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Report for Public Safety and Emergency Preparedness Canada

November 2004

**Public Confidence in  
Criminal Justice:  
A Review of Recent Trends  
2004-05**

This document is available in French. Ce rapport est disponible en français sous le titre :  
La confiance du public dans la justice pénale : bilan des dernières tendances

This document is also available on Public Safety and  
Emergency Preparedness Canada's Internet site: <http://www.psepc-sppcc.gc.ca>.

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The views expressed are those of the author and do not necessarily reflect those of Public Safety and Emergency Preparedness Canada.



## Executive Summary

With respect to criminal justice, public opinion research in Canada has typically focused on specific substantive issues, for example sentencing, parole or policing. A considerable volume of research has now accumulated on all principal branches of the criminal justice system in this country and elsewhere. However, in recent years the attention of researchers and policy makers has shifted to public reaction to crime and justice on a more general level. Fear of crime and public confidence in justice are examples of critical issues that have a broader application. Research on fear of crime has been summarized in an earlier document (see Roberts, 2001). This report focuses on perhaps the most critical issue in the area: public confidence in the justice system.

There is a growing recognition in western nations that promoting public confidence in the administration of justice is one of the primary goals of good government. This recognition has sprung from reviews of public opinion surveys in different jurisdictions in which respondents have been asked to express their level of trust or confidence in criminal justice. Most surveys have revealed low levels of public confidence in criminal justice relative to other public institutions such as the health care system, the armed forces or the educational system (see Hough and Roberts, 2004). These findings have led many countries including Britain, Belgium and the United States to launch initiatives to promote public confidence.

The purpose of this report is to summarize recent trends regarding public confidence in criminal justice in Canada. Although a number of surveys have asked the public to express their level of trust or confidence in the justice system, these data have never been compiled. In particular, the following critical questions are addressed:

- (i) *How has public confidence in criminal justice been measured in Canada and elsewhere?*
- (ii) *How much confidence or trust do Canadians have in their justice system?*
- (iii) *For which branches of justice are public confidence levels highest and lowest?*
- (iv) *Does public confidence in a specific branch of the justice system vary depending upon the particular function of that branch?*
- (v) *How do levels of public confidence in Canada compare with other countries?*

### The Scope of the Review

The review includes all available research in Canada over a 25-year period (1980-2004), with the primary emphasis on representative surveys of the public, rather than qualitative studies such as focus group research. Regrettably, it is not possible to draw upon a continuous record of surveys. Although public confidence in (and reactions to) the justice system have been the subject of several surveys over the past decade, for the most part pollsters have used differently worded questions, making it challenging to draw conclusions about trends.

## Principal Findings

- Recent polls suggest that Canadians are more positive than negative with respect to confidence in the system as a whole. The most recent survey found that 46% were confident in the justice system, compared to 32% who lacked confidence. A significant proportion of Canadians responding to a survey in 2002 expressed dissatisfaction with the government response to crime.
- However, other, earlier surveys that measured public confidence in justice generated more negative findings. As well, when Canadians are asked about the level of mistrust in justice, two-thirds of the sample agreed that the level is high.
- Taken together, these poll findings suggest that there is a problem with respect to public confidence in the administration of justice in Canada.
- Compared to the public in most other European countries, Canadians express more confidence in their justice system.
- There is some evidence that confidence in the justice system has declined in recent years.
- The public has less confidence in the justice system than in most other public institutions such as the health care or educational systems.
- These trends mirror those found in other jurisdictions. Americans and Britons express less confidence in their justice system than in other public institutions.
- When asked about their level of confidence in specific branches of the criminal justice system, Canadians express most confidence in the police, least in the courts and the parole system. This has been true on every occasion that Canadians have been asked to rate their level of confidence in specific branches of justice.
- This hierarchy of confidence or trust also emerges in other jurisdictions. Respondents in other countries express more trust in the police than other branches of the justice system.
- Considerable variation emerges when the public is asked to rate the performance of criminal justice agencies with respect to specific functions. For example, performance ratings for the courts are relatively high with respect to ensuring a fair trial for accused persons, but quite low for providing expeditious justice. The police receive higher performance ratings for being approachable than for responding to calls promptly. Finally, correctional authorities are seen to be doing a better job at controlling prisoners than supervising offenders in the community.
- Performance ratings of criminal justice professionals such as police, judges and prosecutors are higher in Canada than in Britain.
- When Canadians are asked to rate their level of trust in a range of professions, criminal justice professionals receive relatively high ratings, and once again, the police receive the most positive response from the public.

- A number of jurisdictions have recently launched initiatives to promote public confidence in criminal justice. These initiatives are usually preceded by a national or international conference to bring together critical stakeholders.
- Almost all the initiatives have focused on the courts, particularly in the US. One explanation for this is that the court system attracts relatively low confidence ratings from the public. To date, none of these initiatives has been subject to evaluation, so it is impossible to know how much effect they have had on public confidence levels.

## **Conclusions**

Ultimately, what conclusion should be drawn from this review of recent polls that have examined public confidence in criminal justice? Is there a crisis in confidence among the public in Canada with respect to the justice system? The findings show that public confidence levels cannot reasonably be described as high. Very significant percentages of the public express little or no confidence in justice. However, this conclusion must be accompanied by the following qualifications:

- confidence levels are no higher, and sometimes lower in other countries;
- levels of confidence are high for the police;
- even for branches that attract relatively low levels of confidence, the public assigns positive ratings for some functions;
- variation in confidence levels for elements of the justice system reflect a number of variables, including the mandate of different criminal justice agencies and public misperceptions about the purpose and function of the system.

## **Recommendations**

The report concludes with the following specific recommendations:

- A consolidation of all existing polls that have explored the issue is necessary. At present, no single repository of public opinion polls exist. Other jurisdictions have for some time maintained such a database. For example, in the US, the online “Sourcebook of Criminal Justice Statistics” contains a section on public attitudes to justice. This section contains the latest findings from polls in the area of criminal justice, including surveys of public confidence. What is needed is for a single government Department, Ministry or Agency to take carriage of the problem. Alternatively, such an initiative could be assumed by a non-governmental agency or university. This is necessary in order to address the critical question of whether (and where) public confidence is declining.
- Surveys should also explore Canadians’ reactions to crime and the criminal justice response at the local and national level.

- Better co-ordination of efforts: promoting public confidence in the administration of justice is a goal to which many governmental and non-governmental voluntary partners with an interest in criminal justice can contribute.
- All other western nations have held a national or international conference to which key stakeholders (including members of the public) have been invited. An initiative of this kind focuses attention on the problem and has resulted in positive outcomes in a number of jurisdictions. Such a national conference may benefit Canada. Alberta is the only jurisdiction in Canada that has undertaken such a step. At present, considerable government resources are being consumed measuring public confidence in justice. Perhaps it is time to invest in improving levels of confidence.

## Introduction

With respect to criminal justice, public opinion research in Canada has typically focused on specific substantive issues, for example sentencing, parole or policing. A considerable volume of research has now accumulated on all principal branches of the criminal justice system in this country and elsewhere (e.g., Hough and Roberts, 1999; Roberts, 1992, 1995; Roberts and Hough, 2001; Roberts and Stalans, 1997; Tufts, 2000; Zamble and Kalm, 1990). However, in recent years the attention of researchers and policy makers has shifted to public reaction to crime and justice on a more general level. Fear of crime and public confidence in justice are examples of critical issues that have a broader application. Research on fear of crime in Canada has been summarized in an earlier document (see Roberts, 2001). This report focuses on perhaps the most critical issue in the area: public confidence in the justice system.

There is a growing recognition in western nations that promoting public confidence in the administration of justice is one of the primary goals of good government. This recognition has sprung from public opinion surveys in which respondents have been asked to express their level of trust or confidence in criminal justice. Surveys conducted in a number of jurisdictions have revealed low levels of public confidence in criminal justice relative to other public institutions such as the health care system, the armed forces or the educational system (see Hough and Roberts, 2004a; Sherman, 2002). These findings have led many countries -- including Britain, Belgium, the United States, and Australia -- to launch initiatives to promote public confidence. For example, the Home Office has made promoting public confidence one of its primary goals (see Home Office, 2003).

### *Importance of Public Confidence in Justice*

There are many reasons why public trust or confidence is critical to the functioning of the criminal justice system. First, most crimes come to the attention of the police as a result of a report from the victim or a witness -- members of the public in other words. If members of the public have little confidence in the police response, they are unlikely to report crimes. Public participation is also critical in the event that a charge is laid against a suspect. Successful prosecution is generally only possible if the victim (now a complainant) co-operates and agrees to offer evidence (in the event that the matter proceeds to trial). Victim participation may directly influence developments in the case; many defendants plead guilty once they know that the victim is going to testify. In addition, the participation of other witnesses is often vital in order for the state to secure a conviction. Prosecutions sometimes fail because witnesses were unwilling to co-operate. Victims and witnesses will only co-operate with the police and prosecutors if they have confidence in the justice system as a whole, and if they trust the specific criminal justice professionals with whom they have contact.

On a more abstract level, the justice system must inspire the confidence of the public in order to ensure its legitimacy. Power can be assigned, but legitimacy and authority have to be earned. The imposition of (at times severe) legal punishment requires the community's confidence in the legitimacy of the institution that inflicts punishment. What is meant by the term 'legitimacy'? It can mean a number of things, but the notions of fairness and integrity are central to the concept. For example, a justice system that punishes minorities more harshly -- that discriminates against such groups -- or a system in which the professionals lack integrity, or are out of touch with community

values, will not be seen as legitimate in the eyes of the public (see Tyler, 1990 and Tyler, 2002 for further discussion).

Low levels of public confidence in the justice system will also lead to calls to change the system: a survey conducted in the United States found that more than four out of five respondents favoured the idea of “totally revamping the way that the [criminal justice] system works” (see Sherman, 2002). This desire for radical change reflects a lack of confidence in the way that the system currently functions (or is perceived to function). If the public holds inaccurate beliefs about crime and justice, these reforms will take the system in the wrong policy direction. For example, if the public thinks that prisoners released on parole represent a threat to the safety of the community, this will undermine confidence in parole boards and lead to calls for the abolition of parole. Indeed, much of the anti-parole rhetoric in recent years has been driven by allegations that prisoners released on parole represent a threat to the community.

### *Public Confidence and Social Cohesion*

Finally, recent research in Canada drawing upon the latest (2003) administration of the General Social Survey (GSS) has uncovered another reason why confidence levels in justice and other public institutions are important. Statistics Canada asked Canadians to express the level of confidence that they had in a number of public institutions (including the justice system) and also to state the extent to which they felt a sense of belonging to Canada. Individuals who had more confidence in Canada’s public institutions reported a greater sense of belonging to the country, suggesting that public confidence in critical institutions such as the justice system promotes social cohesion (Statistics Canada, 2003).<sup>1</sup>

### *Relationship between Knowledge of Criminal Justice and Confidence Levels*

Important links exist between confidence, public attitudes to justice and levels of knowledge of the criminal justice system. Confidence presumably reflects positive attitudes towards the system. If people hold the view that the police discriminate against certain members of the public, or act with excessive force in responding to suspects, confidence in the police will surely decline. Similarly, the attitude that sentences are too lenient will undermine trust in the judiciary.

Knowledge too, plays a role in influencing opinion and confidence levels (see Chapman, Mirrlees-Black and Brawn (2002); Hough and Park (2002) for empirical demonstrations of the effect of information on public attitudes to criminal justice). Whether, for example, members of the public believe that sentences are too lenient will depend ultimately upon how much they know about actual sentencing patterns. Research in Canada and the United Kingdom has demonstrated that most people underestimate the severity of sentences imposed and this undoubtedly contributes to the opinion that judges are too lenient towards convicted offenders (see Doob and Roberts, 1988; Hough and Roberts, 1998). This negative perception of the judiciary in turn undermines public confidence.

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<sup>1</sup> Of course, this is a correlational finding, demonstrating an association between variables without proving that changes in one variable cause changes in the other. It is also possible that having a strong sense of belonging to Canada leads people to have confidence in Canadian institutions. We do not know whether feelings of belonging promote confidence or whether confidence promotes feelings of belonging. It is equally plausible that both feed off each other, following a model of bi-directional causality.

## Purpose of Report

The purpose of this report is to summarize recent trends regarding public confidence in criminal justice in Canada. Although a number of surveys have asked the public to express their level of trust or confidence in the justice system, these data have never been brought together and analysed in a single report. At the conclusion, the report summarizes some recent initiatives to improve public confidence in the criminal justice system. The report addresses the following specific questions:

- (i) *How has public confidence in criminal justice been measured in Canada and elsewhere?*
- (ii) *How much confidence or trust do Canadians have in their justice system?*
- (iii) *For which branches of the justice system are public confidence levels highest and lowest?*
- (iv) *Does public confidence in a specific branch of the justice system vary depending upon the particular function of that branch?*
- (v) *How do levels of public confidence in Canada compare with other countries?*

## The Scope of the Review

The review includes all available research in Canada over a 25-year period (1980-2004), with the primary emphasis on representative surveys of the public, rather than qualitative studies such as focus group research.<sup>2</sup> Regrettably, it is not possible to draw upon a continuous record of surveys. Although public confidence in (and reactions to) the justice system have been the subject of several surveys over the past decade, with the exception of the General Social Survey (GSS) – which has only been conducted on four occasions<sup>3</sup> – pollsters have used differently worded questions, making it challenging to draw conclusions about trends. The review also includes polls derived directly from the sponsoring government department that are seldom published, or even released to the public.

## Measuring Confidence

Pollsters generally approach the issue of public confidence in one of two ways. Respondents are sometimes asked about their attitudes and views of the system in general, or specific branches of the criminal process (e.g., police, courts, corrections; “*How much confidence (or trust) do you have in....?*” “*How satisfied are you with.....*”). On other occasions, respondents are asked to rate the performance of the system, or specific branches of the justice system. Pollsters assume that ratings of confidence and trust are correlated, so that one may serve as a proxy for the other. Findings from the few studies that have included multiple measures reveal significant correlations between variables. In other words, ratings of confidence or trust appear to capture the same general concept. Although

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<sup>2</sup> A number of studies using the focus group approach have been commissioned (e.g., Angus Reid, 1996). The results are generally consistent with findings from representative polls of the public.

<sup>3</sup> Although some basic findings regarding confidence in justice (and other public institutions) have been released by Statistics Canada, detailed public ratings of the components of the justice system from the 2003 GSS are not yet publicly available.

performance ratings raise a separate set of concepts, they are clearly related to confidence.<sup>4</sup> Accordingly, this report summarizes findings from polls that have used all types of questions.

### *The Problem of “Threshold”*

It is hard to draw comparative conclusions about the level of public confidence in different areas of public policy. If 60% of Canadians report that they are very or somewhat satisfied with the way that the government responds to crime, is this percentage high or low? How low do confidence levels have to fall before we are confronted with a “crisis in confidence”? One way of answering the question is to put responses in a comparative context, and ask whether this statistic is higher or lower than the proportion of Canadians who hold this view about the government’s response to another public institution such as the health care system. A limited number of such comparisons will be presented in this paper. For readers interested in more detailed discussions of demographic variation with respect to the questions discussed here they are directed to the original publications.

### *Public Satisfaction with Local versus National Response to Crime*

A recent (2003) survey in Britain (see Page, Wake and Ames, 2004) added another dimension to the public confidence literature: respondents were asked about the response to crime at the *national* level and also the *local* level. Since responses were quite different depending upon which level people were asked about, this distinction would appear to be important. British respondents expressed significantly more confidence in the response to crime at the local level (see Hough and Roberts, 2004b). Unfortunately, surveys in Canada have not to date explored public responses to the criminal justice system at the local and national level. This seems to be an important oversight that should be addressed in future polling work in the area.

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<sup>4</sup> Exploring the conceptual differences between confidence ratings and performance ratings is beyond the scope of the present report. However, confidence may well be more “forward looking”, in the sense that people who have confidence in the police, for example, anticipate receiving an appropriate response in the event that they require assistance. Performance ratings may well be more retrospective, based on what the respondent knows, or has read about the system or its various branches.

## Research Findings

### 1. Public Reactions to the Justice System as a Whole

#### *Confidence Scale (2002)*

Only a few surveys in Canada have asked the public to express the degree of confidence that they have in the justice system *as a whole*, although as will be seen later in this report, a number of polls have asked Canadians to respond to specific branches of the system.

In 2002, respondents to a nation-wide survey were asked to rate the degree of confidence that they had in “the justice system in Canada”, using a seven-point scale, where 7 represented a great deal of confidence and 1 no confidence at all (Compas, 2002). (Only 1% of the sample responded “don’t know”). The results are presented in Table 1.<sup>5</sup>

**Table 1. Public confidence in the justice system**

	% of respondents
7 = A great deal of confidence	5%
6	12%
5	29%
4	22%
3	17%
2	8%
1 = No confidence at all	7%

*Source: Compas (2002)*

As noted in the introduction to this report, interpreting responses to a question of this nature is a subjective exercise. Seventeen percent of respondents chose one of the two most positive response options (6 or 7), about the same percentage that chose one of the two most negative options (1 or 2). One way of interpreting these data is by considering the options as constituting a confidence scale, and to ask whether the proportion of respondents on the positive side exceeds the proportion on the negative side of the midpoint (4). This is a form of confidence “ledger”, in which we compare the credit (% with a positive view) against a deficit (% with a negative view).

Leaving aside the 22% in the midpoint category (4), 46% of the respondents were on the positive side, 32% on the negative, for a “net” confidence score of 14%. On balance, findings from this poll at least suggest that Canadians are somewhat more positive than negative with respect to their justice system, although it is not a high positive balance. In addition, a significant minority – approximately one third of the sample – lacks much confidence in the system. Furthermore, the results that emerge from other polls are less positive with respect to public confidence in justice.

<sup>5</sup> Unless otherwise indicated, all tables that follow summarize data from surveys conducted in Canada.

### *Satisfaction Scale (2002)*

In 2002, Léger Marketing asked respondents to state their level of satisfaction with the judicial system.<sup>6</sup> Respondents were asked if they were very satisfied, satisfied, dissatisfied or very dissatisfied with the judicial system. Only 3% were very satisfied, 51% satisfied, 30% dissatisfied and 11% very dissatisfied (6% responded “don’t know”). This creates a positive confidence balance of 10%. Optimists might point out that as a group, respondents were more satisfied than dissatisfied. Pessimists however, might note that fully 41% of the sample was dissatisfied and that the percentage that was very dissatisfied was nearly four times higher than the percentage that were very satisfied (Léger Marketing, 2002).

### *Impression of Justice Scale (1994)*

Another “global” approach to the question was adopted in an earlier poll. In 1994, a survey asked Canadian respondents to express their impression of the justice system, using a 10-point scale where 10 represented a “very positive” impression, 1 represented a “very negative” impression. If we eliminate the respondents falling into the mid points of this scale (5 and 6), 22% were positive (points 7-10 on the scale), and a much higher percentage (50%) negative (points 1 through 4; see Insight Canada, 1994). This creates a confidence “deficit” of 38% – a far more negative result than the findings from the more recent polls. The question is not exactly the same as the more recent question about confidence (see above); nevertheless, taking the two polls together suggests that there may have been some improvement in public reaction to the justice system in recent years. Alternatively, the difference between the patterns of responses from the two polls may simply reflect the different wording employed.

## **Public Perceptions of Levels of Confidence**

Further insight into the state of public confidence can be derived from the public themselves. In 2002, a sample of Canadians was asked to agree or disagree with a series of justice related statements, two of which are relevant to this report: “*The justice system works best for those with money*” and “*The level of distrust in the legal system is high*”. With respect to the first statement, fully two-thirds agreed; almost half strongly agreed, choosing “7” on the seven point agreement scale (Compas, 2002). When asked directly about distrust, half the sample agreed, 16% were neutral and only one in five disagreed (Compas, 2002). These trends support the view that there is a considerable malaise in the Canadian population with respect to the justice system in Canada.

### *Public Confidence in Justice*

The less positive view of justice emerging from these last polls discussed also emerges from an Alberta survey. The Alberta government has taken the lead in the area of promoting public confidence in criminal justice. In 1998 the Alberta Attorney General convened a summit to “build consensus on actions for improving public confidence and community participation in the justice system” (Alberta Justice, 1999; see later sections of this report for a summary of this initiative). This summit was

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<sup>6</sup> Strictly speaking the phrase “judicial system” connotes the court system; however, it seems likely that most people would interpret the phrase more broadly to mean “justice system” (and indeed the survey also explored issues outside the courts); for this reason it is included in this report.

preceded by a survey that explored Albertans' reactions to justice in their province. One of the questions posed was the following: "Generally speaking, how satisfied are you with the job that the Alberta Department of Justice is doing?"<sup>7</sup> The results showed that the population was evenly divided: 49% were very or somewhat satisfied, 48% were somewhat or very dissatisfied (3% responded "don't know"). This creates a confidence score that is even.

#### *Public Satisfaction with Government Response to Crime*

Another way of exploring public confidence or satisfaction with the justice system involves asking people to express their degree of satisfaction with the governments that are responsible for criminal justice. This approach has rarely been taken in Canada, however, a survey conducted for the Solicitor General Canada (as it then was) in 2002 asked Canadians the following: "How satisfied are you with federal, provincial and municipal Government performance in combating crime in Canada?". The response options were: very, somewhat, not very, or not at all satisfied. The results showed rather modest levels of satisfaction: only 6% were very satisfied; 54% were somewhat satisfied. Four out of ten respondents were not very or not at all satisfied (Ipsos-Reid, 2002).

Taking an "audit" approach on the basis of these polls suggests that satisfaction with justice is far from widespread. When surveys find a positive balance with respect to confidence ratings, the margin is quite narrow; significant proportions of respondents in all polls express a lack of confidence in the justice system.

#### *International Comparison (Canada and United Kingdom)*

How do these levels of public confidence compare to other jurisdictions? As noted in the introduction, a survey conducted by the MORI polling company in England and Wales in 2003 asked respondents about the response to crime "in the area where you live" as well as at the national level. There was a net confidence "credit" of 29% for the former but a "deficit" of 4% for the latter (see Page, et al., 2004). Since the British national level formulation seems closer to the wording of polls in Canada, it appears that confidence levels are probably higher in Canada than in Britain. However, two qualifications need to be made. First, the MORI wording may encourage a more critical reaction from respondents – one that focuses on crime reduction – than the Canadian formulation. The second qualification is that when MORI asked about the way crime is dealt with "in the area in which you live", there was a confidence "credit" of 29%. As noted, comparisons with Canada are not possible with respect to this issue because no poll has explored confidence in justice at the local level.

## **2. Comparisons across Public Institutions**

Few surveys explore public confidence in the justice system within the context of other public institutions. However, the limited data currently available from the 2003 General Social Survey permits such a comparative analysis. Respondents were provided with four response options: a great deal of confidence; quite a lot; not very much; none at all. Table 2 summarizes the level of confidence that Canadians expressed in a number of public institutions.

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<sup>7</sup> The options were: very satisfied; somewhat satisfied; somewhat dissatisfied; very dissatisfied.

As can be seen, slightly more than half (57%) of respondents expressed quite a lot or a great deal of confidence in the justice system; one third expressed little or no confidence. Once again, interpreting this pattern becomes a subjective exercise. At least we can say that the proportion expressing a great deal of confidence was twice as high as the proportion expressing no confidence. On the other hand, Canadians still expressed more confidence in the health care system even though health care has attracted much criticism in recent years: 67% of the sample expressed confidence in the health care system, compared to 57% for the justice system. If there is a crisis in confidence in the health care system, there is an even greater confidence problem with the justice system.

**Table 2. Confidence in selected public institutions**

	A great deal of confidence	Quite a lot of confidence	Not very much confidence	No confidence at all
Police	35%	48%	11%	2%
Local Business	19%	61%	11%	1%
Banks	19%	49%	21%	6%
Health care system	19%	48%	24%	4%
Education system	17%	48%	21%	3%
<i>Justice system</i>	<i>14%</i>	<i>43%</i>	<i>27%</i>	<i>7%</i>
Corporations	8%	38%	33%	10%
Parliament	8%	35%	35%	10%
Welfare system	9%	32%	29%	9%

*Notes: percentages rounded and excludes "don't know" responses, therefore rows may not sum to 100%.*

*Source: Statistics Canada (2003)*

### *Regional Variation*

The next table (Table 3) provides a regional breakdown of public confidence levels for four public institutions, drawing upon the 2003 GSS. As can be seen, there is relatively little variance in confidence levels for the justice system. The percentage of respondents expressing confidence is highest in New Brunswick (66% expressed 'a great deal' or 'quite a lot' of confidence in the justice system) and lowest in British Columbia (50%). Table 3 also shows that confidence in the other public institutions varies to a greater extent, particularly with respect to the welfare system, where the range in confidence levels is 35%.

**Table 3. Regional variation in confidence: Percentage of Canadians with “a great deal” or “quite a lot” of confidence in selected public institutions**

	Justice system	Health care system	Education system	Welfare system
Newfoundland	62%	63%	72%	38%
P.E.I.	63%	68%	76%	40%
Nova Scotia	59%	63%	62%	34%
New Brunswick	66%	71%	67%	42%
Quebec	65%	74%	78%	64%
Ontario	57%	69%	58%	33%
Manitoba	46%	62%	66%	32%
Saskatchewan	51%	65%	75%	29%
Alberta	51%	64%	62%	34%
British Columbia	50%	56%	59%	31%
<i>Range</i>	<i>16%</i>	<i>18%</i>	<i>20%</i>	<i>35%</i>

*Source: Statistics Canada (2003) International Comparison (Canada and the United States)*

The next table (Table 4) summarizes findings from a survey of American respondents.<sup>8</sup> As can be seen, the percentage of respondents expressing confidence in the criminal justice system is significantly lower than the percentage expressing confidence in most other public institutions. Thus the trend in Canada is not unique. In fact, the members of the public in most western nations express less confidence in the justice system than most other public institutions.

**Table 4. American public confidence in institutions (2003)**

	Percentage of respondents expressing a “great deal” or “quite a lot” of confidence in the institution
Military	82%
Police	61%
Presidency	55%
Banks and Banking	50%
Church or organized religion	50%
Supreme Court	47%
Medical system	44%
Public schools	40%
Television news	35%
Newspapers	33%
Congress	29%
<i>Criminal justice system</i>	<i>29%</i>
Organized labour	28%
Big business	22%

*Source: Gallup Organization (2003)*

<sup>8</sup> Although the subject will not be discussed further in this report, the US confidence data presented here mask important racial differences, with African-American respondents reporting significantly lower levels of confidence in branches of the criminal justice system, particularly the police (see Sherman, 2002).

*International Comparisons (Canada and European nations)*

Table 5 places confidence in justice in a broader context, by comparing Canadians' level of confidence in justice with 14 European nations. As can be seen, the range in public confidence across these jurisdictions is striking: approximately four out of five respondents in Denmark expressed a great deal or quite a lot of confidence in their justice system while only 32% of Italians surveyed held this view of the justice system. The proportion of Canadians who express a great deal or quite a lot of confidence in their justice system was slightly higher than the European average.<sup>9</sup>

**Table 5. Confidence in the justice system, Canada and European nations (2001)**

	Great deal or quite a lot of confidence	Not very much or no confidence at all
Denmark	79%	21%
Austria	69%	31%
Finland	66%	34%
Germany	62%	38%
Sweden	61%	39%
Canada (2003)	57%	43%
Ireland	55%	45%
United Kingdom	49%	51%
Northern Ireland	48%	52%
Greece	47%	53%
France	46%	54%
Portugal	40%	60%
Belgium	37%	63%
Spain	32%	68%
Italy	32%	68%
European Average	45%	55%

*Sources: Sourcebook of European Values Study (2001); Statistics Canada (2003)*

At this point we turn to public ratings of specific branches of the criminal justice system.

### **3. Confidence in Specific Branches of Criminal Justice**

A near-universal finding emerges with respect to public confidence in different branches of the justice system. Across all jurisdictions, and over time, a clear hierarchy emerges, with the police receiving the most positive ratings (see Hough and Roberts, 2004b). Table 6 reveals this pattern drawing upon data collected by the Angus Reid Group in 1997. The police received the most positive ratings from the public: 37% of the sample responded that they were very confident in the local police, with confidence

<sup>9</sup> The average is based on a longer list of 32 European nations (see Sourcebook of European Values Study, 2001).

levels almost as high for the RCMP. In contrast, only 3% of the respondents stated that they were very confident in the parole system, and only 4% were very confident in the youth justice system.<sup>10</sup>

**Table 6. Public confidence levels in criminal justice agencies in Canada (1997)<sup>11</sup>**

	Very confident	Somewhat confident	Not very confident	Not at all confident
Local Police	37%	49%	10%	3%
RCMP	33%	50%	8%	3%
Courts	7%	45%	30%	17%
Prison system	6%	36%	34%	20%
Parole system	3%	22%	37%	35%
Youth Justice System	4%	22%	33%	39%

*Source: Angus Reid (1997)*

As noted earlier, determining whether the public has or lacks confidence in the justice system is a subjective exercise. Adopting an “audit” approach we can ask whether the proportion of respondents providing a positive response exceeds the proportion with a negative response. Once again, if we conceive of the four response options as representing a scale with two positive and two negative options, the Canadian public is more positive than negative in their attitudes towards the local and federal police (positive balances of 73% and 72% respectively). However, the public is evenly divided regarding the courts, and more negative than positive regarding the prison and parole systems (see Table 7).

**Table 7. Public confidence levels in branches of criminal justice, Canada (1997)**

	% of sample “very” or “somewhat” confident	% of sample “not very” or “not at all” confident
Local Police	86%	13%
RCMP	83%	11%
Courts	52%	47%
Prison system	42%	54%
Parole system	25%	72%
Youth Justice system	26%	72%

*Source: Angus Reid (1997)*

<sup>10</sup> All the youth justice polls of available to the author at the time of writing were conducted before the proclamation of the *Youth Criminal Justice Act*. It is possible that the generally positive coverage of the new Act may have increased public confidence in this particular branch of the justice system.

<sup>11</sup> Some of these rows fail to sum to 100%; these statistics are drawn from the original report (see references) which fails to account for the missing percentages. It is possible that they represent “don’t know” responses. In any event, the interested reader is directed to the Angus Reid Group for clarification.

A similar pattern of results emerges from a poll conducted by Environics a year later. As shown in Table 7, the police and the Supreme Court attract the most positive response from members of the public.

**Table 8. Public confidence levels in criminal justice agencies in Canada (1998)**

	A lot of confidence	Some confidence	Just a little confidence	No confidence at all
RCMP	34%	46%	10%	5%
Supreme court	20%	49%	19%	7%
Local police	30%	50%	11%	6%
Provincial courts	12%	48%	25%	11%
Judges	11%	50%	23%	13%
Lawyers	7%	38%	30%	22%
Parole Board	4%	31%	31%	26%

*Note: excludes "don't know" response.*

*Source: extracted from Stein (2001)*

The most recent survey to measure public confidence in branches of the justice system was conducted in 2002. The results can be seen in Table 9. Once again the policing branch of criminal justice attracted the highest confidence ratings from the public.<sup>12</sup>

**Table 9. Confidence in branches of the justice system (2002)**

	% very or somewhat confident	% not very or not at all confident
RCMP	88%	9%
Local police	83%	12%
Provincial police	78%	11%
Supreme Court	78%	18%
Prosecutors	71%	24%
Courts	62%	36%
Prison system	49%	48%
Parole system	36%	61%

*Notes:*

1. The report supplied to the government by Ipsos-Reid collapses responses into two categories, although four options were offered to respondents.

2. Row three sums to 89%; the missing 11% cannot be explained by rounding error; the reader is directed to Ipsos-Reid for clarification.

*Source: Ipsos-Reid (2002).*

<sup>12</sup> The hierarchy of "satisfaction" found at the national level also emerged from a recent Alberta survey. Fully 94% of respondents were confident in their local police, 90% in the RCMP, 44% in the courts, 37% in the prison system 22% in the parole system and only 11% expressed confidence in the *Young Offenders Act* (Alberta Justice, 1999).

Table 10 summarizes data from respondents in a single city (Kingston, Ontario). It might be expected that confidence ratings would be different in a city in which a number of federal correctional institutions exist. However, as can be seen in Table 10, the pattern of ratings differs little from the national level.

**Table 10. Public confidence in branches of criminal justice, Kingston residents**

	A lot of confidence	Some confidence	Little confidence	No confidence at all
Provincial Police	57%	34%	6%	1%
Local Police	56%	32%	8%	2%
The courts	17%	50%	21%	8%
Correctional Service Canada	15%	47%	25%	7%
National Parole Board	10%	41%	25%	11%

Note: row percentages do not sum to 100% because “don’t know” responses were excluded.

Source: Environics Research Group Limited (2000)

#### *Changes over Time*

Table 11 presents a comparison of confidence responses over a nine-year period (1989-1998). Although comparison is only possible for five branches of criminal justice, it is clear from this table that the proportion of respondents with confidence in various branches of criminal justice has declined, although only marginally for the police. Without more data points it is hard to know whether this is a trend; for the present it is simply worth noting that confidence levels in justice were lower in 1998 than 1989.

**Table 11. Comparison in confidence levels (1989 and 1998)**

	A lot/some confidence		Little or no confidence	
	1989	1998	1989	1998
RCMP	82%	80% (-2%)	11%	15% (+4%)
Local police	81%	80% (-1%)	16%	17% (+1%)
Supreme Court	76%	69% (-7%)	18%	26% (+8%)
Provincial courts	66%	60% (-6%)	28%	36% (+8%)
Lawyers	56%	45% (-12%)	40%	52% (+12%)

Sources: Riopelle-Ouellet (1991); Environics (1998; derived from Stein, 2001)

#### 4. Ratings of Specific Functions

It is clear from the preceding tables that the level of public confidence in justice varies considerably depending upon the specific branch of the justice system under consideration. Variation also exists with respect to confidence ratings within a particular branch of justice. A number of polls have explored public ratings of criminal justice agencies in more detail. People have been asked to rate, or express confidence in, the extent to which these agencies perform specific functions. Table 11 summarizes public ratings of the principal branches of the criminal justice system with respect to their particular functions. These data derive from the General Social Survey conducted by Statistics Canada in 1999 (Tufts, 2000)<sup>13</sup>.

As with polls already described, ratings are significantly more positive for the police than for the courts or correctional authorities. However, public ratings are not uniform for all functions; people have a sense that these agencies are more effective at some tasks than others. For example, correctional authorities are given more positive ratings for supervising or controlling prisoners than for supervising offenders on parole. Similarly, the police are given better ratings for being approachable than for responding promptly to calls for service (see Table 12).

**Table 12. Public ratings of police, courts and prisons (1999)**

	% of respondents rating agency as doing a good job
<i>Police</i>	
Being approachable	66%
Ensuring safety of citizens	62%
Supplying information on reducing crime	54%
Responding promptly	49%
<i>Courts</i>	
Ensuring a fair trial for the accused	41%
Determining guilt or innocence	21%
Helping crime victims	15%
Providing justice quickly	13%
<i>Correctional Authorities</i>	
Supervising/controlling prisoners	26%
Helping prisoners become law-abiding	14%
Releasing offenders who are not likely to re-offend	15%
Supervising offenders on parole	13%

*Source: Tufts (2000)*

<sup>13</sup> As noted earlier, detailed attitude data from the 2003 GSS are not yet available from Statistics Canada.

*International Comparison: Britain*

The hierarchy of trust or confidence emerging from Canadian surveys can also be found elsewhere. The British Crime Survey has given some indication of the public standing of different parts of the criminal justice system. Consistent with previous polls and surveys, the police tend to emerge well from such comparisons (see Table 13).

**Table 13. Ratings of criminal justice agencies in Britain**

	% respondents rating branch as doing good or excellent job
Police	48%
Prisons	25%
Crown Prosecution Service	23%
Probation Service	24%
Judges	25%
Youth courts	14%

*Source: Nicholas and Walker (2004)*

A similar picture emerges from a poll conducted by the MORI organization in 2003. Respondents were asked how much confidence they had that different branches of the criminal justice system were doing a good job. This wording conflates the concepts of confidence and evaluation in a single question, but the hierarchy of professions that emerges is similar to that which is found in responses to questions that simply ask respondents to rate the job that various professions are doing.

Table 14 replicates the pattern of findings emerging from the British Crime Survey: the public has most confidence in the police, least in the courts and prisons. There is a 30% range in the confidence “ratings”. Although confidence ratings are significantly lower for some parts of the justice system than others, the confidence “balance” is positive even for the branch that attracts the lowest confidence ratings – the youth courts. As we have discussed, however, it is hard to determine what an acceptable balance would actually be.

**Table 14. Confidence in Branches of Criminal Justice System in Britain**

	Very or fairly confident	Not very or not at all confident
Local Police	76%	22%
Police in England and Wales	73%	25%
Probation Service	59%	29%
Crown Prosecution Service	57%	36%
Judges	54%	43%
Courts	51%	44%
Prisons	48%	43%
Youth courts	46%	38%

*Source: MORI (2003)*

*Comparison between Britain, Canada and New Zealand*

Table 15 summarizes public ratings of criminal justice professionals in Britain, Canada, and New Zealand. Although differences in question wording usually complicate attempts to make comparisons across jurisdictions, recent surveys in Canada and New Zealand used exactly the same questions posed on the British Crime Survey. Respondents in both countries were asked: “*How good a job do you think each of these groups is doing?*”. The results can be seen in Table 15, from which several conclusions may be drawn. First, like the British police, the police in Canada generate more positive public ratings than other agencies. Second, performance ratings are lower in Britain, particularly for the prosecution function. Thus over half the Canadian sample rated their prosecutors as doing a good or excellent job, compared to only about one quarter of the British sample.<sup>14</sup> Judges, too, received more positive evaluations in Canada than in Britain.

**Table 15. Comparison between public ratings of justice professions, Canada, Britain and New Zealand**

	Excellent or good	Average	Poor or very poor
<i>Canada</i>			
Police	67%	25%	7%
Defence Counsel	56%	36%	6%
Prosecutors	53%	40%	5%
Judges	50%	31%	17%
<i>Britain</i>			
Police	53%	30%	6%
Defence Counsel	N/A	N/A	N/A
Prosecutors	23%	53%	24%
Judges	21%	49%	32%
<i>New Zealand</i>			
Police	74%	19%	7%
Defence Counsel	45%	42%	13%
Prosecutors	N/A	N/A	N/A
Judges	42%	37%	22%

*Sources: Mirrlees-Black, (2001); Paulin et al. (2003); Roberts (2002)*

*Comparisons of Public Ratings of Specific Functions over Time*

The General Social Survey that has now been conducted on four occasions with data available from three of these administrations (1988; 1993; 1999). This permits a limited comparison of confidence levels over the past decade for the courts and the police. Table 16 presents the percentages of respondents over three administrations of the survey that rated the police and the courts as doing a poor job. As can be seen, ratings are fairly stable; the small increases in the percentage of respondents with a negative view of the courts could be due to random error. These trends are inconsistent with the

<sup>14</sup> Widespread publicity surrounding a number of failed prosecutions may well account for the less positive ratings of prosecutors in Britain.

earlier table that suggested that public ratings have declined. It is possible that overall perceptions of criminal justice branches have worsened, while perceptions of specific functions have remained stable.

The stable Canadian data are therefore fairly comparable with the trends in public ratings seen in repeated administrations of the British Crime Survey (e.g., Mirrlees-Black, 2001). The only exception to the pattern of stability in the two countries is that public ratings of the police, which have declined in Britain over the period 1996-2000. Thus in 1996, 64% of the public rated the police as doing good or excellent job; the proportion holding this view dropped to 53% in 2000 (Mirrlees-Black, 2001).<sup>15</sup>

**Table 16. Ratings of police and courts, Canada (1988-1999):  
% of respondents rating agencies as doing a poor job**

	1988	1993	1999
<i>Police</i>			
Being approachable	5%	5%	4%
Ensuring safety of citizens	--	7%	5%
Enforcing the laws	5%	6%	5%
Supplying crime prevention information	9%	12%	9%
Responding promptly to calls	9%	9%	8%
<i>Courts</i>			
Ensuring a fair trial for accused	9%	12%	11%
Determining guilt or innocence	17%	21%	20%
Helping the victim	33%	42%	35%
Providing justice quickly	37%	50%	41%

*Source: Tufts (2000)*

## 5. Focus on Prisons

Data are available that permit comparison across three jurisdictions (U.S., Canada and Britain) with respect to public ratings of the prison system. Table 17 reveals a common pattern across the three countries. Although the response options differ slightly, it seems clear that the public in all three countries have more confidence in the ability of prisons to incapacitate than to rehabilitate offenders.

<sup>15</sup> Although not directly comparable, the 2003 MORI survey results suggest a further decline in public confidence in the police. Only 9% of respondents were “very confident” that the police in England and Wales were doing a good job.

**Table 17. Public Ratings of prison system, three countries**

<i>Canada</i>					
	Good job	Average job	Poor job	Don't know	
Maintaining security	26%	32%	20%	21%	
Promoting rehabilitation	14%	32%	28%	26%	
<i>United States</i>					
	Excellent	Good	Fair	Poor	Don't know
Maintaining security	18%	49%	23%	8%	2%
Promoting rehabilitation	2%	12%	34%	48%	4%
<i>Britain</i>					
	Very confident	Fairly confident	Not very confident	Not at all confident	Don't know
Maintaining security	25%	64%	7%	1%	3%
Promoting rehabilitation	5%	39%	40%	9%	7%

Sources: Gallup (2000); MORI (2003); Tufts (2000)

## 6. Public Reactions to Criminal Justice Professions

Another way of exploring confidence in criminal justice is to compare public perceptions of different professions. Table 18 provides some context for the public levels of trust in criminal justice professionals in Canada. This table confirms once again the pattern of previous polls: the public has more trust in the police than in other criminal justice professionals. However, with the exception of lawyers, the percentage of the public with a high level of trust in the other criminal justice professionals was relatively high. Moreover, as will be discussed in the concluding section of this report, it is probably unrealistic to expect public confidence or trust ratings for criminal justice professionals to be as high as those associated with the health or educational professions.

**Table 18. Levels of trust in various professions (2000)**

	% of respondents expressing high level of trust in profession
Nurses	89%
Doctors	79%
Teachers	74%
<i>Police</i>	72%
Non-profit volunteers	63%
<i>Judges</i>	59%
<i>Prosecutors</i>	52%
NGO (full) employees	51%
Pollsters	50%
Religious leaders	49%
Business leaders	43%
Provincial civil servants	42%
Federal civil servants	37%
<i>Lawyers</i>	34%
Journalists	34%
Union leaders	24%
Politicians	19%
Lobbyists	14%

*Source: Ekos Research Associates (2000)*

Table 19 confirms the hierarchy of professions from a 1993 survey. The percentage of the public expressing a great deal of trust in the police was much higher than the percentage with this level of trust in judges or lawyers.

**Table 19. Levels of trust in selected professions (1993)**

	% expressing a “great deal of trust” in profession
Doctors	48%
<i>Police Officers</i>	48%
Teachers	45%
Priests and Ministers	30%
<i>Judges</i>	27%
Journalists	15%
<i>Lawyers</i>	11%
Politicians	4%

*Source: Angus Reid (1993)*



## Discussion and Conclusions

### Explaining Low Levels of Public Confidence in Justice

This review of recent polls that have explored public opinion and the criminal justice system has revealed that levels of public confidence in justice in Canada are not particularly high. This finding must be seen in context however. There are a number of reasons why it is unreasonable to expect confidence or performance ratings of criminal justice to match those associated with other public institutions.

#### *Different Mandates*

A typical finding in the international literature (see Hough and Roberts, 2004b) is that the justice system generally attracts poorer ratings, and lower levels of public confidence, than the health care system, the educational system or the armed forces. This pattern also emerges when people are asked to rate specific professions: nurses, educators and military personnel receive higher ratings from the public than lawyers, judges or members of the parole board. However, it must be recalled that the professions listed all share a mandate to help or protect members of the public. Judges, however, must discharge multiple mandates, one of which is ensuring that defendants receive a fair trial. Similarly, prosecutors must act in the public interest, which may not always mean proceeding with a prosecution, or launching an appeal against acquittal or sentence.

As well, as Kritzer and Voelker (1998) note (in relation to courts in Wisconsin), that: “It is not surprising that courts generate dissatisfaction: they are associated with unpleasant things such as criminals, injuries, divorces, and the like. Many, perhaps most, people are probably as likely to choose voluntarily to go court as they are to choose to have their wisdom teeth extracted.” (p. 59). The mission of the criminal justice is not *primarily* to help victims, but rather to promote public safety and impose appropriate punishments. It is therefore probably inappropriate to make comparisons between confidence in the justice system and confidence in the health system, where the well being of the member of the public entering the system is the primary goal.

#### *Public Perceptions of Criminal Justice Professionals*

Members of the public often overlook the complex roles of some criminal justice professionals. For example, many people assume that Crown counsel “represent” the victim in the way that defence counsel represent the accused (Roberts, 2002). The public tends to subscribe to a “crime control” rather than a “due process” model of justice; many people express impatience and frustration with procedural safeguards, or constitutional protections for suspects. In short, the professional mandate of people working in the justice system effectively ensures that they will be rated less positively than professionals working in the health care or educational system.

The police have a mandate more consistent with the perspective of the public. Police officers protect society and assist in criminal prosecutions by collecting evidence. These functions are ones with which the public can easily identify, and this explains in large measure the discrepancy in public confidence levels between the police and the other criminal justice professionals.

### *Relative Visibility of Criminal Justice Professionals*

There is also a more mundane explanation of the high public approval ratings of the police. Police officers are the most visible criminal justice professionals. The public sees them on a daily basis, usually performing some useful function assisting members of the public by regulating traffic flow or attending scenes of accidents. Judges perform their duties in courtrooms in which few members of the public are ever present. Parole board members are even further removed from the public eye. These professions come to the attention of the public through media coverage, usually when a decision has been taken that strikes a reporter as being in some way controversial. Small wonder then that public ratings of judges, prosecutors and parole board members are less positive than ratings of the police.

### *Victimization Trends and Perceptions of Crime Trends*

Another constraint upon public confidence ratings of the criminal justice system concerns crime trends and perceptions of those trends. The 1999 GSS found that one quarter of all respondents experienced some form of criminal victimization in the previous 12 months (Besserer and Trainor, 2000). The International Crime Victimization Survey (ICVS) results from 2000 demonstrate that Canada's victim-reported crime rate was higher than most other countries participating in the survey (Besserer, 2002; Figure 1).

In addition, the public has an overly pessimistic view of crime trends. Although Canada recorded 10 consecutive years of declining crime rates over the period 1991 to 2001 (Wallace, 2004), in 2002, less than one Canadian in ten believed that rates had declined. Approximately a third believed that rates had actually increased (Ipsos-Reid, 2002).

### *Images of Justice*

Finally, it is also important to consider what comes to peoples' minds when they think about the justice system. When asked about criminal justice, the "top of the head" issues are sentencing, prisons and parole. These branches of the system are both the most visible and the least popular with the public. This fact must have an influence on the ratings provided by the public when they are asked to respond to the "system as a whole". Ratings of courts and corrections tend to bring down global ratings of the justice system. For this reason alone it is important to explore public reaction to specific branches of the system as well as ratings of the entire system.

### **Causes of Low Confidence**

As noted in the introduction, there is a relationship between knowledge levels and confidence levels. Most Canadians subscribe to a number of misperceptions about the problem of crime and the nature of the criminal justice response. Specifically, many Canadians:

- Perceive crime rates to be constantly increasing;
- over-estimate recidivism rates;
- perceive the criminal justice system is tilted in favour of suspects, accused persons and offenders;

- under-estimate the severity of sentences imposed;
- believe that sentencing patterns are more lenient in Canada than elsewhere;
- over-estimate the proportion of offenders who are granted parole;
- over-estimate the rate of re-offending by offenders on parole.

These misperceptions – all based on inaccurate media representations of crime and justice – undoubtedly contribute to undermining public confidence in the criminal justice system and the professionals who run the system. When asked why they have little or no confidence in the justice system, most Canadians respond by citing aspects of sentencing and parole. Focus group research conducted in 2003 found that “people generally felt that sentences were much too short” (Angus Reid, 2003, p. 14). A great deal of public opinion research has been conducted in Canada over the past 20 years, and that research reveals widespread disenchantment with sentencing practice (or perceived sentencing practices).<sup>16</sup>

Another cause of low confidence in criminal justice is Canadians’ perceptions of the extent to which the government is concerned about the problem of crime. In 1997, a poll conducted for the federal government posed the following question: “*How would you compare the federal government’s attitude towards crime with your attitude towards crime? Is the federal government much more concerned about crime than you are, somewhat more concerned, somewhat less concerned, much less concerned or as concerned as you are?*” Approximately one-quarter of the sample believed that the government was as concerned as they were. However of those who felt there was a gap in levels of concern, people were much more likely to believe that the government was less concerned (20% felt the government was more concerned, 50% felt that the government was less concerned about crime than they were; Palmer, 1997).

### **Attempts to Improve Public Confidence**

Several countries have launched initiatives to improve public confidence in the administration of justice (see Hough and Roberts, 2004b, for further information). The most frequent first step towards developing a strategy has been to convene a national or international conference on the subject, at which key stakeholders are present. Such conferences have been held in Belgium, Australia, the United States, and among other jurisdictions. It is important to note, however, that none of these initiatives has been formally evaluated; we do not know how effective they have been in achieving higher levels of public confidence.

The U.S. has generated the most activity in terms of the issue of public trust or confidence in justice. More surveys addressing the issue exist here than in any other country. The findings from these surveys, conducted at the national and state level, have stimulated a diverse range of activities designed to respond to what is perceived to be a crisis in public confidence in the justice system, particularly the criminal courts. The most frequent initiatives across the United States have included the following:

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<sup>16</sup> Research in Canada and elsewhere has demonstrated that most members of the public underestimate the severity of sentencing trends. This is part of a general public perspective on criminal justice that sees the system as more lenient than is in fact the case (see Roberts, 1995; Doob and Roberts, 1988).

*Citizen Advisory Committees:* In California, a special task force was created to develop proposals for initiating and enhancing court and community collaboration on a statewide and local level. This resulted in a comprehensive report and handbook (see [www.courtinfo.ca.gov/programs/community/handbook.htm](http://www.courtinfo.ca.gov/programs/community/handbook.htm)). In South Carolina, the Bar organized a series of Citizen Summits on justice that led to a statewide conference in 1998.

*Court Sessions on the Road and in School:* In Arizona, the court travels across the state to hold sessions followed by community discussions. In Wisconsin, the “Justice on Wheels” program gives people around the state the chance to hear oral arguments in court. In Minnesota, the Supreme Court hears oral arguments “on the road” in schools. This program reaches more than 4,000 students each year.

*Educational Programs:* In Kansas, the Supreme Court works with the state Bar Association to develop and co-ordinate law-related public education projects.

*Public Awareness Programs:* The Nevada Trial Lawyers’ Association conducts a People’s Law Program to educate the public about legal issues. In Utah, the Public Outreach Committee (composed of members of the court system and Bar) co-ordinates and sponsors a number of public forums.

*Media Outreach:* Several state court systems have developed media outreach programs. For example, the Colorado judicial branch in conjunction with the Colorado Bar Association organizes seminars and workshops for media personnel. In Tennessee, Vanderbilt University holds daylong “law for journalists” sessions. The purpose of these initiatives is to improve public confidence in justice by enhancing the quality of media coverage.

*Judicial Outreach:* One of the most common initiatives across the U.S. involves members of the judiciary participating in public meetings. The State court system in New York provides judges as speakers to a wide range of community meetings. In Wisconsin, there is a Judicial Speakers Bureau with over 100 participating judges who attend community group forums. In Arkansas, “Meet Your Judges” programs are held during which members of the public have the opportunity to question judges.

*Enhancing Public Input:* Many states hold formal consultations with members of the public. In Arizona, a series of Citizen summits have been held at which the views of the community are solicited. In California, 57 of 58 trial courts have completed a strategic plan based upon community input. A court-user survey has also been implemented in Orange County. The results of the survey are used to assist the court in its long term planning. In Oregon, a statewide “Citizens’ Justice Conference”, entitled “Building Trust and Confidence in the Justice System through Citizen Involvement” was held. It attracted community members from across the state to identify and discuss justice problems and priorities, as well as to recommend solutions.

*Website Enhancements:* In recent years, all states have enhanced their websites to provide more information to members of the public. The District of Columbia Bar created a website in 1999, and reports that since then the response from the public has been overwhelmingly positive. Many state court systems that provide electronic versions of judgments also include a Citizen page for information

(e.g., [www.nccourts.org](http://www.nccourts.org); the website for North Carolina courts). Some states such as Washington provide a specific page devoted to public trust and confidence ([www.courts.wa.gov/programs](http://www.courts.wa.gov/programs)). This site provides information on public trust activities in each county of the state.

*Regular Public Opinion Surveys:* Concern about public confidence has also led to an increase in the frequency of public opinion surveys out of recognition that regular measurement of public opinion can provide a useful feedback mechanism to agencies such as local police forces. The information gained thereby can ensure that police-community initiatives can be tailored to specific community concerns (National Institute of Justice, 2003).

*Non-government Agencies in the U.S.:* All the examples discussed so far involve officials responsible for the administration of justice. However, NGOs also have become implicated in the effort to promote public confidence. For example, the American Bar Association, through its Division on Public Legal Education is active in promoting activities with public confidence as the goal. ABA passed a resolution in 1997 that this Division should “take the lead in the formation of a consortium of organizations dedicated to educating the public... and to (a) continue research into the causes of eroding confidence in the judicial and justice systems...and (b) develop and implement long-term educational programs.... focused on improving public confidence” (American Bar Association, 1997).

#### *Promoting Public Confidence in Justice in Alberta*

Although several western nations have launched initiatives to promote public confidence in justice, only one jurisdiction in Canada has attempted to improve the state of public confidence. In 1999, the Alberta government convened a “Summit on Justice” to address the issue. Prior to the summit, public meetings were held in 17 communities across the province and the results of these community consultations were provided to delegates at the summit. Key stakeholders as well as members of the public randomly selected from across the province were brought together to discuss findings from a survey of the public that explored public confidence in the justice system (see Alberta Justice, 1999). The government created a Steering Committee with the mission to “increase public confidence and community participation in the justice system”.

The Summit’s final report was released a few months later and contained 25 core recommendations that reflect eight themes advanced at the meetings. The first theme was “Improve public knowledge, education and awareness”. The Summit report notes that “A lack of knowledge, education and awareness among Albertans about the justice system was seen as a major barrier to improving the system...delegates felt improving knowledge and understanding of the system would eliminate a lot of frustration, fear and conflict” (Alberta Justice, 1999, p. 5). The recommendations with respect to the issue of public confidence include some specific items such as an ongoing review of the justice system be achieved through further summit meetings.<sup>17</sup>

Unlike many other jurisdictions where the confidence initiatives were “one-off” in nature, the Alberta government conducted a follow-up, and “reported back” to the populace about steps taken to implement the recommendations of the summit. A number of specific initiatives were undertaken under the theme of public knowledge, education and awareness.

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<sup>17</sup> Some recommendations were simply aspirational (e.g., “The justice system should change with the times to reflect the values and needs of society”; “The law and judicial process reflect the democratic will of Canadians”).



## Conclusions

Ultimately, what conclusion should be drawn from this review of recent polls that have examined public confidence in criminal justice? Is there a crisis in confidence among the public in Canada with respect to the justice system? “Crisis” may be a strong word, but public confidence levels cannot reasonably be described as high. Very significant percentages of the public express little or no confidence in the justice system. However, this conclusion must be accompanied by the following qualifications:

- confidence levels in criminal justice are no higher, and sometimes lower in other countries;
- levels of confidence are high for some branches of the justice system, namely the police;
- even for branches that attract relatively low levels of confidence (such as the courts), the public assign positive ratings for some functions;
- variation in confidence levels for elements of the justice system reflect in large measure the public’s “crime control” (rather than “due process”) perspective on criminal justice;
- despite rather negative perceptions of the system as a whole, and some branches in particular, levels of trust or respect for criminal justice professionals are high.

There is, however, no escaping the fact that some branches of the justice system suffer from a public image problem.

### *Some Recommendations*

Although a thorough examination of response options is beyond the scope of the present paper, a number of steps can be taken to address the problem of low public confidence in justice.

- A consolidation of all existing polls that have explored the issue is necessary. At present, no single repository of public opinion polls exist. Other jurisdictions have for some time maintained such a database. For example, in the US, the online “Sourcebook of Criminal Justice Statistics” contains a section on public attitudes to justice. This section contains the latest findings from polls in the area of criminal justice, including surveys of public confidence. What is needed is for a single government Department, Ministry or Agency to take carriage of the problem. Alternatively, a database could be created and maintained at a University. This is necessary in order to address the critical question of whether (and where) public confidence is declining.
- Surveys should also explore Canadians’ reactions to crime and the criminal justice response at the local and national level.

- Better co-ordination of efforts to promote public confidence in the administration of justice. There are many federal, provincial, territorial and non-governmental partners that can contribute in this regard although some leadership is required to ensure a co-ordinated effort. It might be worth considering creation of a committee involving stakeholder departments to explore specific options to improve public confidence in the administration of justice.
- All other western nations have held a national or international conference to which key stakeholders (including members of the public) have been invited. An initiative of this kind focuses attention on the problem and has resulted in positive outcomes in a number of jurisdictions. A conference of this nature should be held in Canada. Alberta is the only jurisdiction in Canada that has undertaken such a step (see above). At present, considerable government resources are being consumed measuring public confidence in justice – four national surveys have been commissioned within the past couple of years. Perhaps it would be worth investing in attempting to improve levels of confidence.
- Attempts to increase public confidence in the justice system should focus on the branches of the system that attract the lowest confidence ratings, or where performance ratings are poorest. Many of the initiatives reviewed here (see earlier sections of the report) focused on the courts, but improving the “face” of the correctional system (including the parole process) would appear to be a higher priority at present.

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