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CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM: DOES EXPERIENCE  
COUNT?

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CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM: DOES EXPERIENCE COUNT?

**Abstract**

Public confidence in the justice system is relatively low compared to that in many other institutions. Part of this lack of confidence has been attributed to a low public understanding of how the justice system really works. Experience with the justice system is often identified as a way to remedy outdated opinions. In this article we explore the potential effects of experience on attitudes towards the Criminal Justice System in England and Wales. Distinguishing between four types of experience, we map the effect of experience on evaluations of the fairness, efficiency and effectiveness of the justice system. Experience was found to only have a marginal effect on these evaluations in a multivariate model controlling for socio-demographic characteristics.

*Keywords: justice system, confidence, experience, fairness, efficiency, effectiveness.*

## **Introduction**

Citizens' specific knowledge of the justice system is generally rather low and the justice system is only rarely among the most trusted institutions in a country (Chapman, Mirrlees-Black, & Brawn, 2002; Parmentier, Vervaeke, Doutrelepon, & Kellens, 2005; Roberts, 2004; Roberts & Hough, 2004; Van de Walle & Raine, 2008). The latter is the case in most Western countries, including the UK, and the justice system has experienced a rather important decline in citizen confidence in the past two and a half decades. This decline, as shown by a comparison of opinion data collected through such surveys as the World Values Survey in 1981, 1990 and 1999, has not remained limited to the justice system, but many authority institutions have suffered equally (police, churches, army). More detailed data in the last decade tend to show a number of fluctuations rather than outright declines in confidence.

Given the low levels of citizen knowledge about the justice system, and this decline in confidence, observers have often made a link between citizens' experience with the justice system, and their evaluations thereof. Concrete experience with and exposure to the justice system, it is said, will make citizen opinions more concrete and help them to put things in perspective. It is at the same time hoped that such a more truthful image will also be a more positive one.

In this article, we investigate the effect of citizens' experience with the justice system on opinions towards the justice system in England and Wales. Ideally, such an effect is analysed by relying on a panel study with an experimental and a control group. Unfortunately, such data is not available. We therefore focus on differences between citizens who have, and citizens who haven't had recent experience with the justice

system. To do so, we use data from the 2005/06 of the British Crime Survey. In the first two sections we review the research on the effect of knowledge and experience on evaluations of public services and of the justice system. We also reflect on the difficulties of predicting the effect of experience on attitudes. We then proceed by analysing the effect of four types of experience with the criminal justice system in England and Wales on opinions about the fairness, efficiency, and effectiveness of the (criminal) justice system.

### **Citizens' knowledge about the justice system**

A common finding in research is that citizens have only limited knowledge about their justice system (Bastien, 1998; Chapman et al., 2002: 2; Cullen, Fisher, & Applegate, 2000). Many people tend to go to the courts with profound misunderstandings about how the system works (O'Barr & Conley, 1988). British research showed that we find these low levels of knowledge across all socio-demographic groups (Chapman et al., 2002). Limited knowledge tends to coincide with negative opinions (Raine & Dunstan, 2006; Roberts, Parmentier, Vervaeke, Doutrelepon, & Kellens, 2005: 138). Yet, despite the lack of knowledge, citizens seem to be able to express an opinion on most issues.

It is not clear whether improvements in knowledge will also lead to higher confidence (Chapman et al., 2002). The findings are mixed. Dissatisfaction with the leniency of sentencing often disappears after the provision of better information (St Amand & Zamble, 2001) and information is sometimes found to lead to more confidence. In American research, higher knowledge has however also been found to lead to lower confidence in courts in one's community (National Center for State Courts, 1999),

and has coincided with citizens becoming more critical about the functioning of courts (Bastien, 1998). Factual information also includes information on the justice system's dysfunctions and inefficiencies.

Because of this limited knowledge, citizens tend to rely on more familiar elements when formulating opinions. These often are clichés and stereotypes about the justice system and about government (Bastien, 1998), and are resistant to change even in the wake of new information (Rottman, Hansen, Mott, & Grimes, 2003).

### **Does experience matter?**

#### *Earlier findings: public services*

The role of experience has received considerable attention in studies of citizen attitudes towards public services (Bitner, Hubbert, Rust, & Oliver, 1994; Katz, Gutek, Kahn, & Barton, 1977; Moore, Clarke, Johnson, Seargeant, & Steele, 1998; Serra, 1995). In research on attitudes towards (public) services, satisfaction is defined as resulting from a disconfirmation process where prior expectations and experiences are compared (Anderson, 1973). Considerable interest has gone to studying the questions of whether experience with a service increases or decreases levels of satisfaction. The findings are very mixed and depend largely on the type of service under question, its performance, and the wider social context (Kelly & Swindell, 2003).

Service experience has been credited with two different *types* of effects: One is that it leads to better information about the service that is being evaluated, making the evaluations more truthful. The other that experience leads to the use of a different set of factors in evaluating the service.

Canadian research suggested that low experience services are often evaluated as delivering adequately: 'low experience will allow high satisfaction to exist regardless

of service level. Low experience services are therefore more likely to receive high evaluations than high experience services' (Roth, Bozinoff, & MacIntosh, 1990: 574). For high frequency services, experiences tend to become amalgamated (Das, Das, & McKenzie, 1995). With more frequently experienced services, 'the more likely a strong positive or negative opinion of it is held, depending on actual performance' (Roth et al., 1990: 574).

Even without experience with certain services, people do have an opinion about these services. In many cases, there are no clear expectations or prior experience that could inform such opinions, and still people are able to formulate an opinion. This is for instance the case when a service is unfamiliar (McGill & Iacobucci, 1992). Familiarity with a service leads to the use of other aspects or traits to evaluate it (McGill & Iacobucci, 1992). Katz et al. (1977) found that evaluations of more recently experienced services are more pragmatic, i.e. closer to the experience, than are more general evaluations which tend to be more influenced by ideology or stereotypes. This has implications for the role of experience in citizens' attitudes towards public services or institutions. Rather than just leading to a minor adaptation to prior opinions, experience with a service may actually transform the entire opinion.

*Earlier findings: experience with the justice system*

Researchers focusing on citizens' knowledge of the justice system have attributed negative opinions about the justice system to citizens' defective knowledge. In their reasoning, better knowledge and closer experience is needed to improve the public views of the justice system. Yet, many findings have demonstrated just the opposite (Sun & Wu, 2006). The classic reference is to an early poll in the US on State courts, where it was found that those with experience had less favourable assessments of

these courts (Yankelovich Skelly and White Inc, 1978). This is confirmed by similar findings in later decades in the US, where ‘court experience tends to have a neutral or mildly negative influence on support for the court’ (Rottman & Tomkins, 1999: 63), or in Switzerland (Geneva), where satisfaction surveys revealed rather low confidence in the justice system, especially among those who had been in contact with it (mainly, but not exclusively, as witnesses) (Commission de gestion du Pouvoir judiciaire, 2002) An alternative approach is found in a French survey on attitudes towards the justice system: half of those who had used the justice system in this 2001 survey stated that their direct experience with it had changed their opinions. For some 30% of those interviewed, this meant a change to a more negative assessment, compared with just 19% where experience had lead to a more positive view (Pache & Fort, 2001). Yet, a more detailed look at research findings, e.g. in the US, reveals that ‘[T]he effect of direct court experience on the opinions of jurors, litigants, and others is not established’ (Rottman et al., 2003: 15). Indeed, the research evidence is inconclusive, and different settings and conditions have lead to different results.

Overall, studies have taken a snapshot of people’s attitudes and of whether they have had experience with the justice system. Pre- and post test-designs are rare, with some exceptions, such as Bornstein et al.’s (2005) study on jurors’ perceptions of the court system, or Chapman et al.’s (2002) experiment on providing information about the justice system.

Some research did not look at general effects on attitudes, but at changes in the criteria used for evaluation. Cluzel and Sibony (2001), in French research, found that those who had had direct contact with the justice system directed their dissatisfaction mainly to the system’s functioning. Likewise, American research found that

experience has different effects on different aspects of attitudes towards the justice system. This research found no direct effect of experience on attitudes, but it found an effect on the relative weight of different factors contributing to the attitude (i.e. those with experience give a greater weight to certain factors than those without). This was especially the case for the role of perceptions of fairness in overall attitudes towards (local) courts (Olson & Huth, 1998: 54). Canadian research found that those with experience with the courts did not think the courts were providing justice quickly enough, but they were generally more satisfied with the fairness of the system (Tufts, 2000). Perceived fairness has been identified as key determinant of users' attitudes (Tyler, 1984, 1988, 1990). People without experience tended to draw more on general attitudes towards government (Olson & Huth, 1998: 54). The same effect has been found in France by Bastien, who found that non-users of the justice system had a more negative opinion about it, because their opinion tended to be based on negative clichés about the justice system and about politics and the government (Bastien, 1998).

The mixed results should not be surprising. Experience with the justice system gives people more and often better information; it may make them more sensitive to the dilemmas that trap the justice system; and it may help them to put certain problems the justice system is faced with in a broader perspective (Olson & Huth, 1998). Experience however also gives them better information about where and how things go wrong. Researchers have for this reason been divided on the effect of experience. There are, say Rottman et al., those researchers who have emphasised a general effect of experience, and those who have stressed 'the polarizing effect of court experience' (Rottman et al., 2003: 16). For this first group, experience and knowledge decrease

the impact of stereotypical images. The second group, while agreeing with this finding, rejects that this should mean that opinions become more positive. They found that experience polarises opinions, meaning that people with experience with the justice system will hold more extreme positive *or negative* opinions (Benesh & Howell, 2001). Benesh and Howell (2001) found that court users are more likely to strongly disagree that courts are doing a good job but also more likely to strongly agree than non-users. Concrete experience may decrease the probability that citizens have a neutral opinion about the justice system. Rather than changing averages, experience may make opinions more outspoken. The experience provides respondents with more meaningful anchor points.

A related effect is that opinions towards elements of the criminal justice system will be more differentiated among respondents with experience. Respondents without experience could have difficulties differentiating between different elements and processes related to the justice system and therefore express a generic attitude. Respondents with experience have specific knowledge and will evaluate different elements and processes in a different way. In other words, their opinions will not be influenced by one single latent concept.

#### *Users and non-users are different*

Many studies assessing the impact of service experience on attitudes look at the differences between people who have, and people who have not experienced a certain service. Such an approach assumes that 'experience' with (public) services or the justice system is evenly distributed in the population. We know, however, that this is not the case. Therefore, pre- and post test-designs should be our preferred research approach. Such an approach comes with many practical problems, and such studies

are, as we have noted in the previous section, rare. While some public services are used by most citizens (e.g. tax services), other public services are only used by a more limited number of citizens (Michalos & Zumbo, 1999). This can be because the service is not targeted at all citizens (e.g. social housing, services for the elderly), because of differences in life-styles (e.g. public libraries, public transport, museums), because of practical constraints (availability in the neighbourhood, opening hours, distance), because of absence of need (fire service, building permits), etc.

Use or non-use is often related to socio-demographic and social characteristics. Katz et al. (1977: 5) found that the typical user of (American) public services tended to be female; white, not black; students and stay-at-home mums, not the jobless; tended to have a higher income and a higher education. Some public services are underutilised, meaning that they do not reach all those the service was designed for (Katz et al., 1977: 60). This is due to several thresholds impeding use, such as practical constraints, lack of information, or stigma. Studies on the relation between need, socio-economic status and contact with bureaucracies have led to mixed findings (Serra, 1995: 176), and claims that many public services are precisely developed to cater for middle-class users (museums, concert halls, public transport, universities), contradict other claims that middle-class citizens are reluctant to pay for services they don't use themselves (esp. social services). A further obvious reason for differences on contact frequency with public services is that a family's interactions with public services are managed by a specific member of the household.

Need for a service is thus not the only factor determining use. Actively contacting services requires certain skills and attitudes. Serra mentioned factors such as 'political

efficacy, political interest, social involvement, and political participation' (Serra, 1995: 177) as factors determining use. This issue has been analysed in a strand of research focusing on citizen-initiated contacts with public services (Jones, Greenberg, Kaufmann, & Drew, 1977; Serra, 1995; Sharp, 1982; Thomas, 1982; Thomas & Melkers, 1999). This research regards contact with public services as a form of (political) participation and has subsequently focused on the (socio-demographic) profile of citizens contacting public services. It does not only look at factors such as need (both objective, and changes in self-perceived need), but also at political efficacy, awareness, knowledge, and socio-economic status (Thomas & Melkers, 1999). Higher socioeconomic status gives citizens certain economic and psychological resources that make contacting public services easier (Thomas, 1982: 505). Related research on 'non-recours' or non take-up of public services is done in a French-language environment. The focus of this research is on detecting groups that social services do not reach, and the reasons for this non-use (Warin, 2003, 2005). Combining these two streams of research results in a situation where need of a service often correlates negatively with awareness of this service and with the resources for contacting this service (Jones et al., 1977). This has implications for analyses of the impact of use and experience on attitudes towards public services. Without a pre-test, it is difficult to determine whether differences in attitudes are due to experience with the service, or due to socio-demographic characteristics influencing such a contact. Any model testing the effect of experience should therefore contain at least some socio-demographic variables to control for these effects.

*Users and non-users of the justice system*

Just as is the case for public services in general, users and non-users of the justice system are likely to be different. Experience with the police or courts varies along a number of socio-demographic lines (Rottman et al., 2003: 64). The probability of being a victim or an offender is not evenly spread. Neither is the probability of being arrested after committing an offence. Even for jury duty, some are more likely to be excused than others, and attempting to get excused from jury duty is also likely to be influenced by personal factors. Thresholds for e.g. filing a complaint may be different for different groups, and could actually be influenced by prior attitudes towards the justice system (Van de Walle & Bouckaert, 2003). Because of these differences, it will in our analysis be important to explore socio-demographic patterns. Yet, despite these caveats, some types of experience have a rather high degree of randomness.

*Problems with studying the effect of experience*

Defining experience is problematic. Should we treat it as a simple dichotomous yes/no variable in research, or should we also take frequency and type of contact into account? Often, 'experience' with the justice system cannot be reduced to one single interaction. Frequently, experience is a chain of experiences, whereby citizens have frequent interactions with the justice system over a short span of time, in the process of e.g. being a witness, a victim or the accused. Experience is not always direct. Direct personal experience matters, but how to assess the effect of experience through others, such as through one's lawyer, or through family and friends? (Benesh & Howell, 2001).

In discussions about the effect of experience on evaluations of the justice system, often little distinction is made between different types of experience. Surveys generally are not specific enough to map all details of a respondent's experience, and if they were, analysis would become very difficult. Because 'experience' is hard to define, it also becomes difficult to establish its impact on attitudes (Van de Walle, Kampen, & Bouckaert, 2005). Not all court experiences are equal (Rottman et al., 2003: 17), and often no distinction is made between types of experience or the recency of such experiences. Yet such distinctions may have a very different impact on attitudes (Rottman et al., 2003). Research on confidence in State and local courts in the US concluded not just that 'experience matters' but also that 'type of experience matters' (Benesh & Howell, 2001).

A first distinction is that based on the outcome of interactions with the justice system. Whether an outcome was positive or negative is important for the nature of the experience (Rottman et al., 2003: 17). Loosing or winning a case no doubt has an impact on how the experience will be evaluated, especially when the outcome is not what was expected. Yet, a sole focus on outcomes in explaining attitudes has been criticised (Tyler, 1984) because citizens appear to distinguish between different elements of the interaction, such as the outcome, the efficiency and the fairness of the interaction.

A second distinction is based on the role the citizen had in this contact (Rottman et al., 2003: 17). Whether or not citizens were coerced to use a service (e.g. being stopped by the police) has an effect on how they will evaluate the service (Brown, 2007). A person who stands accused has a very different type of experience than a person

acting as a witness or a juror. Contact with the justice system is not always a willing contact. In research on attitudes towards the police, Clancy *et al.* (2001) distinguished between police-initiated and public-initiated contact with the police. Thomas (1982), studying citizen contact with government agencies distinguished between discretionary and non-discretionary contacts, where in the second category citizens have little choice but to contact government agencies, or are even actively forced to do so.

A third distinction is based on the impact of the experience. It could be hypothesised that contacts that are situated further back in time will have a less profound, or at least a different, impact on current attitudes, than will more recent experiences (Rottman *et al.*, 2003: 89). Furthermore, it is likely that distressing or traumatic experiences (e.g. getting arrested) will have a different impact than experiences that were no more than a formality (e.g. a witness statement). In the case of low-impact experience, surveys may underreport experience, while in the case of high-impact experience, the ease of retrieval of such experiences may also have an impact on reported experience. A common process is that experiences outside the time frame suggested by the survey questionnaire are being reported as recent experiences.

There thus is an issue related to the reliability of the measurement. Most survey questions on citizen experience with certain events include a time dimension, by asking respondents only to consider those events that fall within the indicated time-frame. By doing so, researchers attempt to increase the comparability of the results. Appearing in court as a juror, defendant, or witness is likely to be a quite exceptional experience for most citizens and thus very salient. This makes it quite likely that respondents will include such an experience even if it falls outside the indicated time

frame. This makes that self-reported experience may generate different results than an experience indicator based on administrative statistics.

Question context and response effects also have an impact on respondents' answers. Asking the same question but locating it elsewhere in a survey may lead to different answers. While they cannot be entirely avoided, we need to be conscious of priming and framing effects, and try to minimize them. While measuring levels of experience is already difficult, measurement of citizen confidence in the justice system is probably even more problematic because the salience of such an issue is likely to be quite low (Tourangeau, Rips, & Rasinski, 2000; Zaller, 1996).

### **Does experience matter? A test using the British Crime Survey**

Both the research findings and the theoretical analysis show that experience with the justice system, or with public services more generally, does not alter attitudes towards the justice system or public services in a predetermined way. As we have shown before, experience has resulted in a more positive assessment in some cases, in a more negative assessment in others, and in still other changes in opinions elsewhere. What is now the case in England and Wales when we use a large-scale survey?

In the previous section we have shown how analysing the effect of experience on confidence using survey material generates a number of problems. These issues need to be recognised, yet they are not unique to this research. They are, in fact, common to all survey research, be it that some concepts are harder to measure than others. This is the case for many concepts in the criminal justice sphere, especially when those concepts have something to do with attitudes, perceptions, or emotions (Ditton,

Farrall, Bannister, & Gilchrist, 2000). Such problems have likewise been a permanent source of discussion

in research on confidence in institutions (Lock, Shapiro, & Jacobs, 1999; Van de Walle et al., 2005).

For our analysis, we use data from the 2005/06 British Crime Survey (BCS). This large-scale survey measures peoples' experiences with crime, their attitudes toward crime and sentencing, and attitudes towards the Criminal Justice System (CJS) in England and Wales. It is organized by the Home Office. The survey consists of a number of different modules. As a result, not all respondents answer all questions. This has implications for the size of our sample. Rather than the over 47,000 respondents in the entire sample, our effective sample is considerably smaller, because we can only use those data where respondents were asked to answer the appropriate questions on attitudes towards the CJS, and the questions about experience with the CJS. The survey contains nine items measuring experience with the justice system, as shown in Table 1.

**Table 1: Experience with the justice system**

	Yes (%)	No (%)	N
Have you ever <b>worked</b> in the Criminal Justice System	6.1	93.9	6,013
Have you ever been in court as the <b>accused/defendant</b>	8.3	91.6	11,979
Have you ever been in contact with <b>probation service</b>	8.5	91.4	11,979
Have you ever been <b>arrested</b> by police	10.4	89.6	6,012
Have you ever been <b>a juror</b> in a criminal case	11.1	88.9	11,981
Have you <b>been in court</b> in the last 2 years	18.8	81.2	1,344
Have you ever <b>been in court during a criminal case</b>	22.3	77.6	6,014
Have you been the <b>victim</b> of crime in the last 2 years	33.5	66.5	3,291
Have you ever been <b>victim</b> of crime reported to police	54.8	45.2	6,013

Source: British Crime Survey 2005-06; the survey is modular. As a result, not all respondents had to answer all questions, resulting in a different N.

Respondents' most common experience with the justice system (broadly defined) is through having been a victim. About one fifth of respondents has ever been in court during a criminal case, one out of ten has been a juror, and 6.1% has ever worked for the justice system. This list contains quite diverse items. Some types of experience lead to a much closer contact with justice than others: just 'being' in court during a criminal case is quite different from being the accused in such a case. In our analysis we therefore continue with a selection of four out of the nine experience items. We focus on those items that are directly relevant to our study (i.e. with a direct relationship to courts or justice, and of a not too general nature): working in the CJS, being the accused<sup>2</sup>, being a juror, and being in court during a criminal case. Because of the structure of the BCS with different modules, not all respondents were asked to answer all the experience questions. An effective sample of 6,013 respondents answered all four questions that will be used in the analysis.

As we have argued in the previous sections, the operationalisation of experience is not perfect and cannot be perfect. These indicators are no more than an approximation of citizens' experience, and just like any indicator, they are necessarily incomplete. Yet, we need to balance the desire to have an in-depth view of the very detailed and multi-faceted effects of an individual's experience on his or her confidence, and a more general, probably less detailed, picture of overall trends. This is where the BCS comes in handy. Obviously a full-fledged experimental design is superior to the current one, but this would also be very expensive, because of the difficulty to predict who will get in contact with the justice system during or shortly after the pre-test. Using the BCS

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<sup>2</sup> There are some obvious similarities between those variables. Almost half of the respondents for instance who have ever been the defendant have also been in court during a criminal case. The same goes for those who work or have worked for the CJS.

provides us with a quasi-experimental setting where we can distinguish between citizens with, and citizens without experience with the justice system.

## Analysis

### *Direct effects of experience*

In a first step, we look at the direct effects of the four types of experiences on key attitudes towards the justice system. We distinguish between three different dimensions in attitudes towards the justice system

- **Fairness:** confidence that the CJS respects the rights of people accused of committing a crime
- **Efficiency:** confidence that the CJS deals with cases promptly and efficiently
- **Effectiveness:** confidence that the CJS is effective in bringing people who commit crimes to justice

There were four answer categories: very confident, fairly confident, not very confident, and not at all confident. The overall findings are reported in table 2.

**Table 2: Confidence in the Criminal Justice System, frequency counts**

<i>column %</i>	effectiveness	fairness	efficiency
Very confident	3.2	19.6	2.9
Fairly confident	37.8	57.8	34.2
Not very confident	43.2	15.6	43.9
Not at all confident	14.8	3.6	14.4
Missing	1.0	3.5	4.7

Source: British Crime Survey 2005-06; column percentages

A Chi Square test was used to determine whether the differences in opinion between respondents with and respondents without experience are statistically significant. Respondents who have worked for the CJS are significantly more confident that the CJS respects the rights of people accused of committing a crime, but they are also less confident that the CJS deals with cases promptly and efficiently. Working or having

worked for the CJS has no significant effect on evaluations of effectiveness. Having been in a court during criminal case has a significant effect on evaluations of fairness, efficiency and effectiveness. Confidence in the fairness of the system increases, but confidence in the efficiency and effectiveness of the CJS is lower among those who have ever been in court during a criminal case. Having been a juror in a criminal case has a significant positive effect on evaluations of fairness of the CJS, but has no significant effect on evaluations of efficiency and effectiveness. Finally, having been a defendant has a significant effect on all three opinions. These respondents become overall less confident that the CJS is fair, efficient and effective.

Summarising, experience with the justice system generally appears to have a positive effect on evaluations of *fairness* of the system, apart from when the respondent has ever been the accused or the defendant. Evaluations of the *efficiency* of the system are more negative if one has ever been in court during a criminal case or when one has been the defendant, and, more worrying, if one works or has worked for the CJS. Evaluations of *effectiveness* are more negative among those respondents who have ever been in court during a criminal case, or who have been a defendant.

#### *Profiles of 'experience'*

When we find differences in attitudes towards the justice system between those respondents with, and those without experience, this difference is not necessarily due to experience. Whether or not one has had certain experience may depend on one's socio-economic profile. In a first step, we therefore explore differences in the socio-economic profile of those with and those without experience with the justice system, using a Chi Square test. The findings are in Table 3.

**Table 3: Bivariate relationships with experience with the justice system**

	worked in the Criminal Justice System	ever been in court during a criminal case	been a juror in criminal case	ever been in court as the accused/ defendant
Gender	Males slightly more often	Males considerably more often	Males more often	Males about six times more often
Ethnicity (white/non-white)	Whites more often	Whites more often	Whites twice as likely	n.s.
Education (high) <sup>3</sup>	More often (about twice)	More often	n.s.	Considerably less often
Education (medium)	n.s.	More often	n.s.	More often
Education (low)	Less often (about half)	Less often	n.s.	n.s.
Employed (0/1)	More often	More often	Less often	More often
Unemployed (0/1)	n.s.	n.s.	n.s.	More often
Inactive (0/1)	Less often	Less often	Slightly more often	Less often
Aged 15-24	n.s.	Less often	Less often	n.s.
Aged 25-34	n.s.	n.s.	Less often	More often
Aged 35-44	n.s.	Less often	n.s.	More often
Aged 45-54	More often	More often	More often	More often
Aged 55-64	n.s.	More often	More often	n.s.
Aged 65-74	n.s.	n.s.	More often	Less often
Aged 75+	Less often	Less often	Less often	Less often

Chi Square tests; Reported findings are significant at  $p < .050$ ; n.s.: no significant difference

Some of these findings are very obvious: younger respondents have simply had fewer opportunities of becoming a juror in a court. The group of ‘inactive’ respondents also contains (young) students and this therefore has an effect on experiences with the justice system. Those who are employed are more likely to work or have worked in the justice system as compared to the unemployed, inactive, and they have also less often served as a juror – possibly because of time constraints.

<sup>3</sup> Education has been recoded into three categories: low, medium, and high

*Effects of experience*

Because the dependent variables in the analysis were all ordinal (using an ordinal scale ranging from very confident to not at all confident), an ordinal regression is suggested by the data. However, violation of the parallel lines assumption in the analysis required us to rely on other techniques instead. We therefore used binary logistic regression. This necessarily resulted in a loss of detail in the dependent variables (which were recoded as confident/not confident). The three models combine socio-demographic variables and experience variables.

**Table 4: The effect of experience on opinions of fairness, efficiency, and effectiveness**

	fairness		efficiency		effectiveness	
	B	Exp(B)	B	Exp(B)	B	Exp(B)
gender (0 female, 1 male)	.237 **	1.267	-.062	.940	-.070	.933
age in years	.002	1.002	-.009 ***	.991	-.009 ***	.991
ethnic white (0 no, 1 yes)	.258	1.294	-.427 ***	.652	-.231 *	.794
education - low	-.321 ***	.725	.298 ***	1.348	-.165 *	.848
education - medium <sup>a</sup>	-.152	.859	.092	1.096	-.147 *	.863
employed	.023	1.023	.013	1.013	-.053	.949
not employed <sup>b</sup>	-.418	.658	.433	1.541	.150	1.162
worked for CJS	.103	1.109	-.138	.871	-.204	.816
been a juror	.157	1.170	-.121	.886	.150	1.162
been a defendant	-.436 ***	.646	-.142	.867	-.219 *	.803
been in court	-.167	.846	-.169 *	.845	-.195 **	.823
constant	1.170 ***	3.223	.354 *	1.425	.573 ***	1.773
N		5,783		5,717		5,931
R <sup>2</sup>		.015		.018		.016
% correct predictions		80.1		61.6		58.3

Table shows parameters and odds, \*p<.050, \*\*p<.005, \*\*\*p<.001; <sup>a, b</sup> education-high and inactive are reference categories and left out.

A first observation is that the R<sup>2</sup> is quite low. This is quite common in this kind of models that do not contain any independent attitude or perception variables. As we have shown earlier, actual changes in confidence related to experience were quite small anyway. The model for fairness (operationalised as confidence that the CJS respects the rights of people accused of committing a crime) performs best, with around 80% correct predictions. The effectiveness model is performing quite badly.

Having ever been a defendant has a significant negative effect on confidence in the fairness ( $p < .001$ ) and effectiveness ( $p < .050$ ) of the justice system, but not on confidence in its efficiency. This is not entirely surprising given that the typical defendant may have certain specific personal characteristics that are related to having lower confidence. Having ever been in court during a criminal case likewise has a negative effect on evaluations of the justice system's efficiency ( $p < .050$ ) and effectiveness ( $p < .005$ ). These findings disqualify the argument as would negative attitudes towards the justice system be due to a lack of knowledge. Having been a juror or working or having worked for the CJS does not appear to influence confidence in the justice system after controlling for other factors.

Some socio-demographic variables are relevant as well. In the model for fairness, gender and education have an effect. Males have more confidence, and the lower educated express lower confidence. In the efficiency model, being lower educated is related to higher confidence. This is also the case for respondents who are not ethnically white. A higher education is related to more confidence in the effectiveness of the justice system, as is not being ethnically white.

## **Discussion and conclusion**

Because of the often held assumption that low levels of confidence in the justice system are due to a lack of knowledge, citizens' experience with the courts has received considerable attention in policy circles and research. Confidence, in this reasoning, is something that can be restored by rectifying false and incorrect perceptions. This reflects a strong modernist belief. It also reflects a conviction that the CJS is actually functioning pretty well, but that citizens do not always see this.

In this article we analysed the effect of experience on attitudes towards the Criminal Justice System. More specifically, we looked at evaluations of fairness, efficiency and effectiveness of the CJS. The analysis showed only a limited effect of experience on attitudes towards the CJS. Despite the attention going to experience (and knowledge) as an explanatory factor in research and government policy, it appears that other factors are more important in determining these attitudes. Even where effects of experience have been found, the findings do not always reveal a positive effect on confidence, as is often suggested by the literature. Respondents who have been in court as a defendant or the accused have less confidence in the fairness and the effectiveness of justice. This may indicate that low confidence in the justice system is not just an image problem. On the other hand, defendants may have had certain experiences or had certain attitudes prior to offending that may explain this difference in confidence.

Experience is a multifaceted phenomenon that cannot easily be captured using a single or a limited number of variables. Much experience with the justice system is highly individual, and relatively minor issues may have a substantial impact on attitudes towards the justice system and escape the researcher's attention. Attitudes

towards the justice system are not formed anew every time a researcher approaches a respondent, or every time a citizen has experience with the justice system. Prior attitudes matter and such attitudes may be influenced by the media, hearsay, prior direct or indirect experience etc. These attitudes are also embedded in a wider set of attitudes. In a recent review of attitudes towards the justice system in the UK and other European countries we for instance found that satisfaction with one's own life mattered in evaluations of the justice system (Van de Walle & Raine, 2008). Likewise, attitudes towards the justice system are also embedded in a wider set of attitudes towards public institutions and government (see also Jackson & Sunshine, 2006). A single minor experience will probably have little effect on these entrenched attitudes.

In this article we did not only analyse the effect of experience on attitudes towards the CJS using the British Crime survey. We also wanted to demonstrate the difficulties of doing such research and answering an apparently clear-cut question of whether experience has an impact on attitudes. Studying the effect of experience on attitudes towards the justice system is less straightforward than it appears. The ideal research design with a pre- and post-test is not very common, and quite difficult to organise. This would involve surveying a large number of people and waiting till they get in touch with justice, and surveying them again afterwards. Because of the relatively low percentage of citizens who have actual and recent experience with the justice system, such a research design would rapidly become prohibitively costly. Such a design is easier to implement when the study e.g. intends to measure the effects of appearing before court.

The conceptual discussion in this article has also highlighted both the attractiveness and danger of studying a quite multifaceted phenomenon through relatively simple operationalisations. The effect of experience has generally been analysed using surveys. Such instruments come with the advantage of relative generalisability and a large N. But they also suffer from response effects and incomplete operationalisation. A trade-off between external and internal validity needs to be made. Perhaps other, more individualised, more qualitative and more in-depth, methods should also be explored to analyse the effect of experience on attitudes towards the justice system. Such methods would be particularly helpful when studying the differential effects of experience on evaluations of fairness, efficiency and effectiveness. The models in this article do show that evaluations of the justice system's fairness and its efficiency are quite different attitudes. Deconstructing the concepts of experience with and of confidence in the CJS may give a more detailed insight into the causal patterns at work. Such information, combined with the more broad-sweep quantitative information, would greatly improve the policy recommendations that follow from the research.

#### References

- Anderson, R. E. (1973). Consumer dissatisfaction: the effect of disconfirmed expectancy on perceived product performance. *Journal of marketing research*, 10(1), 38-44.
- Bastien, F. (1998). *Une demande politique de justice: 'Les Français et la justice', ou comment analyser une critique récurrente*: Centre de recherches administratives et politiques (CNRS). Faculté de droit et de science politique, Université Rennes-I.
- Benesh, S. C., & Howell, S. E. (2001). Confidence in the courts: A comparison of users and non-users. *Behavioral Sciences and the Law*, 19(2), 199-214.
- Bitner, M. J., Hubbert, A. R., Rust, R. T., & Oliver, R. L. (1994). In *Encounter satisfaction versus overall satisfaction versus quality: the customer's voice* (pp. 72-94). London: Sage.
- Bornstein, B. H., Miller, M. K., Nemeth, R. J., Page, G. L., & Musil, S. (2005). Juror reactions to jury duty: Perceptions of the system and potential stressors. *Behavioral Sciences and the Law*, 23, 321-346.
- Brown, T. (2007). Coercion versus choice: Citizen evaluations of public service quality across methods of consumption. *Public Administration Review*, 67(3), 559-572.

- Chapman, B., Mirrlees-Black, C., & Brawn, C. (2002). Improving public attitudes to the Criminal Justice System: the impact of information (Home Office Research Study 245): Home Office Research, Development and Statistics Directorate.
- Clancy, A., Hough, M., Aust, R., & Kershaw, C. (2001). Crime, Policing and Justice: the Experience of Ethnic Minorities Findings from the 2000 British Crime Survey (Home Office Research Study 223): Home Office Research, Development and Statistics Directorate.
- Cluzel, L., & Sibony, A.-L. (2001). *Qualité et évaluation de la justice: Colloque tenu a l'Ecole Nationale de la Magistrature - 21-22 mai 2001: Rapport de synthese*: Mission de recherche Droit et Justice & Ecole nationale de la magistrature.
- Commission de gestion du Pouvoir judiciaire. (2002). Enquête de satisfaction des utilisateurs et utilisatrices du Palais de Justice de Genève.
- Cullen, F. T., Fisher, B. S., & Applegate, B. K. (2000). Public opinion about punishment and corrections. *Crime and justice*, 27, 1-79.
- Das, H., Das, M., & McKenzie, F. (1995). Assessing the "will of the people": an investigation into town delivery satisfaction. *Canadian public administration*, 38(1), 77-93.
- Ditton, J., Farrall, S., Bannister, J., & Gilchrist, E. (2000). Crime surveys and the measurement problem: Fear of crime. In V. Jupp, P. Davies & P. Francies (Eds.), *Doing criminological research*. London: Sage.
- Jackson, J., & Sunshine, J. (2006). Public confidence in policing: A neo-Durkheimian perspective. *British Journal of Criminology*, 47, 214-233.
- Jones, B. D., Greenberg, S. R., Kaufmann, C., & Drew, J. (1977). Bureaucratic response to citizen-initiated contacts: Environmental enforcement in Detroit. *American political science review*, 71(1), 148-165.
- Katz, D., Gutek, B. A., Kahn, R. L., & Barton, E. (1977). *Bureaucratic encounters: a pilot study in the evaluation of government services*. Ann Arbor: Institute for Social Research.
- Kelly, J. M., & Swindell, D. (2003). The case for the inexperienced user: Rethinking filter questions in citizen satisfaction surveys. *The American Review of Public Administration*, 33(1), 91-108.
- Lock, S. T., Shapiro, R. Y., & Jacobs, L. R. (1999). The impact of political debate on government trust: reminding the public what the Federal government does. *Political Behavior*, 21(3), 239-264.
- McGill, A. L., & Iacobucci, D. (1992). The role of post-experience comparison standards in the evaluation of unfamiliar services. *Advances in consumer research*, 19, 570-579.
- Michalos, A. C., & Zumbo, B. D. (1999). Public services and the quality of life. *Social indicators research*, 48(2), 125-157.
- Moore, N., Clarke, R., Johnson, S., Seargeant, J., & Steele, J. (1998). *People and public services: A review of research into people's expectations and experiences of public services*. London: The Cabinet Office, The Office for Public Management & Acumen.
- National Center for State Courts. (1999). How the public views the State Courts, *National Conference on Public Trust and Confidence in the Justice System*. Washington, DC.
- O'Barr, W. M., & Conley, J. M. (1988). Lay expectations of the civil justice system. *Law and society review*, 22(1), 137-162.
- Olson, S. M., & Huth, D. A. (1998). Explaining public attitudes towards local courts. *The Justice System Journal*, 20(1), 41-61.
- Pache, R., & Fort, E. (2001). *Enquête de satisfaction auprès des usagers de la justice*. Paris: Mission de recherche Droit et Justice.
- Parmentier, S., Vervaeke, G., Doutrelepon, R., & Kellens, G. (2005). *Public opinion and the administration of justice: Popular perceptions and their implications for policy-making in Western countries*. Brussels: Politeia.
- Raine, J. W., & Dunstan, E. (2006). Personal hearings and public confidence in case adjudication: Lessons from the Parking Adjudication Service. *Tribunals*, 21-24.

- Roberts, J. V. (2004). Public confidence in criminal justice: A review of recent trends 2004-05. Report for Public Safety and Emergency Preparedness Canada, Ottawa.
- Roberts, J. V., & Hough, M. J. (2004). Confidence in justice: an international review.
- Roberts, J. V., Parmentier, S., Vervaeke, G., Doutrelepont, R., & Kellens, G. (2005). In *Public opinion and the administration of justice in Canada: Research findings from two decades* (pp. 129-146). Brussels: Politeia.
- Roth, V. J., Bozinoff, L., & MacIntosh, P. (1990). Public opinion and the measurement of consumer satisfaction with government services. *Canadian public administration*, 33(4), 571-583.
- Rottman, D. B., Hansen, R., Mott, N., & Grimes, L. (2003). *Perceptions of the courts in your community: The influence of experience, race and ethnicity*. Williamsburg, VA: National Center for State Courts.
- Rottman, D. B., & Tomkins, A. J. (1999). Public trust and confidence in the courts: What public opinion surveys mean to judges. *Court review*, 36(3), 24-31.
- Serra, G. (1995). Citizen-initiated contact and satisfaction with bureaucracy: a multivariate analysis. *Journal of public administration research and theory*, 5(2), 175-188.
- Sharp, E. B. (1982). Citizen-initiated contacting of government officials and socioeconomic status: Determining the relationship and accounting for it. *American political science review*, 76(1), 109-115.
- St Amand, M. D., & Zamble, E. (2001). Impact of information about sentencing decisions on public attitudes toward the criminal justice system. *Law and human behavior*, 25(5), 515-528.
- Sun, I. Y., & Wu, Y. (2006). Citizens' perceptions of the courts: The impact of race, gender, and recent experience. *Journal of Criminal Justice*, 34, 457-467.
- Thomas, J. C. (1982). Citizen-initiated contacts with government agencies: A test of three theories. *American Journal of Political Science*, 26(3), 504-522.
- Thomas, J. C., & Melkers, J. (1999). Explaining citizen-initiated contacts with municipal bureaucrats: Lessons from the Atlanta experience. *Urban affairs review*, 34(5), 667-690.
- Tourangeau, R., Rips, L. J., & Rasinski, K. (2000). *The psychology of survey response*. Cambridge: Cambridge University Press.
- Tufts, J. (2000). Public attitudes toward the criminal justice system. *Juristat*, 20(12).
- Tyler, T. R. (1984). The role of perceived injustice in defendants' evaluations of their courtroom experience. *Law & society review*, 18(1), 51-74.
- Tyler, T. R. (1988). What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law & society review*, 22(1), 103-136.
- Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.
- Van de Walle, S., & Bouckaert, G. (2003). Public service performance and trust in government: the problem of causality. *International Journal of Public Administration*, 26(8-9), 891-913.
- Van de Walle, S., Kampen, J. K., & Bouckaert, G. (2005). Deep impact for high impact agencies? Assessing the role of bureaucratic encounters in evaluations of government. *Public Performance and Management Review*, 28(4), 532-549.
- Van de Walle, S., & Raine, J. (2008). Explaining attitudes towards the justice system in the UK and Europe, *Ministry of Justice Research Series 9/08*. London: Ministry of Justice.
- Warin, P. (2003). Mesurer le non-recours aux prestations: La recherche d'indicateurs. *Recherches et prévisions*(73), 90-96.
- Warin, P. (2005). *L'accès aux droits sociaux*. Grenoble: Presses universitaires de Grenoble.
- Yankelovich Skelly and White Inc. (1978). *The Public Image of Courts: Highlights of a National Survey of the General Public, Judges, Lawyers, and Community Leaders*. Williamsburg, VA: National Center for State Courts.
- Zaller, J. (1996). *The nature and origins of mass opinion*. Cambridge: Cambridge University Press.

Does experience count?