treated the two as, implicitly, the same thing.

3.11.2 Levels of confidence in the criminal justice system, current and historical

Levels of confidence in the criminal justice system and its component parts in the US follow a pattern similar to that found in the UK. The public has the most

confidence in the police, with the courts below them[35] and the system as a whole below that (Figure 1 and see Sherman 2002). The longest time trend available from the US Bureau of Justice Statistics is for the Supreme Court. This shows marked variation, with confidence peaking at 56 per cent in 1988 before falling to a low of 39 per cent in 1991. After 1991 the trend was upwards until the early 2000s, after which there was another marked decline to reach a new low of 34 per cent in 2007. Confidence in the police and criminal justice system rose from the late 1990s to 2004-2005 but then fell back in both cases.

Figure 1
Confidence in the criminal justice system, police and US Supreme Court, 1979-2007
Percentage expressing a 'great deal' or 'quite a lot' of confidence



Note: Data for 1980, 1982, 1984, 1992 and 2001 (Criminal justice system only) are extrapolated.
Source: Sourcebook of Criminal Justice Statistics Online

Although overall levels of confidence appear to be broadly similar in both the US and the UK (compare Figure 1 above with Figure 1 in Bradford et al. 2008), there is more variation in opinion in the US according to demographic characteristics. Break-downs of overall confidence according to age, sex and other characteristics in 2007 are shown in Table 1. Most obvious is the variation by race. For example, only 9 per cent of Whites said they had 'very little' or no confidence in the police, compared with 35 per cent of Black Americans. For the criminal justice system as a whole these proportions were 32 per cent and 54 per cent, respectively.

[35] Note that the data shown in Figure 1 relate to the US Supreme Court – confidence levels in state or local courts are likely to differ significantly.

There are marked variations elsewhere, however. Income, education and political affiliation all had an effect with, respectively, the poor, those with a high school education only (or less) and Democrats having consistently lower levels of confidence. Also notable is the fact that although there was little variation in opinions of the police by age in 2007, this was not necessarily the case for the criminal justice system as a whole or, in particular, the Supreme Court; in both cases younger people had higher levels of confidence.

Table 1
Reported confidence in the criminal justice system, police and Supreme Court: by demographic characteristic, 2007

Percentages

	Criminal justice system			Police			Supreme Court		
	Great deal/ quite a lot	Some	Very little/ none	Great deal/ quite a lot	Some	Very little/ none	Great deal/ quite a lot	Some	Very little/ none
Sex									
Male	21	41	37	58	28	14	39	39	21
Female	16	48	34	51	38	12	29	44	24
Race									
White	20	46	32	60	30	9	36	43	19
Non-White	13	37	49	32	43	24	25	36	37
Black	13	32	54	22	43	35	22	31	44
Age									
18-29	24	43	33	55	23	22	36	43	21
30-49	20	47	32	56	35	9	36	44	18
50-64	17	44	37	50	38	12	30	41	27
65+	15	42	39	56	33	9	23	38	33
Education									
College post graduate	24	51	24	59	34	8	44	40	15
College graduate	18	52	29	57	33	10	38	44	17
Some college	17	48	34	58	33	9	31	48	19
High school graduate or less	17	36	45	48	34	18	28	36	31
Income									
$75,000+	24	43	32	59	32	8	39	42	18
$50,000-74,999	21	48	32	51	41	7	44	38	17
$30,000-49,999	17	51	33	55	32	13	25	47	25
$20,000-$29,999	16	47	36	44	36	21	26	43	31
Under $20,000	15	31	51	51	28	19	30	33	29
Politics									
Republican	29	44	27	70	25	5	45	41	12
Democrat	17	44	39	44	38	18	29	40	28
Independent	15	46	40	52	34	12	30	43	25

Source: Sourcebook of Criminal Justice Statistics Online

3.11.3 Sources of confidence in policing

On the centrality of race

The key theme running through almost all US work on trust and confidence in the police is race. Virtually all of the research considered under the present review contains at least some mention of race, and for many analyses race is the central issue. Indeed, the central concerns of this review, namely trust, confidence and legitimacy, began to emerge as topics of interest in the wake of the urban (on other words, black) riots of the 1960s (Schafer et al. 2003). This is not the place to discuss fully why this is the case. But the central place of race is of course related to the long history of racism, discrimination and exclusion which black Americans (and those from other ethnic and racial minorities) have

suffered and the all too inevitable consequences of this society-wide phenomenon for black people's experience of the law, criminal justice, policing and imprisonment (Barak et al. 2007; Tonry 2008; Wacquant 2001).

A large majority of the work considered here concerning attitudes toward the criminal justice system, courts and police in the US starts with an assumption or hypothesis that levels of trust, confidence and legitimacy are lower among black Americans than their white counterparts, with the other commonly considered 'ethnic' group, hispanics, falling somewhere in between.[36] And, in general, such assumptions or hypotheses find support in the data utilised (see, inter alia, Bridenhall and Jesilow 2008; Brooks and Jeon-Slaughter 2001; MacDonald and Stokes 2006; Reisig and Parks 2000; Rosenbaum et al. 2005; Schafer et al. 2003; Schuck and Rosenbaum 2005; Sherman 2002; Weitzer 2002). However such findings are not universal. Sampson and Jeglum Bartusch (1998), for example, found that there was little association between race and confidence in the police once area level characteristics were taken into account (although in the similar, more subtle analysis of Reisig and Parks (2000) racial differences remained even after area-level concerns were taken into account – see below for more discussion of the potential effects of area on confidence).

Given the history briefly alluded to above it is not surprising that opinions of the police seem likely to be lower among Black Americans because of their racial identity. That is, controlling for other socio-demographic characteristics, where they live, and their personal experiences of the police, black people are more likely to hold negative views of criminal justice agencies because they are part of a (sub)culture with a long experience of legal prejudice, discrimination, and out and out brutality. While some have attempted to explain racial differences in orientations toward legal authorities in terms of irrational counter-cultures or a heavily racialised and degraded underclass which has little trust or confidence in any 'mainstream' institution (Murray 1999), most work attempting to understand why opinions are so much lower among black people has focussed on the accumulated negative experience of the police and courts in black communities across the US (Brunson 2007; Carr et al. 2007; Schuck and Rosenbaum 2005). Such experience may, of course, be personal but arguably more important are the stories which circulate within social groups, as well as the media more widely, of for example police brutality (Rosenbaum et al. 2005; Warren 2008; Weitzer 2002). Others have noted the striking confluence of race and class in the US, which, although unable to suggest proffer specific reasons why confidence should be lower among blacks (since the weight of current evidence is that opinions are lower among blacks net of any effects of class), offers a compelling story of communities virtually abandoned not only by the

[36] US governmental and academic criminology generally adheres to the view, essentially that laid down by the US Census Bureau, that White and Black are 'racial' categories (along with Native American, Asian and Native Hawaiian) while Hispanic is an 'ethnic' category (Grieco and Cassidy 2001).

police but by almost all government authorities (Anderson 1999; Barak et al. 2007; Wacquant 2007).

The paragraphs above cannot hope to do justice to the massive US literature on race and criminal justice. Yet this short overview does provide some background for the discussion below, which will show time and again that almost all factors which might be held to affect public confidence in the US criminal justice system are shot-through with, and are inseparable from, considerations of race.

Contact and experience (including vicarious experience and victimisation)

Consider contact with and experience of the police. At the highest level, white Americans are no less likely to come into contact with the police than their black or hispanic counterparts, and by some measures are considerably more likely to do so (Durose, Smith and Langan 2007). Yet those from minority groups are disproportionately likely to involved in encounters which might be categorised as negative – for example, traffic stops which result in an arrest, or contacts involving the police use of force.

The social and economic divides in the US, which are reflected in and by the extreme racial segregation found in some cities (Wacquant 2007), is frequently cited as a factor affecting the quantity and quality of public interactions with the police. As Warren (2008) notes, a number of authors have drawn links between the weight of police attention on low income, high crime areas, the negative and/or punitive police behaviour often implicated in such attention, and mistrust and fear of the police among those living there (Reisig and Parks 2003; Sherman et al. 1989; Smith 1986; Weitzer 1999; see also Howell 2008). These and other reports suggest strongly that some Americans, often because of where they live or who they are, have very different personal experiences of the police than is, arguably, the norm. As a result of sometimes very long histories of negative contacts, it is hardly surprising that trust, confidence and police legitimacy suffer, or indeed fail altogether.

Negative contacts are also held to have potentially damaging effects on trust in the police net of any effect of race or ethnicity, and there is considerable evidence to suggest that this is indeed the case (Miller et al. 2004; Rosenbaum et al. 2005; Schafer et al. 2003; Skogan 2006; Weitzer and Tuch 2004). Furthermore, much US work has suggested what Skogan has termed an ‘asymmetry’ in the effect of personal experience, with positive experiences failing to mirror the impact of negative ones (see Skogan 2006 for a review). There are many possible reasons for this. Weitzer and Tuch (2004) suggest that during contacts with the police, people may dismiss good experiences as exceptions to the norm (if they have a generally low opinion of the police) or treat good service as given and react only to bad (if they have a generally high opinion). Rosenbaum et al. (2005) make similar points. However asymmetry cannot be considered to be universal, or replicable in other contexts. Benesh and

Howell (2001), for example, found that personal experiences of the courts appeared to polarize views, making them either more positive or more negative than the norm.

The idea that personal contacts with the police are judged in line with the precepts of the procedural justice model – that is, fair process and decent treatment are valued over outcomes and instrumental concerns – also finds support in a large number of studies (e.g.Tyler 2001, Tyler and Fagan 2006; see also Mastrofski et al. 1996, 2002, McCluskey et al. 1999, McCluskey 2003, Engel 2005). Findings from these and other studies often appear to contradict the asymmetry thesis, in that behaviours which are perceived to be fair and just commonly linked to uplifts in opinions about the police or courts, at least in terms of overall satisfaction and often at the level of trust or legitimacy. At the current time this apparent contradiction remains unsolved, with both sides marshalling considerable empirical evidence in their support.

Public concerns about crime and neighbourhood breakdown

A large body of US-based work has stressed that when people think about the police and crime, they also think about what 'crime' stands for (the erosion of norms and social ties) and what 'policing' stands for (the organized defence of the norms and social ties). Much of this work suggests that people who perceive a process of social decay, who judge around them an environment of long term moral and social decline, look to the police to defend order, and their assessments of neighbourhood social cohesion, control and civility – which may reflect broader concerns about the breakdown and fragmentation of society – trigger an increased identification with, and support for, the police (Biderman et al. 1967; Garofalo & Laub 1978; Merry, 1981; Scheingold 1984, 1991; Bursik and Gramsick 1993). [Really? High disorder = greater support? Any empirical evidence for this?]

There are two other important aspects of the social world which may influence people's opinions of the police, courts or 'the law', both of which have been explored in the US literature. The first is the nature of the local area understood not only in an expressive and subjective manner, but also in relation to the objective conditions in which people live. Attention has been drawn to the potential implications of people's assessments of the area in which they live and those they share it with. But equally, other work has hypothesised that area-level characteristics – as assessed by aggregate measures of social cohesion, disorder and so on as well as by 'objective' indicators such as crime rates – will themselves affect how people living in those areas view and interact with the police (Reisig and Parks 2000; Sampson and Bartusch 1998; MacDonald and Stokes 2006; Warner 2007), or the extent to which they engage in informal social control and participate in community activities (Wells et al. 2006; Silver and Miller 2004; Warner 2007).

While the evidence in this area remains mixed, with some studies reporting important area-level effects and others finding little evidence for such (Warner 2007), a key theme in much of this work has been the potential effects of neighbourhood conditions, peoples ideas about their local area, and the 'social capital' available to them on factors such as 'legal cynicism', participation in informal social control, and opinions of the police. For example, Sampson and Bartusch (1998) found that:

> "…inner-city 'ghetto' areas displayed elevated legal cynicism, dissatisfaction with the police, and tolerance of deviance generally defined. This consistent finding cannot be explained away by compositional differences or by levels of violent crime, even though these things clearly matter … it thus appears there is an ecological structuring to normative orientations – 'cognitive landscapes' where crime and deviance are more or les expected and institutions of criminal justice are mistrusted" (ibid: 801).

In other words there is something about the places in which people live, their ideas about those areas, and the interplay between the two which induces tolerance of crime and withdrawal from the institutions of criminal justice. In the US much of this work has been concerned with explicating, or else discounting, ideas that there are racial differences in levels of support for the police, tolerance of deviance, and so on. MacDonald and Stokes (2006), for example, found that variations in social capital appeared to account for some, but not all, of the differences between Whites and Blacks in perceptions of the police. Reisig and Parks (2000) report that neighbourhood context may reduce differences in satisfaction with the police but will not erase them. In contrast Sampson and Bartusch (1998) reported that once area-level characteristics were taken into account black/white differences in satisfaction with the police disappeared – and, indeed, that black and other ethnic minority groups were, net of neighbourhood factors, less tolerant of deviance than whites, a finding directly at odds which much theorising about tolerance of crime among the black community or the 'underclass' more widely (Murray 1999).

Mass media and (lack of) knowledge

In Making Crime Pay (1997) Beckett argues that the huge political and policy emphasis on crime in the US is a result not of policy-makers reflecting public opinion but of an active political agenda to advance crime as a problem which needs solving in specific ways. This has been driven largely from the right (but usually aped by the liberal-left) in order to use crime as a wedge issue, symbolic of the culture wars, and as a 'dog-whistle' to white voters which allows racist tropes such as that around 'welfare moms' to be articulated legitimately. In any such project media representations are of vital importance, and spikes in survey

evidence for public concerns about crime are shown by Beckett to consistently come after major media and political 'initiatives', that is, story arcs or even moral panics contained within mainstream US media.

Beckett's argument risks overstatement. For one, it leaves relatively little room for individual awareness or agency in a period (the 1960s to the 1980s) when, as far as can be ascertained, crime did increase massively in the US (Zimring 2007). It seems unlikely that survey respondents base their answers purely on media representations (and indeed that such representations are always entirely divorced from reality). Crime probably was experienced as a 'real' problem by many Americans over the period covered by Making Crime Pay. Notwithstanding this, however, the central point of Beckett's thesis is repeated by many other authors (see, among many others, Parenti 1999; Sherman 2002; Scheingold 1984, 1991; Simon 2001, 2008), namely, that crime and crime-talk have become centrally important in US political and public debate. This is linked in part to processes of both apparently ever-increasing punitiveness and attempts by the government and/or state to (re)legitimate itself in the face of anxiety about change, insecurity and a perceived break-down in society (cf. Bauman 2000). The media plainly play a central role in this process, and the weight of evidence presented in the works mentioned above and many others is that the US public has a vastly distorted sense to the extent, nature and causes of crime.

What is much less clear however is the extent to which this distorted vision has affected public opinions of the criminal justice system. To be sure, the increase in crime and the movement of crime into the centre of public debate from the 1960s onwards is usually held to be mirrored by declining public confidence in the criminal justice system. But as Sherman (2002) points out the US public seems to draw a distinction between the police (at the most immediate end of the system) and the supreme court (at the most distant) and those agencies lying between, such as local courts and the prison service: and it is hard to detect any long term change in opinions of the police or supreme court which correspond to the growth in concern over crime. Certainly there appears to be little evidence from the literature that there is relationship between press reports of crime and public confidence. Indeed Miller et al. (2004) could find no link between stories about the police specifically and public opinion about the NYPD, although Weitzer (2002) demonstrates some suggestive associations between media reports of police misconduct and declining opinion in both Los Angeles and New York. Others have drawn more implicit links, however. Notably, Zimring and Kamin (2001) suggest a link between a public distrust of the courts based on perceptions of excessive lenience and the spread of three-strikes and similar discretion-limiting laws. This process seems certain to implicate media distortions of sentencing policy and the like (although note here that the direction of causality is reversed, compared with that suggested by Beckett, with public concerns in some sense leading the way).

What is perhaps more certain is that US public discourse around crime appears to be largely dominated by a strident media which pushes forward a view of a crime-ridden, degenerating society. Whether this is largely the result of

elite agenda setting or an attempt to reflect and promote genuine public concerns is somewhat immaterial compared with its effects, which is a US public generally very misinformed about the nature of crime in its society. And while direct impacts on trust and confidence in the legal authorities appear hard to identify, the climate that the media debate fuels acts to promote policies, such as three-strikes, zero-tolerance, and the war on drugs which, as discussed below, have huge implications for trust, confidence, and legitimacy.

Police activities in its broadest sense (corruption/scandals, reassurance activities, changing priorities, etc.)

When considering implications for trust, confidence and legitimacy arising from the actions of the US police themselves three key (and interrelated) stories are immediately suggested. The first is the history of police brutality toward minority groups, political protesters, and so on. The second is the debate around ethnic profiling. Finally, there is zero tolerance, the New York experience, and associated trends within policing practice. Each of these will briefly be discussed below, accompanied by outlines of some evidence of the ways in which public opinion has been affected.

Out and out police malpractice and brutality appear frequently in US media and academic accounts. Cases such as the 1991 beating of Rodney King in Los Angeles and the 1999 shooting of Amadou Diallo in New York achieved national prominence and resonate strongly in accounts of the relationship between police and public (Weitzer 2002). However as Brunson (2007: 75) points out such extreme cases overlay a much broader and deeper culture of "unwarranted physical and deadly force", coercive forms of policing (which, while they may be strictly speaking legal, are likely to be experienced as brutal by those members of the public who are at the receiving end) and other forms of officer misconduct (see, inter alia, Brunson and Miller 2006; Carr et al. 2007; Parenti 1999; Smith and Holmes 2003; Terrill et al. 2003; Weitzer 1999). Across the range of such behaviour negative impacts on trust and confidence seem almost inevitable. From the mundane use of excessive force as experienced by, for example, inner city youth (Carr et al. 2007) to mediated experiences of high profile police brutality (Weitzer 2002), the ways in which individual and groups of officers behave toward the public can have profound implications for public opinion – although, given the overall US context, we should not be surprised to find that such effects may be quite limited, either to specific areas or to specific groups. For example Weitzer (2002: 401-102) reports that over the period March 1997 to April 2000, during which time the high profile cases of the Abner Louima beating and the Amadou Diallo and Patrick Dorismund killings occurred, and zero-tolerance was at its peak, the proportion Black New Yorkers who thought the NYPD was doing a poor job rose from 14 per cent to 52 per cent; but the proportion of Whites who thought this way rose from just 6 to 11 per cent.

'Driving while Black' appears to have been an offence in the US for many years, yet seems only in the last decade or so that serious policy and academic attention has been directed toward the use of ethnic profiling in traffic policing and elsewhere. The evidence very strongly suggests that Blacks, Hispanics and, more arguably, those from other minority groups are stopped, searched and arrested at rates far exceeding their presence in the population (see Barak et al. 2007 for a review) and, as far as is ascertainable, their proclivities to commit crime (Engel and Calnon 2004). For example, an investigation by the State Attorney of New York published in 1999 found that Blacks comprised 26 per cent of New York's population, but 51 per cent of those stopped by the police – for Whites the figures were 43 per cent and 13 per cent, respectively. (NYSOAG 1999).

Although the disparities outlined above are similar in nature to those found in the UK, although greater in extent, it is worth noting that while a large majority of the US public believe profiling to be wrong (Newport 1999, cited in Engel and Calnon 2004) there is a much more active debate in police and legal circles as to whether it is justified than seems to be the case in the UK (Engel and Calnon 2004; Harris 2002). Notwithstanding this, there is evidence to show that profiling damages public opinion. Tyler and Wakslak (2004) demonstrate significant negative associations between perceptions about and experiences of profiling and 'institutional support' for the police. And, of course, the use of ethnic profiling fits into the much broader web of social and economic factors ranging from the history of racism outlined above to implications arising from the distorted priorities of the 'war on drugs' (Harris 2002; Tonry 1995) which have combined to so damage relations between criminal justice agencies and large parts of the USA's minority populations.

The fourth story to be summarised here brings together many of the themes outlined above. This is the set or group of police policies and practises often characterized as 'zero tolerance' policing but which in truth encompasses a much wider set of approaches, ranging from some versions of community policing, through the targeting 'quality of life' offences, right up to the hardest edge of zero tolerance. At the heart of these ideas are the policies adopted by New York City Mayor Rudolph Giuliani and his police chief William Bratton in the mid-1990s (Bratton 2005). These built on Wilson and Kelling's (1982) broken windows thesis to promote an aggressive order-maintenance policing style which involved maximizing arrests for all types of crime, on the basis not least of an assumption that those involved in petty crime are also more likely to be more involved in the serious crime which was, to be sure, blighting the lives of many New Yorkers at the time.

Despite the claims made for it, the effectiveness of 'zero-tolerance' in reducing crime rates in New York and elsewhere is moot, to say the least (Dixon 2005; Howell 2008; Zimring 2007). However, and more appositely for present purposes, such approaches may have substantial implications for the relationship between the public and criminal justice agencies. One reason is of course the link between more aggressive policing styles and, in general, personal experience of

the criminal justice system and more negative opinions, particularly among those groups – the poor, minorities and so on – most likely to suffer greater police attention under such schemes. Howell (2008), for instance, reports that 84 per cent of those arrested for misdemeanor offences, which generally cover those minor crimes which are the primary target of zero-tolerance, in New York between 2000 and 2002 were non-White. The discussion of race and personal contact above suggest that, unless handled extremely sensitively (which most available evidence suggests is very often not the case), the outcomes of such encounters in terms of opinions about the police and other criminal justice agencies are likely to be negative.

But the negative effects of zero-tolerance may go much deeper. As Howell (2008) discusses, most immediately such approaches are more likely to be experienced as procedurally unjust by those involved precisely because they will seem arbitrary and misdirected. Bur further, the 'collateral damage' for a individual arising from a misdemeanor or even violation conviction can in many US states be quite severe – loss of a driving licence, loss of employment and even withdrawal of rights to public housing (see also Harris 2002). It would hardly be surprising if such personally catastrophic consequences forced withdrawal from main stream society and fostered oppositional attitudes toward the criminal justice system. Some have even suggested that zero-tolerance is criminogenic, because it distances people from legal means of making a living whilst at the same influencing perceptions of procedural justice, with all the potential knock-on effects on compliance with the law both factors may have.

Once again, of course, zero-tolerance and allied policies should be seen as part of a nexus of social , economic and political factors which in the US has fostered and drawn upon a social climate in which crime is positioned as largely (a) a matter of personal choice, (b) a feature of inner-city life, (c) confined to lower class and especially minority communities and (d) controllable, even solvable, with the application of sufficiently punitive police, judicial and carceral policies (Barak et al. 2007; Parenti 1999; Scheingold 1991; Simon 2007; Tonry 1995). While negative implications in terms of public trust, confidence and legitimacy among the 'target populations' are plainly extremely significant, it is also of course possible that such policies are responding to the mood among the rest of population – those who Gaubatz (1995) dubs the 'believers', perhaps – and as such may serve to enhance confidence. Indeed, confidence in both police and criminal justice system as whole rose overall over the late 1990s and into the new Millenium (albeit that the trend then switched sharply downwards – see Figure 1). However as Weitzer (2002) demonstrates countervailing trends can also be detected. During the heyday of zero-tolerance in New York the proportion of New Yorkers who thought the police were doing a 'poor' job rose substantially, and this was even the case among the White population. In short, while there is much evidence that zero-tolerance policing will damage confidence among those who are its objects, there is relatively little to suggest that the opposite effect will be found among those outwith frequent and confrontational encounters with the criminal justice system. Furthermore, recall that Zimring and Kamin's (2001) emphasis on increased punitiveness (and

particularly mandatory sentencing) as a result of public distrust in the criminal justice system, particularly the courts, who are seen as too liberal and thus in need of control (via the removal of discretion).

The broader context

Sherman (2002) discusses an apparent decline in trust in US criminal justice agencies over recent years, although, as Figure 1 above suggests, the extent of this decline is perhaps moot in comparison to the much longer term trend that has been witnessed in the UK (Hough 2007; Jansson 2008). Sherman concludes that this decline is consistent with:

> "a major theory about declining trust in all government – not just criminal justice – in all modern nations, not just the United States. The concerns arise from the decline of hierarchy and the rise of equality in all walks of life. The rise in egalitarian culture increases the demand for government officials to show more respect to citizens" (ibid: 24).

Opinions about the criminal justice system are therefore placed in a much broader social context. It is notable that the patterns Sherman describes, and which are shown in Figure 1, suggest that support for the police and, to a lesser extent the courts, remains much higher than support for the justice system as a whole (congruent with the UK situation). Similarly, support for the police in particular remains much higher than for government as a whole, largely a result of a massive decline in trust of central government over the last 50 years. Orren (1997) reports that in the late 1950s around three quarters of Americans thought the government in Washington could be trusted 'just about always' or 'most of the time'; by the mid-1990s only around one quarter thought this way. Such patterns are of course familiar from a wide-range of empirical and theoretical literatures which discuss the implications of the late- or post-modern condition with regard the social and political trust, the relationship between citizen and state, and similar themes (for examples see Bauman 2006; Friedman 1999; Giddens 1991; Nye et al. 1997; Pullman 2000; Sennett 2007)

These high level accounts have been picked up in more grounded work investigating specific relationships or encounters between US justice agencies and the public. Warren (2008), for example, finds evidence to suggest that low levels of generalised trust in social institutions is linked to a greater propensity to perceive police disrespect during traffic stops. MacDonald and Stokes (2006) emphasise the importance of variation in social capital in explaining trust in the local police.

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4. Review of supra-national social indicators of public confidence

Maria Yordanova, Dimitar Markov and Miriana Ilcheva (eds.)[37]

4.1 Introduction

At present there is a lack of high-quality comparative European data on public confidence in justice and public perceptions of insecurity that meet the need of an empirically valid set of indicators. The International Crime Victims Survey (ICVS) fields a single question on both fear of crime and satisfaction with the criminal justice. The European Social Survey (ESS) is improving its measurement of fear of crime, but space limitations mean the topic cannot be explored in detail; measures of confidence in criminal justice are, like the in the ICVS, limited to a single item. These surveys thus do not capture the essence of the problem nor provide a portfolio of indicators balanced across different dimensions. Such dimensions would include lay assessments of fairness, effectiveness and value-expressive aspects, contact with the police, intention to support the criminal justice system (e.g. reporting crimes, giving evidence in court), knowledge about the criminal justice system, and perceived legitimacy. They would, once fielded, provide vital information for the development and assessment of criminal justice policy across Europe.

Against this background, the JUSTIS project aims to assess the measurement of confidence in justice in international initiatives such as the ICVS and the ESS and to investigate, as a preliminary step to designing its own, evidence-based indicators, why, although social indicators are an increasing part of EU policy development, Europe still lacks high-quality comparative data and indicators on confidence and insecurity. The first stage in this investigation was completed through desk research of the major international initiatives (methodology, implementation, results, and impact).[38]

This paper summarises the results of the research on the use of supra-national social indicators of public confidence.

[37] Other contributors to this chapter: Mai Sato, Anniina Jokinen, Elina Ruuskanen, Stephen Farrall.

[38] One of the project partners, HEUNI, is already involved in EU initiatives to promote and improve the use of survey data in criminal policy

4.2 International Crime Victims Survey (ICVS)

4.2.1 General remarks

The ICVS is a programme of standardised sample surveys examining householders' experiences of crime, policing, crime prevention and feelings of insecurity in a large number of countries. The survey began in 1989 and it has been repeated in 1992, 1996, 2000, and 2004/2005. It has covered 78 different countries (nationwide in 37 countries). It is a representative survey of the general adult public. The number of respondents amounts to country samples of between 1,000 and 2,000 households and the whole database includes 325,454 interviews. For most of its life the implementing body has been Turin-based United Nations Interregional Crime and Justice Research Institute (UNICRI), though in 2005 the European Commission co-sponsored the European Survey on Crime and Safety, which overlapped with the 2005 ICVS (see below). Some technical problems with the most recent sweep of the survey were encountered, in part reflecting the increasing challenges that mobile phone ownership poses to telephone interviewing in developed countries.

The ICVS covers common crimes to which the general public is exposed, including relatively minor offences such as petty theft as well as more serious crimes such as car thefts, sexual assaults or threats/assaults. The comparatively small samples sizes preclude estimation of less prevalent crimes such as rapes or aggravated assaults. The ICVS ignores victimisation of complex crimes such as corruption or organised crime. Some indication of the extent of complex crimes can be found in the ICVS rates of victimisation to bribery.

The ICVS uses colloquial rather than legal language, e.g. for household burglary the question is: "Did anyone get into your house or flat without permission and steal or try to steal something?" Some of the surveys done so far were national, while others were restricted to the main city of the respective country.[39]

Two types of crimes are measured in the ICVS:

- Household crimes are those which can be seen as affecting the household at large, and respondents report on all incidents known to them, e.g. car theft (including joyriding), theft from a car, motorcycle theft, bicycle theft, burglary and attempted burglary.

[39] A full list of all countries participating in the ICVS from 1989 until 2000 is available at: http://www.unicri.it/wwd/analysis/icvs/datafiles/participating%20countries.pdf (12.02.2009).

– For personal crimes, respondents report on what happened to them personally, e.g. sexual incidents, threats & assaults, robbery and theft of personal property.

The data is collected by two means:

– Computer Assisted Telephone Interviews (CATI), typically used in developed countries, but with some exceptions. Interviewers are guided through the interview by a computerised questionnaire, and responses are directly entered into a computerised database.

– Face to Face methodology for all developing countries and those in Central and Eastern Europe.

The results of the survey are public and accessible (at least for surveys up to 2000) through the UNICRI website[40].

The results of the ICVS are cited in many publications and studies. For example, the report titled "Criminal victimisation in countries in transition" published in 1998, offers a synthesis of the results of the ICVS carried out in countries in transition in the second (1992–1994) and third (1996–1997) sweeps, in which six and then twenty countries in transition respectively took part. The report is accompanied by a detailed compilation of the national reports – "International Crime Victim Survey in Countries in Transition: National Reports" – also published by UNICRI. This study presents the national reports of all the twenty countries in transition that participated in the third sweep of the ICVS.

4.2.2 Questions on confidence in justice and insecurity

The ICVS ask several questions relating to confidence in the police for all types of crime mentioned above. Below is an example from the 2004/5 face-to-face questions on victims of car theft. These questions have been asked in all sweeps of the ICVS.

Firstly, the survey asks whether the crime (in this case car theft) was reported to the authorities. If reported, it asks the respondents why it was reported. There are options such as "to recover property", "crimes should be reported", "wanted offender to be caught/punished". Conversely, if not reported, respondents are asked to choose why the crime was not reported. There are options such as "solved it myself", "police not necessary", "police won't do anything", "fear/dislike of the police". These options can be considered to be linked to

[40] http://www.unicri.it/wwd/analysis/icvs/data.php

measure respondents' level of trust/confidence in the police or their belief in the authority.

Secondly, the survey also asks the respondents whether they were satisfied with the way police dealt with the crime, with options "yes", "no" and "I don't know". If the respondents answer that they were dissatisfied, the survey asks a further question to allow the respondents to choose why they were dissatisfied. Options include "didn't do enough", "were not interested", "didn't find or apprehend the offender", "didn't recover my property", "didn't keep me properly informed", "didn't treat me correctly/were impolite". These options, and especially the last option could be considered to be testing the concept of procedural justice proposed by Tom Tyler, the idea being that whether people feel they have been treated fairly or unfairly by the police is linked to the respondents' level of confidence in the police and their willingness to voluntarily comply with them.

In addition, the ICVS also asks respondents whether they consider the police are doing a good job in controlling crime, with options "very good", "fairly good", "fairly poor" and "very poor". While it is unclear if options such as "fairly good" are selected by those who genuinely believe the police is doing a "moderately good job" or whether it is simply an expression of apathy or ignorance, the question attempts to measure respondents' level of satisfaction with the police in controlling crime.

As for insecurity, there are several questions relating to insecurity about crime. One question asks whether respondents feel safe walking in the dark alone and also what their perceived chances of being a victim of burglary in the next year are. Both of these questions could be categorised as measuring "anxiety" (i.e. expressive fear of crime), as opposed to "worry" (i.e. experiential fear of crime), which is considered to be more linked to confidence in the police. Another question asks respondents whether they have been in contact with drug-related problems in their area, which could also be categorised as an indirect attempt to measure anxiety.

Besides measuring the level of insecurity, the ICVS asks several questions on the degree of precaution respondents take to protect themselves. Questions include a range of precautions such as a burglar alarm, high fences, neighbourhood watch schemes, etc. It also asks whether respondents own guns and if so, for what reason. It may be argued that these questions on the degree of protection and the level of insecurity are related. However, firstly, it is not determined whether anxiety (or worry) actually leads to a higher level of protection desired. Secondly, it is not clear whether respondents who are worried or anxious about crime would continue feeling insecure after taking precautions. Thirdly, it is not clear whether the respondents' need for more personal precaution (such as the use of burglar alarm) is an expression of distrust towards state institutions to protect them or simply a matter of being responsible for their personal safety.

4.3 Eurobarometer

4.3.1 General remarks

The Eurobarometer survey series is a programme of repeated cross-national comparative social surveys (respondents are aged 16 and over). Since the early 1970s representative national samples in all member states of the European Union (formerly the European Community) have been simultaneously interviewed in the spring and autumn of each year (two surveys a year, with additional ad hoc surveys in some years).

The surveys cover the social and political opinions of persons living in the member countries and consist of regularly repeated questions, and additional questions on topics considered important at the time of the survey. The regularly asked questions deal with the European Community/European Union, European Parliament, as well as with the functioning of democracy in the respondents' native countries. The alternating questions have focused, for example, on the following issues: employment, unemployment, the roles of sexes, ecology and energy policy, position of children and adolescents, poverty, health, biotechnology, regional development, consumer behaviour, and education.

Work on the European survey series began in early 1970s, when the Commission of the European Community sponsored simultaneous surveys in the member states. These surveys were designed to measure public awareness of, and attitudes toward, the Common Market and other European Community institutions, in complementary fashion. They also probed the goals given top priority for each respondent's nation. These concerns have remained a central part of the European Community's research efforts - which were carried forward in 1971 with another six-nation survey that gave special attention to agricultural problems. The nine European Community member countries were surveyed again on the same topics in 1973.

After 1973, the surveys were extended in their scope as well as in geographical coverage, with measures of subjective satisfaction and the perceived quality of life becoming standard features of the European Community public opinion surveys. Starting with survey 34.1 (in the autumn of 1990), separate supplementary surveys on special issues have been conducted in most years. The survey series is designed to provide regular monitoring of public social and political attitudes in the EU through specific trend questions.

Over time, the member states of the European Community (now European Union) have increased in number, and the coverage of the surveys has widened accordingly. In 1974, nine countries were surveyed: France, Germany, United Kingdom, Italy, Netherlands, Belgium, Denmark, Ireland and Luxembourg. Greece was included from the autumn 1980 survey, Portugal and Spain since the autumn of 1985, the former German Democratic Republic since the autumn of

1990. Finland joined later (from the spring of 1993),[41] with Sweden and Austria joining from the autumn 1994 survey sweep. Norway has been included in some surveys (but not all) since 1991. In 2004, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined the EU, and in 2007, Bulgaria and Romania (some of these countries participated in the Candidate Countries Eurobarometer survey series). Some surveys are also conducted in Turkey, and in the Turkish Cypriot Community – Northern Cyprus.

Besides the standard Eurobarometers, the Commission has collected comparative data from non-EU countries. The Central and Eastern Eurobarometer (CEEB) was fielded eight times between 1990 and 1997, and the Candidate Countries Eurobarometer (CCEB) eleven times between 2001 and 2004.

The Eurobarometer public opinion surveys are conducted on behalf of and coordinated by the European Commission, DG Press and Communication - Opinion Polls Sector (EUROPA Public Opinion Analysis). Special topic modules are carried out at the request of the responsible EU Directorate General. Eurobarometer is financed by the European Commission and it is carried out simultaneously in the European Union member countries. Variables related to the contents of the Eurobarometers are usually under embargo for two years, after which they can be freely used.[42]

4.3.2 Questions on confidence in the criminal justice system

No questions about confidence in the criminal justice system (or any aspect of it) are included in the Eurobarometer. Some questions touch the criminal justice system. For example, the question which asks about the most and next most important aims of the respondent's country, includes a response code "maintaining law and order in the country", and sometimes an additional one

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[41] The Finnish Eurobarometer data have been collected since 1995 (EB 43), but as for the questions related to the EU, Finland has participated already since 1993 (EB 39). The material is collected by Gallup Finland (TNS Gallup Ltd).

[42] The GESIS (German data archive) maintains a Eurobarometer site, where information on, for example, study profiles (including questionnaires in different languages, and information on possible errata and embargoes), trend questions, and sampling and fieldwork can be found. (http://www.gesis.org/dienstleistungen/daten/umfragedaten/eurobarometer/). There is also a search engine for browsing questionnaires and codebooks. Eurobarometers, the Candidate Countries Eurobarometers, and the Central and Eastern Eurobarometers are available for download through the GESIS ZACAT – the data portal of the GESIS offering diverse information on all Eurobarometers (http://zacat.gesis.org/webview/index.jsp). The service is free, but downloading requires registration. The results of the latest surveys can be found on the web pages of the European Commission's Public Opinion Analysis Sector (http://ec.europa.eu/public_opinion/index_en.htm).

which refers to "the fight against crime". Occasionally there have been questions on the severity of sentences (but these usually refer to increasing sentences for terrorists, and are not regularly asked).

4.4 International Social Survey Programme (ISSP)

4.4.1 General remarks

The ISSP is a continuing annual programme of cross-national collaboration on surveys covering topics important for social science research. It brings together pre-existing national social science projects and coordinates research goals, thereby adding a cross-national, cross-cultural perspective to the individual, national studies.[43] The ISSP is based on annual, internationally integrated surveys carried out in all participating countries. A self-financed consortium of various research institutions is in charge of the programme.

Formed in 1983, the consortium develops topical modules dealing with important areas of social science as supplements to regular national surveys. Every survey includes questions about general attitudes toward various social issues such as the legal system, sex, and the economy. Special topics have included the environment, the role of government, social inequality, social support, family and gender issues, work orientation, the impact of religious background, behaviour, beliefs on social and political preferences, and national identity. Participating countries vary for each topical module. The GESIS (the German Data Archive) is responsible for archiving the ISSP data.[44]

4.4.2 Questions on confidence in the criminal justice system

Questions on confidence in the criminal justice system have been asked in two rounds of the ISSP. The 1991 survey (on religion) asked respondents "how much confidence [they] had in … courts and the legal system" (alongside various other non-CJS bodies). The codes were ranged on a 5 point scale. This question was repeated (exactly) in 1998. Aside from this question, there are a few other modules which ask about "crime" or "law and order" and which either repeat the

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[43] For example, in Finland, ISSP surveys are carried out in collaboration by three institutions: Finnish Social Science Data Archive, Department of Sociology and Social Psychology at the University of Tampere, and the Interview and Survey Services of Statistics Finland.

[44] Country-specific codebooks and questionnaires can be found on the GESIS ISSP web pages (http://www.gesis.org/en/services/data/survey-data/issp/). They are available for download via the GESIS ZACAT service (http://zacat.gesis.org/webview/index.jsp). The service is free, but registration is required.

Eurobarometer question on maintaining law and order in the country (see above), or ask people about morally or ethically dubious actions by other citizens. As such, again, no recognisable questions on confidence in the criminal justice system which extend over a sufficient period of time to enable the tracking or statistical modelling of shifts in attitudes to be developed are included in the survey.

4.5 European Social Survey (ESS)

4.5.1 General remarks

The ESS[45] is a biennial multi-country survey covering over 30 nations. Respondents are aged 16 and over. The project is funded jointly by the European Commission, the European Science Foundation, and academic funding bodies (national science foundations) in each participating country[46]. The project is directed by a Central Coordinating Team at the Centre for Comparative Social Surveys in City University, London. Four rounds have been completed this far (2002, 2004, 2006 and 2008). It is anticipated that a fifth sweep will take place in 2010.

The questionnaire includes two main sections, each consisting of approximately 120 items; a "core" module which remains relatively constant from round to round, plus two or more "rotating" modules, repeated at intervals (and is thus similar to the ISSP, in this respect). The core module aims to monitor change and continuity in a wide range of social variables, including media use, social and public trust; political interest and participation; socio-political orientations, governance and efficacy; moral, political and social values; social exclusion, national, ethnic and religious allegiances; well-being, health and security; demographics and socio-economics.

4.5.2 Questions on confidence in the criminal justice system

In each of the four rounds fielded thus far, a question on trust in the criminal justice system has been asked in the ESS. The items refer to "the legal system" and "the police" and they are a part of a battery which covers other institutions too. The answers are given on a 0-10 point scale. Whether "trust" is considered to be sufficiently close to confidence is a point for discussion, however this question is about as close to a measure of confidence in the criminal justice system/police found in the ESS. As such, whilst there are standard survey questions in the survey, these do not extend to all aspects of the criminal justice

[45] http://www.europeansocialsurvey.org

[46] In Finland, for example, the project is funded by the Academy of Finland

system, nor do these "unpack" key conceptual distinctions between "trust", "confidence" and "legitimacy" in ways which one might wish.

4.6 Eurostat

Eurostat[47] initiated in 2006 the development of a European victimisation survey, to be used for collecting comparable crime victimisation data from all EU countries. The draft survey instrument was finalised in 2007, and is currently being tested in 18 member countries. The development work is anticipated to be completed in 2010.

The Eurostat victimisation survey will be piloted in Finland in 2009 by HEUNI. It will address the general public and will be representative. The number of respondents will be 3,500. Main themes of the survey include:

- Common and more serious crimes to which the general public is exposed, including thefts, robberies, burglaries and violence by partners, strangers and acquaintances;
- "New" crimes such as identity frauds and computer hacking.

The means of collecting data vary, but will include CATI, CAPI/CASI and CAWI. The draft questionnaire contains 16 questions on feelings of safety and worries about crime, asking respondents how often they usually walk alone after dark, how safe they feel when they walk alone, do they avoid certain routes and why, how safe they feel at home at night, are they worried about having their homes broken into, or their car stolen or damaged, or being physically attacked by strangers, etc.

However the draft questionnaire does not include questions on confidence in justice. The nearest it comes to this topic is in its questions on the police. The survey asks whether the police came to know about the crime. If yes, question on how the police got to know about it is asked. If the police did not come to know about the crime, reasons for this are asked. Reasons for reporting to the police are also asked. The survey also contains a question about the respondent's satisfaction with the police. Questions are asked for thefts, burglaries, robberies, property damages and violence. For partner violence, more specified questions regarding the police are asked. The survey asks for reasons for both reporting and not reporting to the police and also about the possible problems occurring in the police response.

[47] http://epp.eurostat.ec.europa.eu

4.7 European Values Study (EVS) and World Values Survey (WVS)

The European Values Systems Study Group (EVSSG) carried out the first EVS surveys in ten Western European countries in 1981. The EVS evoked such widespread interest that it was replicated in 14 additional countries and thus the WVS emerged.

So far, EVS surveys have been carried out in three waves: 1981, 1990 and 1999/2000, while WVS data have been collected in five waves: 1981–1984, 1990–1993, 1995–1997, 1999–2001, and 2005–2006[48]

The World Values Survey is a worldwide investigation of socio-cultural and political change. It is conducted by a network of social scientists at leading universities all around the world. Interviews have been carried out with nationally representative samples of the publics of more than 80 countries in all continents. The five waves carried out since 1981 make it possible to carry out reliable global cross-cultural analyses and analysis of changes over time. The WVS has produced evidence of gradual but pervasive changes in what people want out of life. Moreover, the survey shows that the basic direction of these changes is, to some extent, predictable.

Structurally, the international surveys of the WVS series resemble the Eurobarometer and the ISSP surveys. Citizen activities, attitudes, and basic values in different countries are studied with integrated, structured surveys.

European Values Study group is nowadays responsible for the EVS data collection. The WVS project is being carried out by an international network of social scientists, with local funding for each survey (though in some cases, it has been possible to raise supplementary funds from outside sources).[49] The project

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[48] In France, for example, the 2001 EVS, which included questions on public perception of the criminal justice system and related institutions, showed that French levels of confidence in the police tend to be higher than levels of confidence in justice in general (66% report having a great deal or quite lot of confidence in the police as opposed to 46% for the justice system). However, compared to other countries, France is one of the countries ranking police performance the lowest (the question being "Taking everything into account, how good a job do you think the police do in your area in controlling crime?" ICVS 2005). Similarly, France is ranked comparatively low in victim satisfaction with the police response (53% satisfied). As for the system of justice as a whole, more than half of French respondents to the EVS claimed that they distrusted the justice system, a score comparable to Spain, Portugal and the UK, but higher than most Scandinavian countries (EVS 2001). These rates have not changed significantly over the last decade.

[49] Finland, for example, has participated in WVS from the very beginning with materials collected by Gallup Finland (TNS Gallup Ltd). With the exception of 1995, Gallup Finland has been the main sponsor of the Finnish surveys. WVS data are usually collected with face-to-face interviews. However, in 1990, the Finnish material was

is guided by a steering committee representing all regions of the world.[50] The World Values Survey data have become increasingly well-known in recent years, and have been utilised in hundreds of publications in more than twenty languages.

The World Values surveys provide a broader range of variation than has ever before been available for analyzing the impact of the values and beliefs of mass publics on political and social life. This unique data base makes it possible to examine cross-level linkages, such as that between public values and economic growth, between environmental pollution and mass attitudes toward environmental protection, or that between political culture and democratic institutions.

4.8 European Crime and Safety Survey (EU ICS)

4.8.1 General remarks

The European Crime and Safety Survey[51] is a tool for measuring the volume and nature of crime in Europe. It has evolved from the ICVS (see above) and the EU ICS 2005 questionnaire is very similar to that of the ICVS. All members of the EU ICS consortium have previously taken part in the ICVS. The EU ICS has been co-financed by the European Commission, Research Directorate-General, but with partners largely financing the costs of their own fieldwork.

The EU ICS consortium combines leading European research centres. The EU ICS provides a platform for a global standardised instrument for measuring the volume and nature of crime. The combined forces of the consortium members allow the project to go beyond the initial phase of looking at the 18 member states (EU-15 plus Estonia, Poland and Hungary) by exploring additional resources that allow for the inclusion of further member states and additional countries in the future. New countries with comparative measurements include the United States, Bulgaria, Croatia, and Turkey. The survey covers residents of 16 years of age or older in the above countries.

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collected via Gallup Channel, i.e. by using Internet terminals installed in respondents' homes.

[50] The executive committee responsible for the coordination of the surveys includes six elected members: Ronald Inglehart (USA), Juan Diez-Nìcolas (Spain), Bi Puranen (Sweden), Yilmaz Esmer (Turkey), Thorleif Pettersson (Sweden), and Christian Welzel (Germany). There is also a secretariat based in Stockholm including Ronald Inglehart, President, Bi Puranen, Secretary, and Thorleif Pettersson, Treasury.

[51] http://www.europeansafetyobservatory.eu;
http://www.crimereduction.homeoffice.gov.uk/statistics/statistics060.htm

Finally, in addition to solving basic measurement issues and providing stakeholders with up-to-date information, the EU ICS provides current data on the changing concerns about safety and security of the European public. To enhance the dissemination efforts, the data and analyses are available to the press, the general public in form of reports and press materials as well as analytical datasets for the wider research community through various web-based tools.

4.8.2 Technical description

In the EU ICS survey, a representative sample of the population about is asked about selected offences (car theft, motor theft, burglary, robbery, assaults, drugs etc.) they have experienced over a given time, applying the so-called ICVS methodology. The surveys examine whether or not the incidents have been reported to the police, and indeed, the reasons why people do and do not choose to notify the police. They thus provide both a more realistic count of how many people are affected by crime than what is shown in the police statistics, and - if the surveys are repeated - a measure of trends in crime, unaffected by changes in victims' reporting behaviour or administrative changes in recording crime. By collecting social and demographic information on respondents questioned, ICS also allows for analysis of how risks of crime vary for different groups within the population, in terms of age, income level etc.

The ICS/ICVS was set up to serve three main aims: 1) to provide an alternative to police information on levels of crime; 2) to harness crime survey methodology for comparative purposes; and 3) to extend information on who is most affected by crime.

Alternative to police information on levels of crime

For the crimes it covers, the ICS asks about incidents that by and large accord with legal definitions of offences. It generally accepts respondents' accounts of what happened - or at least the accounts they are prepared to give to the interviewers. Thus, it allows for a broader definition of crime than the police, who, if incidents are reported to them, are likely to filter out those which may not be estimated to merit the attention of the criminal justice system or meet the legal or organisational demands for reasonable evidence.

Crime survey methodology for comparative purposes

Despite efforts made in a number of countries over the past 20 years to develop "crime" or "victim" surveys to assess national or local crime problems, these reports only allow a limited comparative interpretation. The objective of the EU ICS is to provide a fully standardised questionnaire enabling a truly comparable analysis of data. And as it has always been the intention to repeat the ICS over time, it promises additional information in trends in crime in different countries.

Extended information on who is most affected by crime

By collecting social and demographic information on respondents, the ICS also aims to assess how crime risks vary in different groups. Variance in age, income level and so forth are considered. The ICS therefore offers a major advantage to police statistics, which usually only provide limited documentation of the characteristics of victims. Moreover, with its cross-national perspective, the ICS allows to see how far the determinants and consequences of victimisation are the same in different jurisdictions, or whether country differences are evident.

4.8.3 Scope of the EU ICS

The ICS covers a broad spectrum of crimes. The survey is similar to most crime surveys of householders with respect to the crime it covers. The survey addresses the general adult population.

Respondents are asked questions affecting the household at large, and are invited to report all incidents known to them. They are also questioned about personal crimes, where they report only on what happened to them personally. Questions encompass crime that occurred during a period of several years: respondents are asked first about their experience of crime over the last five years. Those who mention an incident of any particular type are asked when it occurred: in the current year, in the last year, or before that. Those who reported incidents in the last year are asked how many times it occurred. All those who say they have been victimised over the five-year period are asked a number of follow-up questions about what happened - for instance whether the police was notified. These questions are posed in relation to the last incident if there has been more than one victimisation of a particular type. A few other crime-related questions are also included and asked from all respondents. They cover, for instance, concern about crime, attitudes to the police, and what respondents would recommend as a sentence for a recidivist burglar.

4.8.4 Mode and sample of the survey

All EU ICS interviews in 2005 were carried out with CATI telephone methodology. Some difficulties have been reported in relation to (a) response rates, (b) the timing of interviews in the calendar year, which varied across country, and (c) problems relating to mobile phones, especially in those countries where fixed land-lines are becoming less common. The samples of the study were selected according to uniform principles in each participating country. The samples used for the ICS were designed to provide the most complete coverage with the least bias. Therefore Random Digit Dialling (RDD) samples were used in most countries.

The number of interviews in most countries was 2,000. The samples in each country but Estonia, Luxembourg and Poland were divided into a larger national part (with a targeted size of 1.200) and a relatively smaller capital city part (targeted N = 800). In terms of response rate, several actions were taken to increase cooperation throughout the survey. Achieved response rates ranged from 37% in Luxembourg to 57% in Finland, averaging 46% overall in the 15 countries.

4.9 European Survey Research Association (ESRA)

The European Survey Research Association[52] has been established to provide coordination in the field of survey research in Europe. Through its activities ESRA encourages communication between researchers. Important activities include the biannual conferences on survey research and the publication of a European journal on survey research. The objectives of the ESRA are to promote the communication between survey researchers in different countries, the communication between researchers of social sciences and survey methodologists in order to improve the quality of research in both fields, and the study of old and new survey procedures.

The communication objectives of the ESRA are pursued by the means of scholarly activities such as the arrangement of conferences, symposia or colloquia, the encouragement of scholarly publications, and the exchange of information. The objective to study the conditions under which old and new survey procedures can provide good quality data are pursued by organising research groups consisting of members and non members of ESRA in cooperation with other organisations in the field of survey research.

[52] http://www.surveymethodology.eu

4.10 Transparency International (TI)

Transparency International[53] seeks to provide reliable quantitative diagnostic tools regarding the levels of transparency and corruption, both at global and local levels.[54] The annual TI Corruption Perceptions Index (CPI), first released in 1995, is the best known of TI's tools. It has been widely credited for putting Transparency International and the issue of corruption on the international policy agenda. The CPI ranks more than 150 countries in terms of perceived levels of corruption, as determined by expert assessments and opinion surveys.[55]

Transparency International formed an Index Advisory Committee (IAC) in 1996 to consult its global corruption measurement tools. The role of the Committee is to provide technical expertise and advice in the development and strengthening of the methodologies used by TI to measure corruption and governance. The Committee has a consultative role and TI has the ultimate responsibility in terms of decision making. Members of the committee (IAC members) are economists, statisticians, and social and political scientists who provide pro bono advice in the development of the various tools developed by TI.

In recent years, TI has sought to develop other corruption measurement tools to complement the CPI. The Bribe Payers' Index (BPI) assesses the supply side of corruption and ranks corruption by source country and industry sector. The Global Corruption Barometer (GCB) is a public opinion survey that assesses the general public's perception and experience of corruption in more than 60 countries around the world. In parallel to these global indexes and surveys, TI national chapters in Africa and the Middle East, the Americas, Asia and Pacific and Europe and Central Asia have engaged in a number of innovative efforts to measure corruption, transparency and governance - often combining objective and subjective data in their analyses. This mapping exercise facilitates the knowledge sharing process on measurement tools inside and outside the TI movement.

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[53] www.transparency.org

[54] More information about the surveys and indexes of Transparency International is available at: http://www.transparency.org/policy_research/surveys_indices/about.

[55] More information about the Corruption Perception Index of Transparency International is available at: http://www.transparency.org/policy_research/surveys_indices/cpi.

4.11 The American Bar Association Rule of Law Initiative (ABA ROLI)

4.11.1 General remarks

The American Bar Association Rule of Law Initiative is a public service project of the American Bar Association dedicated to promoting rule of law around the world.[56] It is a non-profit programme established in 2007 to consolidate its five overseas rule of law programmes, including the Central European and Eurasian Law Initiative (CEELI), which it created in 1990 after the fall of the Berlin Wall. It is relevant to JUSTIS, in that its overall goal is to promote social indicators relating to the rule of law. However, it is broader that JUSTIS since it is concerned not simply with public perceptions of justice and public trust in justice, but the objective quality of justice.

Today, ABA ROLI implements legal reform programmes in more than 40 countries in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa. The ABA Rule of Law Initiative is offering analytical tools and publications, including legislative assessments and concept papers, to policymakers, legislators, government officials, and non-governmental organisations on issues such as alternative dispute resolution, anti-corruption, judicial ethics and criminal law reform. The ABA Rule of Law Initiative has devised assessment tools and indexes that measure progress in a wide array of areas. These tools include the Judicial Reform Index, Legal Profession Reform Index, Prosecutorial Reform Index, CEDAW Assessment Tool, International Covenant on Civil & Political Rights (ICCPR) Index, Human Trafficking Assessment Tool and Legal Education Reform Index.

Among these tools the most relevant concerning public confidence in justice are the Judicial Reform Index and the Prosecutorial Reform Index, especially regarding their methodology, implementation and results.

4.11.2 Judicial reform index

The Judicial Reform Index (JRI) is an innovative tool to assess judicial reform and judicial independence in emerging democracies and states in transition. It offers international organisations, development agencies, technical legal assistance providers, and local reformers a reliable means to target judicial reform programmes and monitor progress towards establishing more accountable, effective and independent judiciaries.

The JRI was conceptualised and designed on the basis of comparative legal traditions as well as international standards set forth in the UN Basic Principles

[56] http://www.abanet.org/rol/publications.shtml

on the Independence of the Judiciary, the Council of Europe Recommendation on Independence of Judges, the European Charter on the Statute for Judges, and the International Bar Association Minimum Standards for Judicial Independence.

The JRI evaluates judicial reform and judicial independence through a prism of 30 indicators or factors, each of which sets forth particular standards related to the following topics: quality, education and diversity of judges; judicial powers; financial resources; structural safeguards; transparency; and judicial efficiency. These factors are evaluated by an assessment team on the basis of information gathered by conducting interviews with 35 or more key informants and through an in-depth analysis and discussion of a country's legal framework on the judiciary.

Results of the 30 individual evaluations are collected in a standardised JRI country assessment report. Following each factor statement, a correlation value is identified and a brief summary describing the basis for this conclusion is provided. A more in-depth analysis of the issues, local conditions, relevant legal provisions and mechanisms present or lacking in a country's judicial system then follows.

The data collected in the JRI assessment process has enabled the ABA Rule of Law Initiative to better understand important elements in the process of judicial reform and target its technical assistance programming accordingly. In addition to facilitating strategic planning, the JRI can be used to monitor judicial reform over time and systematically catalogue problems and their solutions.

4.11.3 Prosecutorial reform index

The Prosecutorial Reform Index (PRI) is one in a series of assessment tools developed by experts in technical legal assistance and criminal law reform at the ABA Rule of Law Initiative. It provides an empirical basis for examining the status and role of prosecutors and the environment in which they work in transitioning states throughout the globe.

In developing the PRI, the ABA Rule of Law Initiative relied on comparative legal traditions and international standards established by the United Nations, the Council of Europe, and other organisations, such as the International Association of Prosecutors, pertaining to the qualifications, selection, and training of prosecutors, professional freedoms and guarantees, prosecutorial functions, accountability and transparency of prosecutors, interaction with other actors in the criminal justice system, and finances and resources for prosecutors.

Drawing on these standards, the ABA Rule of Law Initiative compiled a series of 28 statements setting forth factors that facilitate an accountable, ethical, and effective prosecutorial function. Each of these factors is evaluated to determine the extent to which they correlate with local conditions and practices. This process involves a rigorous analysis of all laws, normative acts, and sources of authority that regulate the prosecutorial function and a key informant

interview process that includes focus groups and structured interviews with prosecutors, judges, defence attorneys, investigators, government officials, and non-governmental organisations.

The Rule of Law Initiative has used the PRI to assess judiciaries and prosecution services in two countries so far – Bulgaria (June 2006) and Kyrgyzstan (March 2007).[57] For the time being some new assessments are in process of implementation.

The results of the PRI assessment inquiry are collected and presented in a standardised format that provides an in-depth discussion and analysis of the legal, institutional, and other issues that relate to each individual factor. Cataloguing the data in this way permits users of the PRI to compare and contrast the performance of different countries in specific areas and – as PRIs are updated within a given country – over time.

The PRI, like other assessment tools of the ABA Rule of Law Initiative, is a valuable resource for promoting the rule of law throughout the world. In addition to guiding the ABA Rule of Law Initiative's own efforts to support the development of the prosecutorial function, the PRI serves to inform the work of other technical legal assistance providers, criminal law reform and development specialists, and the donor community. The PRI also empowers prosecutors to pursue needed reforms and assists NGOs in supporting prosecutorial reform and engaging in grassroots advocacy efforts.

4.12 South East European Legal Development Initiative (SELDI)

4.12.1 General remarks

The Southeast European Legal Development Initiative[58] was initiated in late 1998 by the Bulgarian NGO Center for the Study of Democracy (CSD) and the Rome based International Legal Development Organisation (IDLO). SELDI was officially established through a Memorandum of Understanding dated 20 April 1999 as an effort of leading non-profit organizations, representatives of government institutions and experts from the countries of Southeast Europe aimed at public-private coalition building for legal development in those countries.

SELDI provided a forum for cooperation among the most active civil society institutions, public figures and government and international agencies in Albania, Bosnia & Herzegovina, Bulgaria, Croatia, FYROM, Romania,

[57] The PRI for Bulgaria is available online at: http://www.abanet.org/rol/publications/bulgaria-pri-2006.pdf.

[58] http://www.seldi.net/

Slovenia. Greece and Turkey were considered under the Initiative as resource countries. SELDI has actively cooperated with other international initiatives such as the Central European Initiative (CEI), the initiatives of the Council of Europe and the OECD, the South Eastern European Co-operation Initiative (SECI), etc.

4.12.2 Regional Corruption Monitoring System/regional corruption monitoring indexes

The Regional Corruption Monitoring System (RCMS), introduced by SELDI in 2001, is based on the experience and methodology of the monitoring system of corruption developed and implemented on a quarterly basis since 1998 in Bulgaria by the anti-corruption initiative Coalition 2000.[59] The monitoring system was based on a uniform survey methodology for the corruption diagnostics in seven SEE countries – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia and Montenegro. A network of survey agencies and watchdog NGOs was established to carry out the surveys.

The RCMS was the first ever region-wide corruption diagnostics carried out simultaneously in the above mentioned countries. The regional monitoring measured the link between public values and the actual spread of corruption in the countries. It compared the public sectors that are most affected by corruption thus providing objective data for the design of regional anti-corruption policy instruments.

The main goal of the comparative analysis contained in the RCMS was to show the public significance of the problem of corruption and the extent to which corruption has penetrated into the various sections of these societies. This monitoring system allows citizens in the region to voice their concern about the corruption pressure exercised over them. Thus, as public support is an indispensable component in any anti-corruption campaign, the RCMS is a key instrument for empowering the public and generating civic involvement in anti-corruption efforts.

The RCMS has been applied through two independent representative surveys of the population aged 18+ conducted in February 2001 and February 2002. Opinion polls were administered in seven South-Eastern countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Yugoslavia (Serbia and Montenegro). The results of the applied RCMS were initially published in 2002 and were later used for the development and

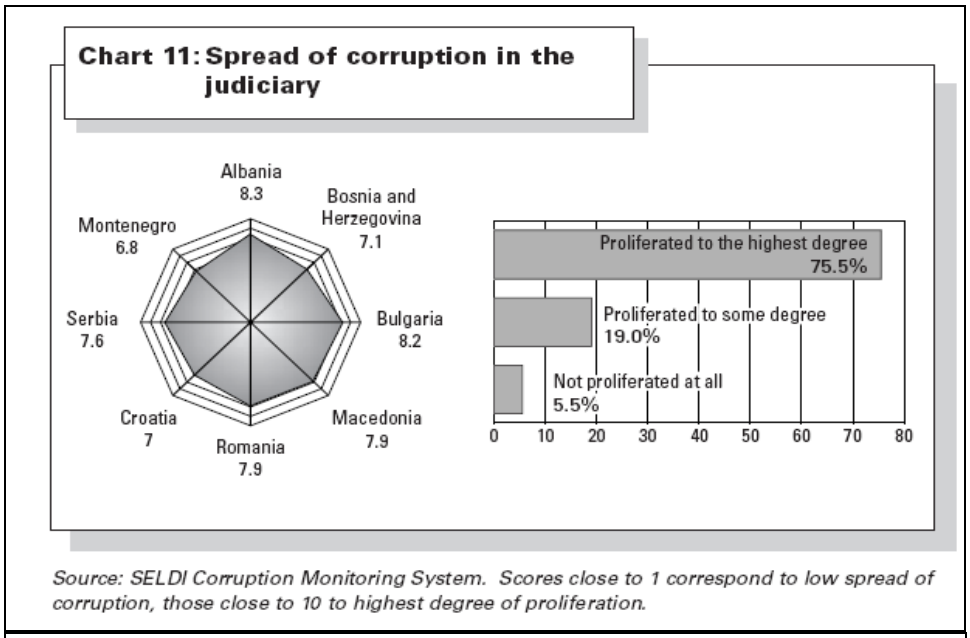
[59] More information about the corruption monitoring system of Coalition 2000 us available online at: http://www.csd.bg/?id=68.

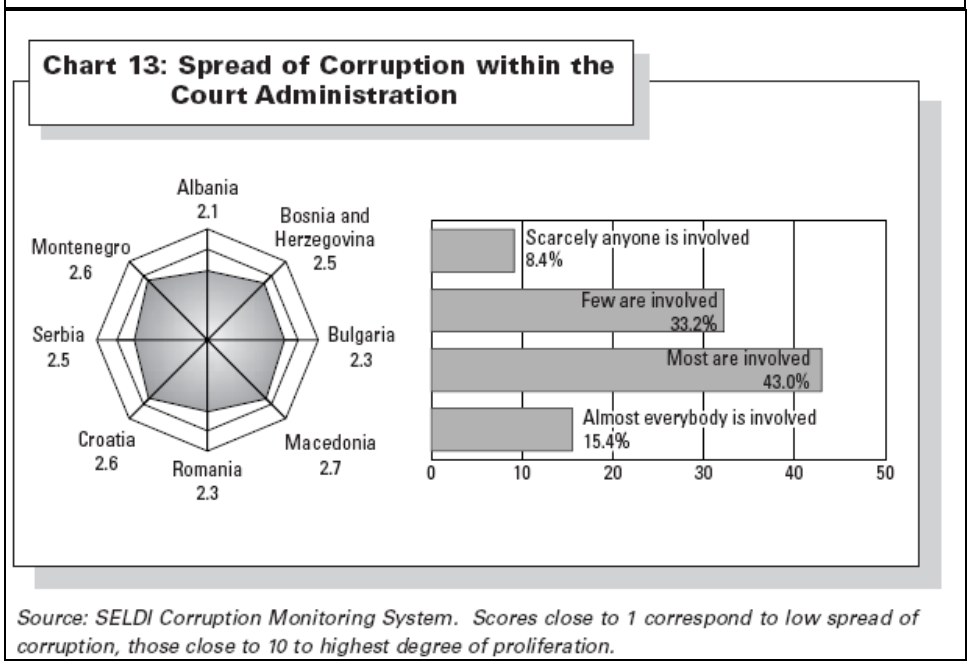
publication of the report "Anti-corruption in Southeast Europe: first steps and policies".[60]

The comparative analysis in the report shows the public significance of the problem of corruption and the extent to which corruption has penetrated into the various sections of society including the justice system. A significant part of the report is devoted to the judiciary as one of the basic conditions for the democratisation and economic reconstruction of the countries of SEE. The two figures below (figures 1 and 2) show the data on the spread of corruption in the judiciary and within the court administration.[61]

[60] "Anti-corruption in Southeast Europe: first steps and policies", Center for the Study More information about the corruption monitoring system of Coalition 2000 us available online at: http://www.csd.bg/?id=68.of Democracy, Sofia, 2002, available online at: http://www.seldi.net/rcar.htm.

[61] The figures are taken from the report "Anti-corruption in Southeast Europe: first steps and policies", Center for the Study of Democracy, Sofia, 2002, available online at: http://www.seldi.net/rcar.htm.





Figures 1 and 2. Spread of corruption in the judiciary and within the court administration

As a number of apparent common problems and topics of mutual interests for the countries of SEE were identified, it was recommended to initiate regional cooperation and partnerships based on the ongoing national judicial reform activities. With regard to areas of law of common concern as crucial was pointed out combating serious crime – corruption, trans-border and banking crime, money laundering, etc. by development of accountable legislative branches and independent judiciaries.

4.13 Other supranational initiatives

4.13.1 Insecurities in European Cities. Crime related fears within the context of new anxieties and community based crime prevention (INSEC)

Between October 2001 and June 2004 a European research project titled: "Insecurities in European Cities. Crime Related Fears within the Context of New Anxieties and Community Based Crime Prevention" (INSEC 2004) was carried out. The research project was about insecurity of five European cities from the perspective of their inhabitants and what can be done about it: Amsterdam, Budapest,[62] Hamburg, Kraków and Vienna. The overall focus of the research was much broader than fear of crime but the study contains some valuable data on the topic with the possibility of international comparison.[63]

4.13.2 Central European Opinion Research Group (CEORG)

The Central European Opinion Research Group (CEORG) was established in 1999 as a result of the cooperation of three major public opinion research institutes from the Czech Republic (CVVM), Hungary (TÁRKI) and Poland (CBOS).[64] In their monthly omnibus surveys they include on a yearly basis a question regarding trust in institutions. The latest publicly available research is from September 2004. Representative samples of Czechs, Hungarians, Poles, Slovaks and Ukrainians were asked about their personal trust in different categories of social institutions (political parties, judges, police, army, members of parliaments, prime ministers, presidents, newspapers, television, private companies, trade unions, church, people in the country and people they know) with the choice of answers on the scale definitely trust, rather trust, rather distrust, definitely distrust and do not know. Levels of trust in general, including trust in institutional control for partisan politics and the executive branches was the highest in Czech Republic and Hungary, while distrust in general was the highest in Ukraine.

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[62] In Hungary, the survey was carried out in two districts of Budapest, the 9th district (Ferencváros) representing one of the most severely crime-hit districts and the 22nd district (Budafok-Tétény), one of the most "peaceful" districts.

[63] An English translation of the questionnaire is available online at: http://www2.jura.unihamburg.de/instkrim/kriminologie/Projekte/INSEC/FragebogenEnglischmit%20Deckblatt.doc.

[64] More information about the surveys done: http://www.ceorg-europe.org/.