

Sentencing Matters

Predictors of Confidence: Community Views in Victoria

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Preface

Public confidence in the courts is important because it is inherently related to the concept of judicial independence, a basic tenet of our democratic system and the rule of law (American Bar Association, 1999, p. xiii).

This report is the fourth in a series¹ on community views about crime, courts and sentencing.² It presents evidence about the predictors of confidence in the courts and sentencing in a random sample of 1,200 Victorians.³

This report shows that members of the Victorian public are moderately confident in their courts and in judges' ability to impose appropriate sentences. Some people are more confident than others, with several factors underlying confidence in the courts and sentencing. People who are less punitive, who are more accepting of information presented by the media and who do not perceive crime to be increasing have the highest levels of confidence in the courts and sentencing. Higher levels of confidence are also evident among those with a higher income and younger respondents.

The prominence of the attitudinal factors highlights the connections among confidence in sentencing, punitiveness and knowledge of crime. These connections have implications for the ways in which the courts and the criminal justice system more generally tackle the question of public confidence.

Public confidence in the criminal justice system is a high priority for governments in many western countries, with public education and information campaigns, court media liaison officers, accessible websites, large national conferences and public surveys all contributing to efforts to promote confidence in the administration of justice. Understanding the drivers of confidence in the courts and sentencing is another important facet of these efforts. With greater understanding come greater opportunities for developing initiatives to improve public confidence.

Given the strong constellation of factors identified in this report, any attempt to improve public confidence in the courts will, of necessity, need to consider levels of public punitiveness and people's perceptions of crime as well.

Introduction

Confidence in the courts is critical to the legitimacy and effective functioning of the criminal justice system. All government institutions require some level of support among the community, but confidence in the courts is arguably one of the most important for society. The public has a 'central function in the administration of justice' (Wood, 2009, p. 33): without confidence, people may be less willing to participate as jurors or witnesses, or indeed to bring their conflicts to the court in the first instance. Lack of confidence may lead to lack of compliance with court decisions in areas such as civil litigation or domestic disputes. Taken to its extreme, lack of confidence could lead to 'individualised justice', in which the system is circumvented through vigilantism or bribery (Benesh and Howell, 2001, p. 200).

Surveys measuring levels of public confidence in the criminal justice system have found that public trust and confidence are at critically low levels around the world (Roberts and Hough, 2005). In particular, research comparing confidence levels across various agencies within the criminal justice system has consistently found that the public has the most confidence in the police and the least in the courts and prisons (Hough and Roberts, 2004, p. 18). When asked why they have little confidence in the courts, people typically cite lenient sentencing.

Some researchers have described this as a 'crisis of confidence' in the courts (for example, Mattinson and Mirrlees-Black, 2000, p. 47). While it is difficult to determine if any given level of public confidence is objectively acceptable, there is consensus among researchers and policy-makers in many countries that current trends in confidence are a cause for some concern (Roberts and Hough, 2005, p. 49). Recognition of the urgency of addressing this crisis has led to attempts to promote public confidence and to ensure that the system does not lose touch with the community that it serves.

Given the potential implications for the criminal justice system of poor confidence in the courts, it is imperative to seek to understand the factors that underlie low levels of confidence. Understanding the factors that are related to confidence is the first step in any attempt to address lack of confidence in the system. However, there is little published scientific evidence from Victoria that identifies the factors associated with public confidence in sentencing. This report attempts to contribute to the research literature by examining the results of a survey of 1,200 randomly selected Victorians about a range of crime and justice issues.

¹ In its first report, the Sentencing Advisory Council found that people were strongly supportive of increasing the use of alternatives to imprisonment, in particular, for young, mentally ill and drug-addicted offenders. In its second report, the Council found that people preferred rehabilitation as the most important purpose of sentencing for young offenders, first-time offenders and burglary offenders, but preferred punishment as the most important purpose of sentencing for adult offenders, repeat offenders and serious assault offenders. Thus like judges and magistrates, respondents tailored their preferences to the circumstances of the specific case before them. The third report showed that perception of crime was a key factor in predicting levels of punitiveness: people who believed that crime had increased were more likely to hold punitive views.

² Sections of this paper include direct replications of material from the first of the Council's papers (Gelb, 2011a) as the same information – in particular, on the methodology of the study – is provided in each report.

³ A sample size of 1,200 gives a margin of error of $\pm 2.9\%$. Details about the sample are found on page 7.

Research into public perceptions of sentencing

One of the statutory functions of the Sentencing Advisory Council is to gauge public opinion about sentencing matters.⁴ To this end, in 2008 the Council joined a national survey of public perceptions of sentencing, funded by the Australian Research Council. The research, led by First Chief Investigator Professor Geraldine Mackenzie,⁵ was designed as the first-ever Australia-wide representative survey of public perceptions about crime, courts and sentencing. The longitudinal research design comprised four separate phases, including three surveys and one series of focus groups, in order to examine people's changing perceptions over time.⁶

The Council contributed additional funding to the national survey, allowing an extra sample to be obtained in each of the three surveys. This additional sample was drawn exclusively from Victoria to allow the Council to examine the causes and correlates of public perceptions at a greater level of detail.

The last of the three surveys – and the final phase of the research as a whole – was completed in mid 2010. Since that time the Council has prepared a series of short reports on the findings of the Victorian component of the research, each analysing a single aspect of the survey data.

This report is the fourth in this series. It presents analyses of data that were collected in the first survey, from late 2008 to mid 2009.

⁴ *Sentencing Act 1991* (Vic) s 108C(1)(d).

⁵ The other Chief Investigators for this research are: Dr David Indermaur, Professor Rod Broadhurst, Professor Kate Warner, Dr Lynne Roberts and Nigel Stobbs. Dr Caroline Spiranovic is Research Assistant on the project.

⁶ Further detail on the methodology and design of the research will be published by the Chief Investigators in peer-reviewed journals.

Previous research

Public confidence in the courts has been operationally defined in a number of ways. Some researchers have asked respondents about their trust in courts, while others have focused on confidence. Some have concentrated their questions on a single part of the criminal justice system, while others have asked respondents about the criminal justice system as a whole. Yet other researchers have compared levels of confidence across a wide range of public institutions, providing a context against which to interpret ratings in justice.

Regardless of the methodologies employed, research has consistently shown that public trust and confidence in the courts are especially low, and are lower than public confidence in the police (Hough and Roberts, 2004, p. 18). Recent Australian research has highlighted the 'evaporation effect' that exists, with levels of confidence decreasing from police to courts to corrections (Indermaur and Roberts, 2009, p. 4). While it may be unreasonable to expect levels of confidence in justice to match those in other institutions such as health care and education, especially given the different (and complex) mandate that the justice system has, the differential in levels of confidence has nonetheless been of major concern for governments around the world (Roberts, 2007, p. 162).

Within this context, a substantial body of literature has developed that examines levels of confidence in the courts and that attempts to understand the drivers of public confidence.⁷

Australian studies

There has been little research in Australia that examines the issue of confidence in the courts. The main national source of data has been the Australian Survey of Social Attitudes, a biennial mail-out survey that measures social attitudes and behaviours over time.

Using national data from the 2003 Australian Survey of Social Attitudes, Indermaur and Roberts (2005) found that 13% of people had 'a great deal' of confidence in the police, while 57% had 'quite a lot' of confidence in police in their own state or territory. In comparison, views of the courts were far less supportive: 46% of people reported that they had 'not very much' confidence in the courts and legal system, and a further 24% had 'no' confidence in the courts and legal system. The authors recognised the potential implications of this lack of confidence in the courts and the legal system, suggesting that it 'casts a shadow over their legitimacy' (Indermaur and Roberts, 2005, p. 152).

⁷ This overview of the literature on confidence in the courts is partly drawn from the Sentencing Advisory Council's earlier work in this area (Gelb, 2008).

In a subsequent analysis of data from the 2007 Australian Survey of Social Attitudes, Indermaur and Roberts (2009) once again found lower levels of confidence in the courts than in police. Confidence in prisons was even lower, illustrating the evaporation of confidence as one moves through the criminal justice system. Their analysis showed that most people had had little direct contact with the criminal courts (only 5% having had some contact), while about four in 10 respondents had had some contact with the police in the year prior to the survey. This familiarity with the police may at least partly explain the more favourable ratings (Indermaur and Roberts, 2009, pp. 3–4). People who had had some contact with the courts reported higher levels of confidence, as did younger respondents. Lower confidence was reported among those who preferred harsher sentences. There were no differences between men and women in confidence in the courts (Roberts and Indermaur, 2009, pp. 18–19).

On a state level, the Courts Administration Authority in South Australia commissioned a survey in 2000 of about 1,000 people to identify their levels of confidence in the South Australian courts. The survey was repeated in August 2006, allowing for comparisons over time (Square Holes, 2006).

The findings from the 2006 survey showed that about 70% of respondents reported having confidence in the state's courts (similar to the results in 2000), placing the courts behind the police (93% having confidence), the medical profession (92%), the public school system (72%) and the state government (71%). Despite the large proportion of people feeling confident in the courts, only about half of all respondents reported that they knew at least a little bit about the courts. Thus people had an opinion about the courts despite knowing little about them (Square Holes, 2006).

Confidence in the courts also has immediate relevance to perceptions of sentencing severity. Surveys from several countries, such as the British Crime Survey, have consistently found a strong relationship between ratings of confidence in the courts and perceptions of severity: people who report that sentences are too lenient have significantly less positive views of sentencers (Hough and Roberts, 1998; Mattinson and Mirrlees-Black, 2000; Hough and Roberts, 2004). This relationship between general perceptions of leniency in sentencing and confidence was found in research undertaken by the Sentencing Advisory Council on the predictors of punitiveness (Gelb, 2011c), which showed the close relationship between confidence in the courts and sentencing and people's levels of punitiveness: people who had more confidence in the courts tended to be less punitive. This relationship was statistically significant even when other factors measuring perceptions of crime, worry about crime and opinions about sentencing were included in a multivariate model. Thus general punitiveness has also been found to be related to low levels of confidence in the courts and sentencing.

Studies in other countries

Research on confidence in the courts has been far more common in other countries around the world, especially in the United States, Canada and the United Kingdom, than in Australia.

In examining the drivers of public confidence in American courts, Benesh (2006) found that experience with the courts and perceptions of procedural fairness affect people's confidence in the courts. Using data from a 1999 survey of almost 2,000 people across the United States, Benesh found that people with experience as defendants or plaintiffs were much less supportive than were those without any experience or those with experience as jurors. People who reported that they knew more about the courts were more likely to feel confident in them, as were people who had higher levels of education. Support for the courts was also higher among people who believed in the fairness of judges and courts (Benesh, 2006, p. 703).

In an earlier report on data from the same 1999 survey, Bennack (1999) found that there was substantial variation in people's levels of confidence in various social institutions in the United States. The medical profession garnered the highest ratings, with 45% of people reporting a 'great deal' of confidence. For local police, 43% of respondents had a great deal of confidence. While 32% of people reported a great deal of confidence in the United States Supreme Court, local courts did more poorly, with only 23% reporting a great deal of confidence in the courts in their community (Bennack, 1999, p. 12). Bennack found that people with higher incomes and more education reported greater confidence in most of the institutions examined (Bennack, 1999, p. 13).

To understand Canadians' attitudes towards the criminal justice system, Tufts (2000) analysed data from the 26,000 respondents aged 15 and over who were surveyed in the 1999 Canadian General Social Survey. Tufts found that public confidence in the courts was lower than confidence in local police forces. Less than one-quarter (21%) of respondents felt that the courts did a good job in determining guilt, while only 15% thought that the courts did a good job of helping the victim and 13% believed that the courts did a good job in providing justice quickly. The highest rating was for procedural justice: 41% of respondents believed that the courts did a good job in ensuring a fair trial for the accused (Tufts, 2000, p. 3).

Tufts continued her analysis to examine the factors associated with low levels of confidence in the courts. Overall, men were more likely than women to hold positive attitudes towards the courts, as were younger people aged between 15 and 24. People with less than a high school education were more favourable towards the courts, as were those who were more

satisfied overall about their personal safety. Inconsistent results were found based on a person's contact with the criminal justice system, and there was no effect of one's victimisation status or one's residential location (rural versus urban) (Tufts, 2000, pp. 4–6).

In an earlier study that used data from the 1993 general Social Survey, Sprott and Doob (1997) examined a further dimension and its relationship to attitudes to the courts. In their analysis of more than 10,000 Canadians, Sprott and Doob (1997) found that fear of crime was significantly related to evaluation of the courts: as the level of fear increased, so did the proportion of respondents who rated the courts negatively. Of those in the lowest fear group ('none'), 27.6% rated the courts relatively poorly. In contrast, 52.6% of those in the highest fear group ('very high fear') rated the courts negatively. No clear relationship was found between victimisation status and attitudes to the courts (Sprott and Doob, 1997, pp. 284–285).

The authors suggested that people rated the courts negatively as they believed that the courts did not fulfil their stated purpose of addressing crime: 'motivated by fear, these respondents want the institutions that take responsibility for crime to do something about it' (Sprott and Doob, 1997, p. 287).

Studies conducted in the United Kingdom have found similar results. A 2003 survey of around 2,000 people aged 16 and over in England and Wales found that, overall, 47% of respondents were very or fairly confident with the criminal justice system at a national level. Confidence in the national criminal justice system was lower among victims of crime (42%) and witnesses (43%). Younger people aged 16–34 were more confident (61%) than older people aged 55 and over (36%), and those who had no experience with the police were more confident (49%) than were those who had had some contact with the police (42%) (Page, Wake and Ames, 2004, p. 3).

In their review of the international literature on confidence in justice, Hough and Roberts (2004) note Sherman's (2002) identification of three domains that affect public confidence in justice:

- the practice of the justice system and the professionals who work therein;
- changing values and expectations of the culture the system serves; and
- the images of the criminal justice system projected by the media.

Sherman (2002) argues that there has been a rise in egalitarianism in modern cultures around the world, with associated challenges to the legitimacy of a variety of forms of social hierarchy. As equality has spread, political culture has

shifted from a hierarchical democracy to a more egalitarian one. Sherman posits that people may experience the conduct of judges and the procedures of the criminal justice system as overly authoritarian and thus inconsistent with modern culture. Increased expectations of greater respect and recognition from government, combined with a lack of change in the culture of the justice system itself, have led to a lack of trust and confidence in the courts (Sherman, 2002, p. 25).⁸

To Sherman's list, Hough and Roberts (2004, p. 80) add two additional domains:

- public knowledge of crime and criminal justice; and
- experience with the system, as a witness, juror or crime victim.

Based on the research literature, Hough and Roberts contend that 'there is little doubt that low levels of public knowledge about the criminal justice system are associated with low confidence' (Hough and Roberts, 2004, p. 80). Research has shown that most people believe that the crime rate is increasing, regardless of actual trends. As the primary function of the justice system is considered to be the control of crime, this misperception cannot help but undermine confidence in the effectiveness of the criminal justice system (Hough and Roberts, 2004, p. 81). Indeed, research has shown that people who have the least accurate perceptions of the nature and prevalence of crime are less likely to have a positive view of sentencers (see, for example, Hough and Roberts, 1996; Hough and Roberts, 1998).

Unlike the consistent findings of the relationship between public knowledge and public confidence, the findings with regard to experience with the courts have been more equivocal. While earlier research showed that contact with the courts was related to lower levels of confidence, more recent research has resulted in a more sophisticated understanding: the nature of the experience will determine levels of confidence. That is, a person who has been treated with respect and sensitivity – regardless of whether appearing as a witness or serving as a juror – would be more confident in the justice system. It is thus the nature of the contact, rather than the fact of the contact per se, that influences ratings of confidence (Hough and Roberts, 2004, p. 83).

Finally, Hough and Roberts (2004) discuss the role of the media in influencing public confidence in justice. Media emphasis on violent crime, a lack of coverage of statistical trends to place incidents in context and a focus on street crime and failures of the system all encourage a public perception that both the volume and seriousness of crime are getting worse. This perception, in turn, undermines confidence in the criminal justice system (Hough and Roberts, 2004, p. 83).

Summary

In summary, it is clear from the research literature that levels of confidence in the courts should not be expected to be high: one of the most consistent findings in this area is that ratings of satisfaction with, and confidence in, the courts are consistently lower than ratings for police, and are objectively rather poor.

Studies that examine the correlates and causes of confidence in the courts have found few consistent results. One of the findings that does emerge consistently is that people who believe that crime is increasing are likely to be less confident in the courts. This has been linked in the literature with the role of the media in shaping people's understanding of the nature and prevalence of crime.

Of the demographic factors examined in the research literature, the only consistent finding seems to be that younger people have higher levels of confidence in the courts than older people. The relationship between experience with the courts in general and confidence is unclear, and there is no clear relationship between victimisation and levels of confidence. Inconsistent results have been found for other demographic factors, such as income and education.

The first working hypothesis for this research is thus that the levels of confidence reported by the survey respondents will not be high. In terms of predictors of confidence, it is hypothesised that perception of crime will be a significant predictor in the model, and possibly measures of media use. Finally, given the Sentencing Advisory Council's earlier work on the predictors of punitiveness, it is also hypothesised that this factor will be related to confidence in the courts and sentencing.

⁸ Recent research has shown an increased interest in the role of emotions in government responses to the lack of trust and confidence in criminal justice policy. For example, Loader (2011) discusses a 'partial eclipse' of a system administered by experts, independent of democratic pressures, by one that has become 'more populist in style and punitive in substance'. As public discourse on crime has assumed a 'high emotional charge', governments have responded to public anxieties and anger by seeking to 'give voice and effect to, rather than temper, the impassioned demands of citizens' (Loader, 2011, p. 347).

The Australian Research Council–Sentencing Advisory Council study: methodology

Data collection

The data collection involved a survey⁹ of 1,200 Victorians from December 2008 to the end of April 2009 using Computer Assisted Telephone Interviewing (CATI) technology. The sample was drawn from the Electronic White Pages, and numbers were dialled using random digit dialling. Respondents were English-speaking adults aged 18 or older who were not part of difficult-to-contact populations, such as homeless people.

Table 1 shows the characteristics of the 1,200 Victorians in the sample.

Despite being a random sample of the Victorian population, the survey sample is not entirely representative of the Victorian population from which it was drawn. Two differences of note are found in the sample's age and education status.

The survey sample is considerably older than the Victorian population: the median age of the adult Victorian population aged 18 and older at the 2006 census was 44 years (Australian Bureau of Statistics, 2007), while the median age of the survey sample was 54 years. It is likely that this difference is due, at least in part, to the nature of telephone survey methodologies in general: this survey technique typically yields a somewhat older sample (Steel, Vella and Harrington, 1996), especially with the increasing proportion of young people who rely solely on mobile telephones and who are thus not captured in sampling frames such as the Electronic White Pages.

This older age profile could potentially influence the findings of the survey analysis, as research has shown a negative bivariate correlation between confidence and age, with older people being less confident in the courts and sentencing (see, for example, Tufts, 2000; Page, Wake and Ames, 2004). It is thus possible that the age profile of this particular sample might result in lower levels of confidence being found in this analysis.

Table 1: Sample characteristics

Characteristic	Sample
Gender	
% female	45.7
% male	54.3
Age (years)	
Mean	64.5
Median	54
Range	18–90
Education	
% with some tertiary education	48.0
Income	
% lower	19.3
% middle	70.0
% upper	10.7
Residential location	
% metro	54.7
% rural	28.3
% regional	16.2
% remote	0.8
Politics	
% left	32.1
% middle	33.4
% right	34.5
Personal experience with the courts	
% yes	31.4
% no	68.6

⁹ The mean duration of the interview was 15 minutes and 37 seconds, while the median was 14 minutes and 37 seconds. The survey instrument was designed to constrain the duration to less than 20 minutes, in acknowledgement of the respondent burden that a longer survey entails.

In addition, the survey sample is more highly educated than the Victorian population as a whole: 39.8% of Victorians aged 15 years and older at the 2006 census had completed a tertiary qualification, compared with 48.0% of the survey sample having undertaken at least some tertiary education. However, the median number of years of education for this sample was 13 years, and the mean number of years of education was 13.59. Thus a person located at the midpoint of the sample in terms of number of years of education has completed high school, but has not completed a tertiary degree. In addition, the skewness of the sample was only 0.48, indicating a very small skew towards the lower end of the scale (towards fewer years of education). The median and mean values for education, and the small positive skew value, all indicate that the sample will not present biased estimates of the results.

The other characteristics of the survey sample cannot be directly compared with broader Victorian population data due to differences in question wording and response grouping (for example, the census asked people for their actual income, while the survey asked people to classify themselves as upper, middle or lower income). Nonetheless, it is contended that this analysis presents a fair representation of 'public opinion'.¹⁰

Measures

Dependent variable: confidence

The primary variable of interest in this analysis is a scale measuring respondents' confidence in sentencing.

Confidence was measured via a scale of seven items (mean = 19.70, SD = 5.62), with a Cronbach's alpha¹¹ of 0.84, meaning that the scale had very good reliability. The development of this measure (and indeed, all of the measures in the study) was the result of an intensive process of both theoretical development and quantitative testing with an initial pilot study.

The individual items that were combined to form the scale were as follows:

- The individual judge is the best person to choose an appropriate sentence for each case.
- I am satisfied with the decisions that the courts make.
- I have confidence that judges impose an appropriate sentence most of the time.
- Judges are in touch with what ordinary people think.
- How confident are you that the penalties or punishments given to offenders are appropriate?
- How confident are you that the courts are effective at giving punishments which fit the crime?
- How confident are you generally in the courts and the legal system?

The first four items were measured on a five-point Likert scale, ranging from 1 = 'Strongly disagree' to 5 = 'Strongly agree'. The final three were measured on a different scale, with 1 = 'Not at all confident', 2 = 'Not very confident', 3 = 'Neither', 4 = 'Fairly confident' and 5 = 'Very confident'.

The individual item responses were added to compute a scale score for each respondent, with a possible score ranging from 7 to 35. Higher scores on the scale indicate a higher level of confidence in sentencing.

¹⁰ The characteristics of this sample of 1,200 randomly selected Victorians are consistent with the characteristics found in the larger national research project from which these data were obtained. The national sample includes 6,005 randomly selected people from each state and territory across Australia. The characteristics of this sample are also consistent with those of the smaller sample of 300 randomly selected Victorians found in the Sentencing Advisory Council's earlier analyses of community views on alternatives to imprisonment and community views on purposes of sentencing (see Gelb, 2011a; Gelb, 2011b).

¹¹ Cronbach's alpha is a commonly used measure of the internal consistency or reliability of a psychometric test that assesses how well the items in a scale are all measuring a single, underlying construct.

Independent variables: socio-demographic characteristics

The following socio-demographic and background characteristics were measured for each participant in the survey:

- gender;
- age (in years);
- education completed (in years);
- income (self-assessed as lower, middle or upper);
- residential location (self-assessed as metropolitan, rural, regional or remote);
- politics (self-assessed 0–10 scale of left/right);
- experience with the criminal justice system (yes or no); and
- media use (commercial/tabloid or non-commercial/broadsheet).

Independent variables: attitudinal variables

This survey was designed to cover a range of theoretically relevant variables, based on the existing literature in the field.

Several scales were created to measure a variety of constructs that are theoretically relevant to the study of public opinion about sentencing. Table 2 describes the characteristics of the scales used in the analysis (see Appendix A for a description of each of the constructs underlying these scales).

Table 2: Scale characteristics

Scale name	Number of items	Scale mean (SD)	Cronbach's alpha
Evaluation of the media	5	11.25 (3.52)	0.83
Perception of crime	3	11.62 (2.25)	0.71
Worry about crime	3	4.91 (2.08)	0.68 ^a
Punitiveness	7	23.97 (5.60)	0.84
Confidence	7	19.70 (5.62)	0.84

^a Although the social science literature typically uses a Cronbach alpha level of 0.70 as the cut-off for 'acceptable' scale reliability, this value alone does not provide an entirely accurate assessment of a scale. Cronbach's alpha is a function of the number of items in a scale: a scale with only a small number of items (such as the 'worry about crime' scale) will have a better average inter-item correlation than a larger scale with the same alpha value (Cortina, 1993). While the scale with the alpha value just below 0.70 is less than optimal (George and Mallery, 2003), it is considered in the current context to be of sufficient value to be included as a scale measure in this analysis.

Results

Distributions for individual confidence items

Given the ubiquity in the research literature of the finding that people have low levels of confidence in the courts and sentencing, this analysis begins with an examination of the distribution of responses for each item in the confidence scale. This will provide a more detailed picture of people's attitudes to the courts and sentencing and will allow a more direct comparison between the findings of this study and those from the research literature. Each of the items from the scale is thus examined in turn below (see Appendix B for the frequency tables for these items).

The individual judge is the best person to choose an appropriate sentence for each case

Responses to this question about judicial discretion were almost precisely evenly divided. A small proportion (8.4%) of respondents neither agreed nor disagreed, but 45.9% disagreed and 45.8% agreed that judges were best placed to choose appropriate sentences. This question clearly leads to quite polarised views.

I am satisfied with the decisions that the courts make

This general question more closely approximates those questions used in surveys of satisfaction and confidence in the courts in other jurisdictions. The distribution of responses to this question is consistent with other surveys: 57.3% of people disagreed that they are satisfied with court decisions, compared with only 28.4% being satisfied. A larger proportion (14.4%) than in the first question had no firm opinion on the matter.

I have confidence that judges impose an appropriate sentence most of the time

Despite the majority of people not being satisfied with court decisions, more than half of the respondents (53.7%) agreed that they have confidence that judges impose an appropriate sentence most of the time. Four in 10 people disagreed (40.0%), while a small proportion (6.3%) did not commit to either response.

Judges are in touch with what ordinary people think

Responses to this question were the most polarised. Fully 63.8% of respondents disagreed that judges are in touch with what ordinary people think, with only 22.8% agreeing and 13.3% remaining in the middle.

How confident are you that the penalties or punishments given to offenders are appropriate?

Using a different turn of phrase and thus a different response set, this question (and the following two questions) asked people about their levels of confidence in various aspects of the courts.

About six in 10 people (59.0%) were either not at all confident or not very confident that appropriate penalties are imposed on offenders, with the remaining 39.9% being fairly or very confident.

How confident are you that the courts are effective at giving punishments which fit the crime?

With similar wording to the previous question, this question produced similar results: 56.5% of people were not confident that the courts give punishments that fit the crime, while 42.4% of people were confident in the courts' ability to choose proportionate sentences.

How confident are you generally in the courts and the legal system?

In contrast, a majority of respondents (59.0%) were generally confident in the courts and the legal system as a whole, with 39.9% reporting a lack of confidence.

Distribution of confidence in sentencing

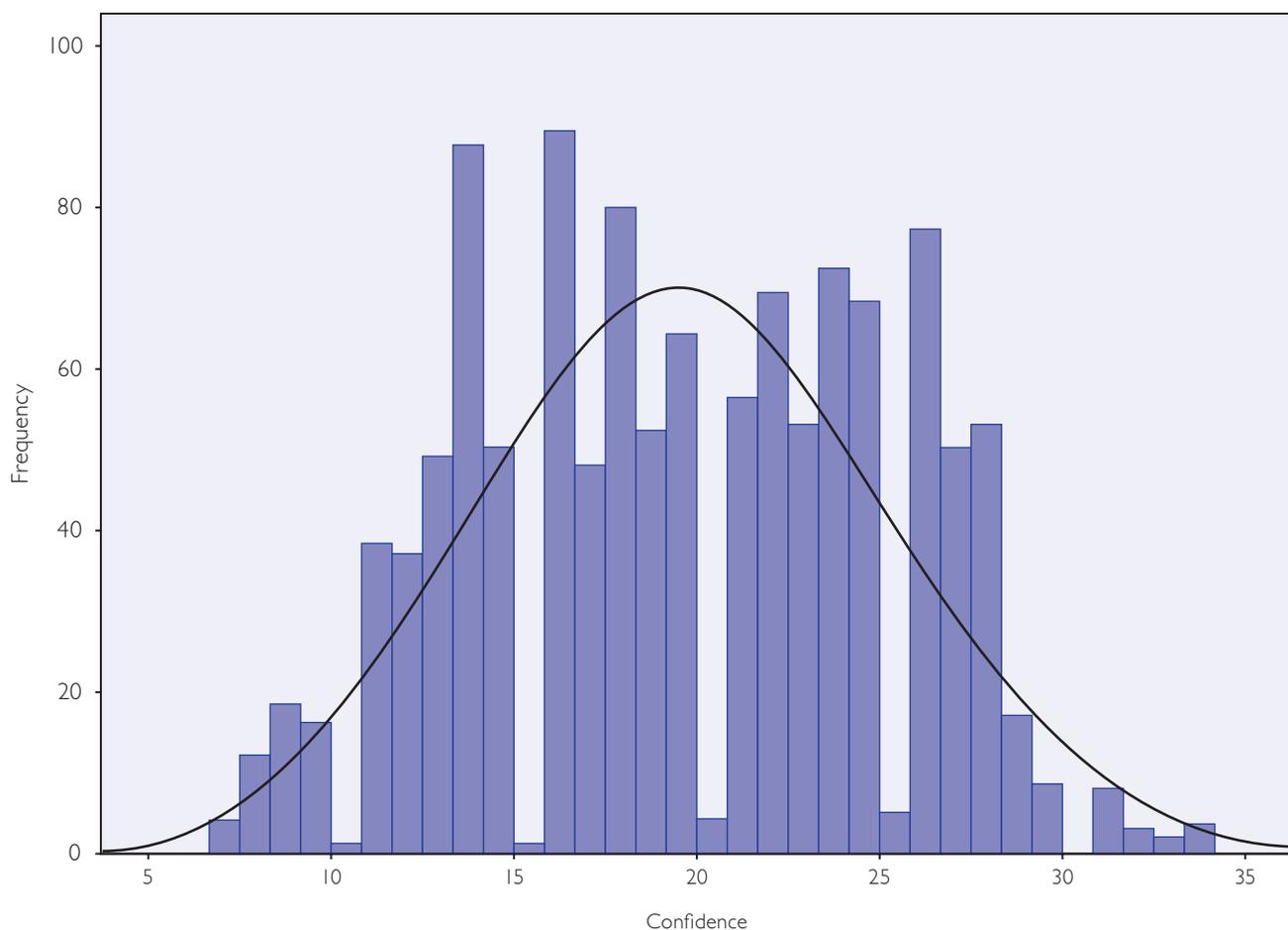
Turning to the confidence scale as a whole, the 1,200 participants in this survey could be classified as having 'moderate' confidence in sentencing. Responses on the confidence scale ranged from a low of 7 to a maximum of 34, with a mean of 19.70 (SD = 5.62). The most commonly occurring score on the scale (the mode) was 16, while the percentile scores were as follows:

- 25th percentile = 15;
- 50th percentile = 20 (the median, or the score below which half of all responses fall); and
- 75th percentile = 24.

Figure 1 illustrates the distribution of responses on the confidence scale. It shows that the distribution was very close to normal. That is, responses on the confidence scale were essentially normally distributed across the possible range of responses.

The distribution of responses on the confidence scale for this sample of 1,200 is very similar to that found in the national research funded by the Australian Research Council. In a comparison of confidence in sentencing in each state and territory across Australia, Roberts, Spiranovic and Indermaur (forthcoming) used a sample of 6,005 randomly selected respondents to determine if there were any jurisdictional differences in attitudes to sentencing. The authors found that Victorian scores on the confidence scale were not significantly different from those in the other states and territories, except for Western Australia (which had lower levels of confidence in sentencing than did Victoria). The mean confidence score for Victorians in the Australia-wide analysis was 20.38, which is very similar to the mean score found for this sample of 1,200 people (19.70).

Figure 1: Distribution of responses on the confidence scale



Bivariate relationships

This section examines the relationships between various socio-demographic and attitudinal variables and confidence in order to understand the types of people who are more or less confident in sentencing.

The first step in the analysis, presented below, involved identifying the strength of the unique bivariate relationship between each of the independent variables and the dependent variable (confidence). This analysis was conducted in order to identify those variables that were statistically significantly related to confidence, for further analysis. The second step, discussed in the following section, involved multivariate analysis to identify significant predictors of confidence in sentencing, taking into account all the other variables in the model.

Bivariate correlations were first calculated for each of the continuous variables¹² (presented in Table 3). For the categorical variables – gender, education (tertiary), income (lower), region (metro), media use (commercial/tabloid) and experience with the courts – independent-samples t-tests¹³ were conducted to compare the mean scores on the confidence scale in each variable's groups.

Table 3 contains the values of the bivariate correlations between each of the socio-demographic and attitudinal variables¹⁴ and the confidence scale.¹⁵ The table shows that all of the attitudinal variables were significantly correlated with the confidence scale, as were the two demographic variables (age and politics).

Table 3: Relationship between continuous socio-demographic and attitudinal variables and the confidence scale

Measure	Correlation with confidence scale
Age	-0.058*
Politics	-0.140**
Evaluation of the media	0.218**
Perceptions of crime	-0.368**
Worry about crime	-0.221**
Punitiveness	-0.534**

* = Relationship is statistically significant at the $p < 0.05$ level.

** = Relationship is statistically significant at the $p < 0.01$ level.

¹² Correlations are used for identifying the strength of relationships between two continuous variables (scales).

¹³ The t-tests are used for identifying the strength of relationships between a continuous variable and a categorical variable with two groups.

¹⁴ See Appendix A for a description of, and coding guide for, each attitudinal variable.

¹⁵ The confidence scale was coded such that a higher value indicated higher levels of confidence.

The scale that was most strongly correlated¹⁶ with the confidence scale was punitiveness: people who were more punitive had less confidence in sentencing ($r = -0.534$).

A moderate correlation was found between confidence and perceptions of crime ($r = -0.368$). Thus people who believed that crime had increased had significantly lower levels of confidence in sentencing.

Finally, confidence in sentencing had small correlations with two of the scales and two of the demographic measures. People who worried less about crime¹⁷ ($r = -0.221$) and those who were more accepting of information in the media ($r = 0.218$) had higher levels of confidence in sentencing (this latter, unexpected finding is further addressed in the discussion of the multivariate relationships, in the following section). Respondents' self-classification on the political spectrum ($r = -0.140$) and age ($r = -0.058$) also had small correlations with confidence, with people who were younger and those who positioned themselves to the left of the political spectrum scoring higher (more confident) on the scale.

Of the categorical variables examined in the t-tests, five showed statistically significant differences in mean scores on the confidence scale: experience as a victim of crime, media use, education, income and region.¹⁸ There were no significant differences in the mean confidence scores for gender or for general experience with the courts.¹⁹

¹⁶ There is no definitive guide to how large a coefficient should be before it is considered 'strong'. Cohen (1988) suggested the following: correlation coefficients of 0.10 are 'small', those of 0.30 are 'medium' and those of 0.50 and above are 'large' in terms of their effect sizes (Cohen, 1988, pp. 77–81). However, other distinctions have also been suggested. For example, Hemphill (2003) examined two large, diverse reviews of the psychological research literature and proposed the following cut-off points: less than 0.20, 0.20 to 0.30, and more than 0.30 (Hemphill, 2003, p. 78). Indeed, Hemphill suggests that 'the value Cohen used to represent a large correlation coefficient occurs somewhat infrequently in many key research studies in psychology and that a lower value might be warranted in some instances' (Hemphill, 2003, p. 79).

¹⁷ The questions in this scale asked people how 'worried' they have been about becoming a victim of violent crime, and how safe they have felt at home or in their neighbourhood at night. The word 'worry' is somewhat more emotive than the word 'concern', which is sometimes used to measure essentially the same construct.

¹⁸ Levene's test for equality of variances was not significant for any of these variables, such that equal variances were assumed for the t-test results.

¹⁹ While there were no significant differences in confidence between those who had general experience with the courts and those who did not, when victims ($n = 62$) were singled out for the bivariate analysis, significant differences in confidence were found.

Victimisation status

There was a significant difference in the mean scores on the confidence scale between those who had been a victim of crime²⁰ ($M = 17.54$, $SD = 5.85$) and those who did not classify themselves as a victim of crime ($M = 19.82$, $SD = 5.59$); $t(1,187) = 3.12$, $p = 0.002$. That is, people who had been a victim of crime had significantly lower levels of confidence in sentencing than did people who had no experience of victimisation.

Media use

There was a significant difference in the mean scores on the confidence scale between those who use non-commercial/broadsheet media ($M = 20.60$, $SD = 5.48$) and those who use commercial/tabloid media ($M = 18.86$, $SD = 5.63$); $t(1,187) = 5.40$, $p < 0.001$. That is, people whose main source of information was commercial/tabloid media were significantly less confident than were those who relied on non-commercial/broadsheet media.

Education

There was also a significant difference in the mean scores on the confidence scale between the two education groups, with respondents who had some level of tertiary education ($M = 20.71$, $SD = 5.66$) being significantly more confident than were those with no tertiary education ($M = 18.76$, $SD = 5.42$); $t(1,187) = -6.06$, $p < 0.001$.

Income

There was a significant difference in levels of confidence between the two income groups, with people who classified themselves as lower income ($M = 18.50$, $SD = 5.68$) being significantly less confident than those who classified themselves as being of middle or upper income ($M = 19.99$, $SD = 5.58$); $t(1,180) = 3.61$, $p < 0.001$.

Region

Finally, there was a significant difference in levels of confidence based on self-nominated region of residence. People who lived in a metropolitan area ($M = 20.03$, $SD = 5.68$) were significantly more confident than were people who lived outside a metropolitan area ($M = 19.30$, $SD = 5.54$); $t(1,186) = -2.23$, $p = 0.026$. However, the magnitude of the difference in mean confidence scores based on region, although statistically significant, was rather small.

²⁰ Respondents were initially asked whether they had any experience with the criminal justice system in general. If respondents indicated that they did have some experience, a follow-up question was asked to identify the capacity in which they had had contact with the system. From this follow-up question it was possible to identify those respondents who had been a victim of crime and to include this as a separate variable in subsequent analyses.

Multivariate relationships: predictors of confidence in sentencing

This section identifies significant predictors of confidence in sentencing, taking into account the effects of all the other variables being examined.

The predictors in each model were chosen on the basis of the bivariate relationships: only those variables that had a statistically significant relationship with the dependent variable were included in the model.

The predictors were entered in a hierarchical model, in the following three²¹ blocks:

1. Background variables – demographic variables (age, politics, victimisation status, education, income and region) and media use variables (use of commercial/tabloid media and uncritical evaluation of the media).
2. Perception of crime variables – knowledge of, and attitudes towards, crime (perception of crime levels and worry about crime).
3. General punitiveness – a general measure of respondents' punitiveness.

These blocks were developed based on the research literature that shows that perception of crime is consistently a strong predictor of crime and justice attitudes, while demographic factors are related to crime and justice attitudes only inconsistently. In particular, media use is thought to influence fear/worry about crime and perceptions of crime levels, which in turn are thought to affect criminal justice attitudes more broadly.

General punitiveness²² is included in the model based on the findings from the Sentencing Advisory Council's research showing that confidence and punitiveness are strongly related (Gelb, 2011c). Figure 2 illustrates this theoretical model.

Table 4 (page 16) shows the results of the hierarchical linear regression analysis undertaken to predict responses to the scale measuring confidence in sentencing. The regression included all the variables that had significant bivariate relationships with the dependent variable.²³ The results are presented for each of the three models, as blocks of variables were entered sequentially.

²¹ This model varies from the model presented by the Council in its 2011 research paper *Predictors of Punitiveness: Community Views in Victoria* (Gelb, 2011c). In that paper, the third block included in the theoretical model predicting punitiveness included variables that measured opinions about courts and sentencing. These variables are not included in the current analysis, despite being statistically separate constructs from confidence in sentencing, as they are likely to be manifestations or indicators of the same underlying attitude. Thus to avoid possible circularity of argument, these measures have been omitted from the analysis in this paper.

²² Punitiveness was measured using the following questions: 'the death penalty should be the punishment for murder', 'people who break the law should be given stiffer sentences', 'the courts are too soft on offenders', 'the tougher the sentence, the less likely an offender is to commit more crime', 'rehabilitation is not taken seriously by criminals', 'high crime rates are mainly an indication or sign that punishments are not severe enough' and 'the most effective response to crime is to have harsher sentences'.

²³ The categorical variables were entered into the regression equation as dummy variables, coded 0 or 1. Thus victimisation status was coded as 0 = no, 1 = yes; education (tertiary) was coded as 0 = non-tertiary education and 1 = tertiary education; income (lower) was coded as 0 = upper/middle income and 1 = lower income; region (metro) was coded as 0 = non-metropolitan region and 1 = metropolitan region; and media use (commercial) was coded as 0 = non-commercial/broadsheet media and 1 = commercial/tabloid media.

Figure 2: Theoretical model underlying the hierarchical regression analyses

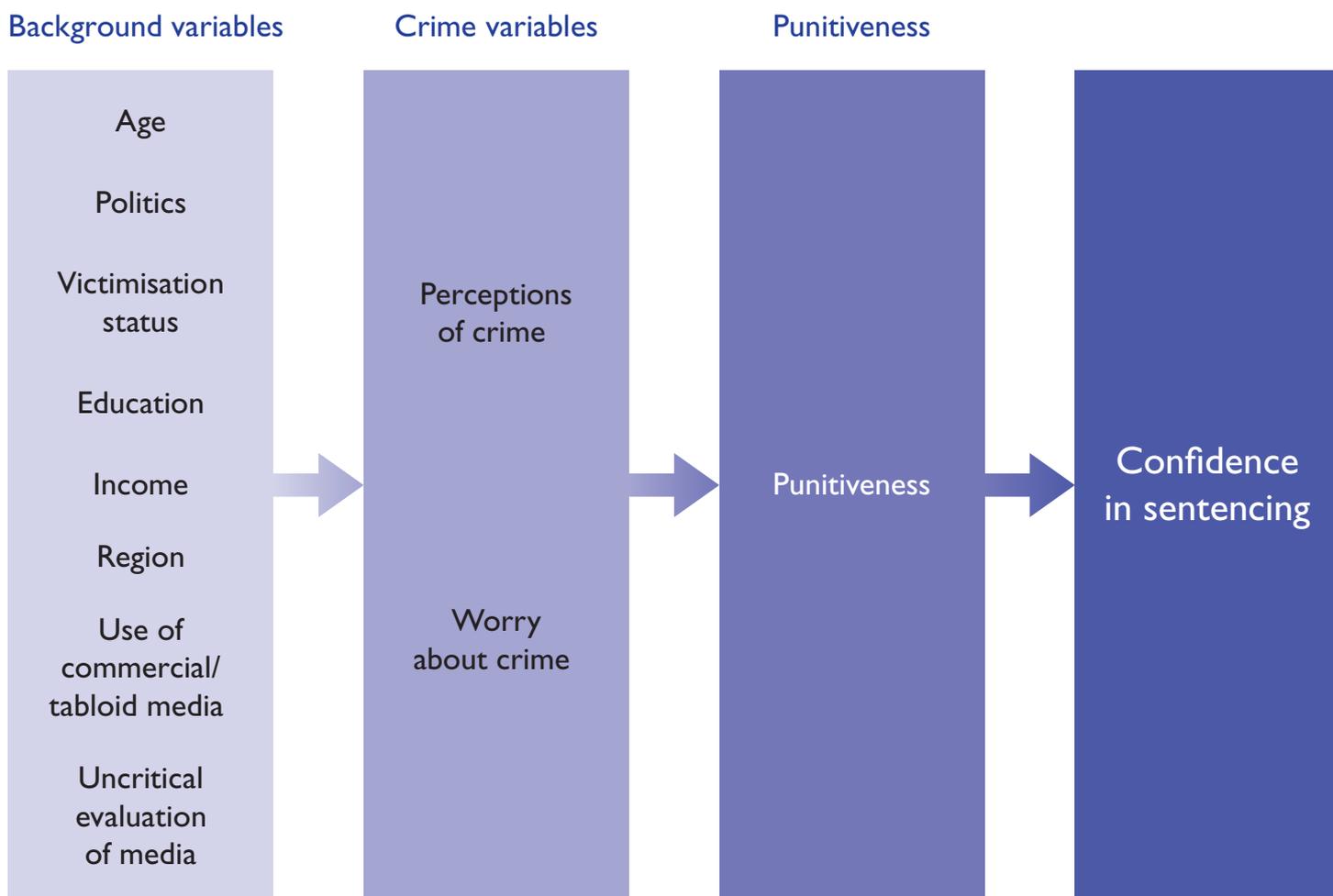


Table 4: Linear regression predicting confidence in sentencing scale

Step	Predictor	Unstandardised coefficients		Standardised coefficients		Significance	sr ²
		B	Standard error	Beta	t		
1	Background variables						
	Age	-0.003	0.002	-0.048	-1.706	0.088	0.002
	Politics	-0.235	0.062	-0.108	-3.770	0.000**	0.012
	Victim	-1.738	0.741	-0.067	-2.347	0.019*	0.004
	Education (tertiary)	1.504	0.328	0.135	4.586	0.000**	0.017
	Income (lower)	-1.230	0.408	-0.086	-3.013	0.003**	0.007
	Region (metro)	0.092	0.326	0.008	0.284	0.777	0.000
	Media use (commercial)	-1.445	0.326	-0.129	-4.437	0.000**	0.016
	Evaluation of media	0.365	0.045	0.231	8.098	0.000**	0.052
2	Background + crime variables						
	Age	-0.002	0.002	-0.042	-1.547	0.122	0.002
	Politics	-0.172	0.059	-0.079	-2.899	0.004**	0.006
	Victim	-1.240	0.704	-0.047	-1.762	0.078	0.002
	Education (tertiary)	0.703	0.319	0.063	2.207	0.028*	0.004
	Income (lower)	-0.818	0.389	-0.057	-2.101	0.036*	0.004
	Region (metro)	0.139	0.312	0.012	0.446	0.655	0.000
	Media use (commercial)	-0.971	0.312	-0.087	-3.115	0.002**	0.007
	Evaluation of media	0.326	0.043	0.206	7.608	0.000**	0.042
	Perception of crime	-0.657	0.073	-0.266	-9.045	0.000**	0.059
	Worry about crime	-0.317	0.077	-0.118	-4.147	0.000**	0.012
3	Background + crime + punitiveness variables						
	Age	-0.003	0.001	-0.050	-2.032	0.042*	0.002
	Politics	0.011	0.055	0.005	0.207	0.836	0.000
	Victim	-1.020	0.639	-0.039	-1.597	0.111	0.002
	Education (tertiary)	-0.145	0.295	-0.013	-0.491	0.623	0.000
	Income (lower)	-0.784	0.354	-0.055	-2.217	0.027*	0.003
	Region (metro)	-0.084	0.283	-0.007	-0.296	0.767	0.000
	Media use (commercial)	-0.091	0.289	-0.008	-0.316	0.752	0.000
	Evaluation of media	0.366	0.039	0.232	9.389	0.000**	0.052
	Perception of crime	-0.296	0.070	-0.120	-4.225	0.000**	0.011
	Worry about crime	-0.138	0.070	-0.051	-1.961	0.050	0.002
	Punitiveness	-0.462	0.030	-0.461	-15.323	0.000**	0.138

* = Relationship is statistically significant at the $p < 0.05$ level.

** = Relationship is statistically significant at the $p < 0.01$ level.

In the first step of the regression, the six demographic predictors and the two media variables were entered into the equation. This model predicted just under 12% of the variance in the scale (adjusted $R^2 = 0.118$). The strongest of the predictors in this initial model was evaluation of the media²⁴ (Beta = 0.231, $t = 8.098$, $p < 0.001$), accounting for more than 5% of the unique variance in the model ($sr^2 = 0.052$).²⁵ Thus people who were more accepting of information presented by the media were more likely to have higher levels of confidence in sentencing. This finding is somewhat unexpected and it is unclear why this may be the case. One possibility is that respondents who place trust in the media may be more trusting of social institutions in general, including the courts.²⁶ Thus people who trust the content of media reporting are more confident in courts and possibly other institutions as well. Alternatively, it is possible that respondents were evaluating media reporting as a whole, not just reporting related to courts and sentencing. A definitive explanation for this finding is beyond the scope of the survey itself.

In addition to the scale measuring people's evaluations of the media, the type of media use was also a significant predictor in the model (Beta = -0.129 , $t = -4.437$, $p < 0.001$; $sr^2 = 0.016$), with lower levels of confidence in sentencing found among users of commercial/tabloid media.

Of the demographic variables, the strongest predictor was education (Beta = 0.135, $t = 4.586$, $p < 0.001$; $sr^2 = 0.017$). Thus people with some tertiary education were more likely to feel confident in sentencing. Politics (Beta = -0.108 , $t = -3.770$, $p < 0.001$; $sr^2 = 0.012$) and income (Beta = -0.086 , $t = -3.013$, $p = 0.003$; $sr^2 = 0.007$) were also significant predictors in this model, with levels of confidence higher among people who

²⁴ The five questions comprising this scale asked respondents whether the news media are fair, tell the whole story, are accurate, are unbiased and can be trusted. A clear majority of respondents did not evaluate the media very positively: 63.4% disagreed that the media are fair, 85.6% disagreed that the media tell the whole story, 68.9% disagreed that the media are accurate, 80.2% disagreed that the media are unbiased and 70.7% disagreed that the media can be trusted.

²⁵ The squared semi-partial correlation (sr^2) is equivalent to the change in variance explained (R^2) when each individual variable is added into the model. It thus represents the amount of unique variance contributed by each individual variable in the model.

²⁶ Although not a direct test of this hypothesis, an analysis of the relationship between evaluation of the media and a measure of general trust in others – 'generally speaking, people can be trusted' – showed a statistically significant correlation between the two ($r = -0.126$). Thus people who were more accepting of information presented in the media were also more likely to believe that people in general can be trusted. This finding suggests at least some support for this hypothesis.

classified themselves as being on the left politically and those with a higher income. Victimization status was also significant in this first model, although less so than the other variables (Beta = -0.067 , $t = -2.347$, $p = 0.019$; $sr^2 = 0.004$). Thus people who have been a victim of crime were somewhat less confident in sentencing than were those without any experience of victimisation, although this effect was small. The only demographic variables in this initial model that did not attain statistical significance were age and region.

Adding the two predictors measuring opinions about crime increased the explanatory power of the model by 9% (R^2 change = 0.091), resulting in an adjusted R^2 of 0.208, meaning that the second model as a whole predicted 20.8% of the variance in responses to this scale. Both perceptions of crime (Beta = -0.266 , $t = -9.045$, $p < 0.001$; $sr^2 = 0.059$) and worry about crime (Beta = -0.118 , $t = -4.147$, $p < 0.001$; $sr^2 = 0.012$) were significant predictors in this second model, although the effect was far greater for perceptions of crime, which accounted for almost 6% of the unique variance ($sr^2 = 0.059$) in the model, than for worry about crime.

With the predictors measuring opinions about crime in the model, some of the demographic variables that were originally significant became non-significant. Victimization status was no longer significant in the second model, and education (Beta = 0.063, $t = 2.207$, $p = 0.028$; $sr^2 = 0.004$) and income (Beta = -0.057 , $t = -2.101$, $p = 0.036$; $sr^2 = 0.004$), while remaining statistically significant predictors of confidence, had weaker effects.

Politics remained a significant predictor in the second model (Beta = -0.079 , $t = -2.899$, $p = 0.004$; $sr^2 = 0.006$), although its effect was weak and the media use variables both had a stronger effect on confidence. Indeed, evaluation of the media was the second strongest predictor in the model (Beta = 0.206, $t = 7.608$, $p < 0.001$; $sr^2 = 0.042$), accounting for 4% of the unique variance in the model.

In the final model, adding the punitiveness scale increased the explanatory power of the model a further 14% (R^2 change = 0.139), resulting in an adjusted R^2 of 0.347, meaning that the final model as a whole predicted 34.7% of the variance in responses to the confidence in sentencing scale (adjusted $R^2 = 0.347$, $F(11) = 54.43$, $p < 0.001$). This model was thus very successful in predicting levels of confidence in sentencing.²⁷

²⁷ An adjusted R^2 of 0.347 is considered to be a large effect size in this type of research. Cohen (1988) proposed defining small effect sizes as those with an R^2 of 0.02, medium effect sizes as those with an R^2 of 0.13 and large effect sizes as those with an R^2 of 0.26.

Adding punitiveness into the final model had some interesting effects on the significance of the other variables. Punitiveness was by far the strongest predictor in the model, accounting for fully 14% of the unique variance in the model (Beta = -0.461 , $t = -15.323$, $p < 0.001$; $sr^2 = 0.138$). The next strongest predictor was evaluation of the media, whose unique contribution to the model increased to more than 5% (Beta = 0.232 , $t = 9.389$, $p < 0.001$; $sr^2 = 0.052$).

While worry about crime was no longer significant in this final model, perception of crime remained significant, with people who perceived crime as increasing having lower levels of confidence in sentencing (Beta = -0.120 , $t = -4.225$, $p < 0.001$; $sr^2 = 0.011$).

Of the demographic variables, politics and education were no longer significant in the final model. Only income remained significant, with higher confidence in sentencing found among those with a higher income (Beta = -0.055 , $t = -2.217$, $p = 0.027$; $sr^2 = 0.003$), although this effect was small and weaker than for the attitudinal variables. Finally, although its contribution to confidence in sentencing was also small, age became statistically significant in this third and final model, with older people being less confident in sentencing (Beta = -0.050 , $t = -2.032$, $p = 0.042$; $sr^2 = 0.002$). Both income and age, while statistically significant, had only very small effects on confidence.

Multivariate relationships: path analysis

The linear regression presented above provides information on the direct predictors of confidence in sentencing; that is, on the variables that have a direct effect on confidence, taking into account all the other variables in the model. However, there are sure to be indirect predictors of confidence as well: predictors that play a role in levels of confidence via other variables, following indirect paths.

In order to gain a more detailed understanding of the indirect pathways that predict confidence in sentencing, a path analysis was conducted.²⁸ While a path analysis does not definitively

²⁸ A path analysis allows both direct and indirect predictors of a variable to be identified, as well as the strengths of the various pathways. Essentially, a path analysis involves a series of linear regressions, predicting one variable at a time by changing it from an independent variable to a dependent variable and using the preceding variables in the theoretical model as predictors. The resulting path coefficients are the standardised regression coefficients (the beta weights). For example, to understand indirect paths to confidence that run via 'punitiveness', this variable becomes the dependent variable with all preceding variables in the 'crime' and 'background' blocks used as predictors.

establish the direction of causality (as it depends on the pre-specified model that has been proposed), it does provide estimates of the magnitude and significance of hypothesised causal connections among the variables. That is, once a model has been identified based on theoretical grounds, the strengths of the relationships among the variables in the models can be tested. The following discussion thus attempts only to identify which are the more important pathways in the model; causation is not inferred from this analysis.

As it is beyond the scope of this paper to identify in detail every one of the 21 statistically significant²⁹ pathways found for this model, instead a brief overview of the key points will be presented.

The strongest indirect path to confidence in the courts and sentencing began with education, running through perceptions of crime to punitiveness and finally to confidence. People with less education were more likely to have perceived that crime had increased (Beta = -0.211 , $t = -7.188$, $p < 0.001$). People who perceived that crime had increased were more likely to be punitive (Beta = 0.315 , $t = 11.756$, $p < 0.001$), while people with high levels of punitiveness had low levels of confidence in the courts and sentencing (Beta = -0.461 , $t = -15.323$, $p < 0.001$).

Six separate paths led to punitiveness, with these significant variables accounting for 34% of the variance in responses to the punitiveness scale (adjusted $R^2 = 0.340$). The strongest pathway to punitiveness was from perception of crime. Other significant pathways were found leading from politics, media use, education, worry about crime and evaluation of the media. Thus higher punitiveness was found for people who classified themselves as politically to the right, used commercial/tabloid media, had less education, were more worried about crime and were more accepting of information presented by the media.

There were also six separate paths leading to perceptions of crime, with these significant variables accounting for almost 11% of the variance in responses to this scale (adjusted $R^2 = 0.107$). The strongest pathway to perceptions of crime was from education, with less education being associated with greater perceptions of increasing crime. Other significant pathways were found leading from media use, politics, evaluation of the media, victimisation status and income. Thus a perception of crime as increasing was found more commonly among those who used commercial/tabloid media, positioned themselves to the right of the political spectrum, were less accepting of information presented by the media, had been a victim of crime and had a lower income.

²⁹ There were 21 paths that were significant at the $p < 0.05$ level in the path analysis.

Summary and discussion

The 1,200 randomly selected Victorians who participated in this survey were asked a variety of questions to measure their opinions on crime, courts and sentencing. By measuring a series of variables that are theoretically linked, the survey has allowed an analysis of predictors of confidence in the courts and sentencing based on relevant variables drawn from the research literature.

The key findings to emerge from this study are as follows:

1. People's responses to specific questions about the courts show some level of inconsistency. Despite only a quarter of respondents (28.4%) being satisfied with the decisions that courts make, more than half (53.7%) were confident that judges impose an appropriate sentence most of the time. While less than half the sample reported being confident that punishments are appropriate or fit the crime, almost six in 10 (59.0%) were confident in the courts and legal system more generally.
2. The 1,200 respondents to this survey had moderate levels of confidence in the courts and sentencing. On a possible scale of 7 to 35, the median score was 20.
3. Higher levels of confidence were significantly related to all of the attitudinal variables as well as most of the socio-demographic ones. In particular, higher confidence in the courts and sentencing was significantly related to the variables in the following ways:
 - a. people who were less punitive were more likely to have high levels of confidence;
 - b. people who did not perceive that crime levels had been increasing were more likely to have high levels of confidence;
 - c. people who worried less about crime were more likely to have high levels of confidence;
 - d. people who accepted information presented by the media were more likely to have high levels of confidence;
 - e. people who classified themselves as being to the left of the political spectrum were more likely to have high levels of confidence;
 - f. younger people were more likely to have high levels of confidence;
 - g. people who had some level of tertiary education were more likely to have high levels of confidence;
 - h. people who relied on non-commercial/broadsheet media as the main source of information were more likely to have high levels of confidence;
 - i. people who classified themselves as middle or upper income were more likely to have high levels of confidence;
 - j. victims of crime had lower levels of confidence than people without an experience of victimisation; and
 - k. people who lived in a metropolitan area were more likely to have high levels of confidence.
4. No significant differences in levels of confidence were found for gender or for general experience with the courts.
5. High levels of confidence were most significantly predicted by respondents' punitiveness: people who had low levels of punitiveness had high levels of confidence in the courts and sentencing.
6. Confidence was also significantly predicted by respondents' evaluation of the media and perceptions of crime: people who were more accepting of information presented by the media and those who did not believe that crime had increased had higher levels of confidence in the courts and sentencing.
7. Perception of crime also played a central role in the path model through its indirect effect on confidence in the courts and sentencing via punitiveness. People who perceived crime to have been increasing were more likely to be punitive. In turn, people who positioned themselves to the right politically, were less educated, had a lower income, who relied on commercial/tabloid media and who were less accepting of information presented by the media were more likely to perceive that crime had increased. In addition, victims of crime were also more likely to perceive that crime had increased.

These findings are broadly consistent with previous research on confidence in sentencing. In some respects, Victorians are more satisfied with judges than has been found in other countries. For example, 63.8% of respondents in this survey reported that judges are out of touch with what ordinary people think, compared with 82% of participants in the 1996 British Crime Survey reporting that judges were out of touch and 63% reporting that magistrates were out of touch with the community (Hough and Roberts, 1998, p. 16). Looking at overall levels of confidence in the courts and the legal system, 59.0% of respondents in this survey reported being fairly or very confident. This compares quite favourably with the findings from the 2003 Australian Survey of Social Attitudes, in which almost three-quarters of respondents (70%) reported not very much or no confidence in the courts and legal system (Indermaur and Roberts, 2005, p. 152).

The inconsistency found in people's responses to individual questions is not unusual. Only a quarter of respondents in this survey (28.4%) were satisfied with the decisions that the courts make, but more than half (53.7%) were confident that judges impose an appropriate sentence most of the time. This seemingly contradictory result has been found in studies asking about the police as well. For example, findings from the 2003 Australian Survey of Social Attitudes showed that only one-quarter of respondents believed that the police were free from corruption. Despite this, fully three-quarters of respondents maintained confidence in the police as a whole (Indermaur and Roberts, 2005, p. 152). Once again such findings illustrate the complexity of public opinion about crime and justice.

There are two main themes in the findings from this study. The first is that people's general punitiveness plays the most substantial and significant role in predicting confidence in the courts and sentencing. The second is that perceptions of crime play a central role in predicting confidence indirectly, through punitiveness.

The first major finding is consistent with studies from the United States, Canada and the United Kingdom that provide evidence of the link between public confidence and perceptions of leniency in sentencing. The second main finding is identical to the results from the Sentencing Advisory Council's work on the predictors of punitiveness, in that perceptions of crime play a central role, both directly and indirectly, in confidence in the courts and sentencing. In its earlier work, the Council found a strong relationship between punitiveness and confidence, so that the importance of perceptions of crime to both of these measures is not unexpected. Consistent with the earlier work, perception of crime is once again an important variable in understanding the indirect effects of socio-demographic and background variables on levels of confidence in the courts and sentencing.

In their analysis of data from the 1996 British Crime Survey, Hough and Roberts found that people who thought that sentences were too lenient were more likely to believe that judges were out of touch with society and were doing a poor job (Hough and Roberts, 1998, p. 20). Further analysis showed that people who believed that sentences were too lenient were also those who were particularly inaccurate in their perceptions of crime. Those who were most inaccurate in their perceptions of crime were also those who were least satisfied with the performance of sentencers. The authors concluded that public dissatisfaction with the courts and sentencing is grounded, at least in part, by a lack of knowledge of both sentencing practice and trends in crime (Hough and Roberts, 1998, p. 23).

Subsequent sweeps of the British Crime Survey have found identical results, consistently revealing a 'clear correlation' between attitudes to sentencing and confidence in the courts (Hough and Roberts, 2004, p. 51).

The results of this study clearly show the link between confidence in the courts and sentencing, punitiveness and perceptions of crime. This constellation of factors is consistent with Roberts and Indermaur's (2007) analysis of data from the 2003 Australian Survey of Social Attitudes. In their paper, the authors suggested that 'there is a strong constellation of beliefs about crime and justice that coalesce' to form a set of interrelated attitudes that are associated with other attitudes, beliefs, emotions and experiences (Roberts and Indermaur, 2007, p. 62).

It is useful to consider the findings of this analysis in the context of the Sentencing Advisory Council's earlier reports on community views of alternatives to imprisonment, views of the purposes of sentencing and predictors of punitiveness (Gelb, 2011a; 2011b; 2011c). The prominence of this constellation of factors – confidence in the courts and sentencing, punitiveness and perceptions of crime – is found throughout the series of reports and lends further support to one of the conclusions from the first report: 'there is a vast body of literature that has shown the (often circular) inter-connections among knowledge of crime, media use, confidence in sentencing and punitiveness' (Gelb, 2011a, p. 18). Thus any attempt to improve public confidence in the courts should, by necessity, consider levels of public punitiveness and people's perceptions of crime as well.

Acknowledgements

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Appendix A

Table A1: Description and coding for each attitudinal variable

Measure	Description	High score coding
Evaluation of the media	Measures degree of acceptance of information presented by media (or levels of media scepticism)	Greater uncritical acceptance of the media (or lower scepticism)
Perception of crime	Measures extent to which crime is thought to be increasing (knowledge of actual crime trends)	Greater perceived increases in crime levels
Worry about crime	Measures worry about becoming a victim of crime	High levels of worry about crime
Punitiveness	Measures a desire for harsher punishment of offenders	High punitiveness
Confidence	Measures confidence in the sentencing of criminal cases	High confidence

Appendix B

Table B1: Frequencies of responses to first four items from the confidence scale

	Strongly disagree	Disagree	Neither	Agree	Strongly agree
The individual judge is the best person to choose an appropriate sentence for each case	5.7	40.1	8.4	42.7	3.1
I am satisfied with the decisions that the courts make	14.0	43.3	14.4	27.1	1.3
I have confidence that judges impose an appropriate sentence most of the time	8.6	31.4	6.3	48.9	4.8
Judges are in touch with what ordinary people think	18.1	45.7	13.3	22.0	0.8

Table B2: Frequencies of responses to last three items from the confidence scale

	Not at all	Not very	Neither	Fairly	Very
How confident are you that the penalties or punishments given to offenders are appropriate?	13.9	45.1	1.1	37.5	2.4
How confident are you that the courts are effective at giving punishments which fit the crime?	11.9	44.6	1.0	38.9	3.5
How confident are you generally in the courts and the legal system?	8.7	31.2	1.1	53.2	5.8

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