



**PUBLIC KNOWLEDGE OF AND CONFIDENCE IN THE CRIMINAL  
JUSTICE SYSTEM AND SENTENCING**

**A REPORT FOR THE SENTENCING COUNCIL**

August 2019

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**ComRes**

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# 1. EXECUTIVE SUMMARY

In January 2018 the Sentencing Council commissioned ComRes to conduct a programme of research into public confidence in sentencing and the criminal justice system (CJS), with the following aims: to understand the public's knowledge of, and attitudes towards, the CJS, sentencing and sentencing guidelines; to help identify key audiences that the Sentencing Council may wish to target with its communications; to gain insights into the messaging and media appropriate to each key audience.

To achieve these objectives, ComRes used a mixed methods approach, comprising of a literature review, survey research, discussion groups with the general public and in-depth interviews with victims of crime. A media analysis was also carried out.

## **Confidence in the effectiveness and fairness of the CJS is mixed, and varies according to demographic factors, as well as involvement.**

Those with experience of the CJS were more likely to describe this contact as positive than negative, particularly in the case of Victim Support (64% positive vs. 6% negative). Responses were more mixed in the case of criminal courts (47% positive vs. 18% negative).

- Confidence in the effectiveness and fairness of the CJS was mixed: 52% of those surveyed reported that they were confident the CJS is effective and 44% said they were not, while 54% said that they were confident it is fair and 42% said they were not. There was some disparity between the results of this survey and the most recent Crime Survey for England and Wales (2017/18) in which 69% of respondents said they thought that the CJS is fair.
- Greater levels of confidence in the effectiveness and fairness of the CJS were evident among adults aged 18-34 (57% effective, 58% fair) and those in the highest socioeconomic grade (AB) (62% effective). Around half of those who had been victims of crime said that they were not confident in the effectiveness (53%) or fairness (49%) of the CJS, though a majority of victims reported that their experience of the CJS made them 'at least a little' more confident that it is effective (65%) and fair (54%).

## **A majority of the public said that sentences are too lenient, and perceived levels of understanding around sentencing terminology appear to be higher than actual understanding.**

- The survey indicated that nearly three quarters of the public (70%\*) thought sentences are too lenient (17%\* about right, 4%\* too tough). This view was more prevalent among adults aged 55+ (81%\*), those in the lower socioeconomic grades C2 and DE (75%\* and 74%\* respectively), White people (72%\*), and those educated up to school level and below (77%\*).
- Qualitative discussions indicated that media coverage was particularly influential in perpetuating the impression that sentencing is excessively lenient.
- Despite the fact that a significant majority of the public said that they were confident that they understand what 'statutory minimum sentence' (63%\*), 'statutory maximum sentence' (61%\*), and 'life sentence' (77%\*) mean, qualitative discussions found that understanding was far more limited in reality.

\* These data are from the second survey (see later discussion).

**A majority of the public are aware of sentencing guidelines, but again perceived knowledge of what these entail does not appear to translate into actual understanding.**

- In this research, two thirds of the public (64%) said they were aware of sentencing guidelines, although this is higher than the Crime Survey for England and Wales has previously found.
- Once again, qualitative discussions suggested that the awareness that survey respondents purported to have of sentencing guidelines may be more limited than they perceive it to be.
- Findings from this study corroborate previous studies which suggest that providing people with general information about sentencing guidelines improves confidence in the fairness of sentencing.

**Overall engagement with news is high among the English and Welsh public, which is both critical of and susceptible to emotive headlines and content.**

- Three quarters of the English and Welsh public (76%) find out about the news at least daily, and the majority do so by watching news and current affairs programmes (66%) such as BBC News (58%), as well as Facebook (44%) and local newspapers (30%).
- Qualitative discussions suggested that while the public is very capable of critiquing sensationalist and selective news coverage, it is precisely this kind of content that is likely to grab and keep their attention.

**Five key audiences were identified for targeted communications, as well as the specific media channels and messaging most likely to gain traction among each of them.**

- Messaging targeting **younger people** (18-34) and **BAME** (Black, Asian and minority ethnic) groups should prioritise improving understanding around sentencing and sentencing guidelines.
- Messaging targeting **older people** (55+) should prioritise improving confidence around sentencing and sentencing guidelines.
- Messaging targeting **people who have had contact with the CJS** should prioritise improving attitudes towards the sentencing process, guidelines, and factors.
- Messaging targeting **regions of the UK** should prioritise utilising local newspapers, and pay particular focus to the **North of England and Wales**, which are both associated with low confidence in the CJS.
- Two further groups were identified as potential targets, but would require further message testing: those from the lowest socioeconomic grade (DE) and those with school level education or below.

## **2. SUMMARY OF RECOMMENDATIONS**

### **Improve understanding of CJS and sentencing in order to increase public confidence.**

- Confidence in the effectiveness and fairness of the CJS, as well as awareness of sentencing guidelines, was higher among those who gained knowledge of the CJS through involvement with the criminal courts in some way.
- Results indicated that providing people with information about sentencing guidelines and specific cases improves their confidence in the fairness of sentencing, and tended to reduce perceptions that sentences are too lenient.

### **Continue to challenge negative coverage about CJS and sentencing.**

- Both qualitative and quantitative results confirmed the influence of media coverage of crime and sentencing on opinion formation around the CJS and sentencing, with the Daily Mail being identified as a particularly important source of negative coverage.
- The research suggested that framing messages about guidelines and sentencing around factors that the public sympathise most with, such as harm done to a victim or the seriousness of the crime, would be an effective way to challenge misconceptions or negative slants.

### **Focus on broadcast media to address sceptical views among older people.**

- Traditional broadcast media, and particularly TV and local newspapers, would be a particularly effective medium for messaging targeting older people (55+). Qualitative discussions suggested that communicating in clear and punchy language around anonymised case studies and about topical issues in sentencing could help tackle misleading information and narratives.

### **Use social media as an effective channel for education about sentencing to target younger people.**

- Social media channels such as Facebook and YouTube are ideal for reaching younger (18-34) people. To achieve maximum 'cut through', messaging should use clear and impartial language, and avoid overly technical or complex discussions of sentencing and sentencing guidelines.

### **Create a strategy for local newspaper coverage prioritising regions with lower confidence.**

- Given the high levels of public engagement with local newspapers, as well as the high reliance of these publications on press releases and Press Association articles, there is a real opportunity for the Sentencing Council to engage effectively with prominent local newspapers.
- This opportunity is particularly significant in specific regions where there are high levels of local newspaper readership as well as lower confidence in the CJS (e.g. the North West).

### **Provide tailored information about sentencing for victims of crime.**

- There is a clear opportunity for the Sentencing Council to do more to engage with victims of crime to ensure they feel more informed about the CJS and what to expect in relation to sentencing process, guidelines, and factors. As this research shows, this is a key opportunity for effective communication because victims are particularly likely to talk about sentencing with friends and family.
- Qualitative discussions suggested that communications could make effective use of story-telling, perhaps based on anonymised case studies, in order to contextualise

sentencing cases. However, it is important that any communication should adopt a tone that is supportive as well as explanatory.

**Use all research to develop and measure the impact of the Council's communications across all groups.**

- Future research can use this study as a marker to measure progress around communicating about the CJS, sentencing, and sentencing guidelines; to measure overall levels of public confidence in CJS; and to test messaging in further depth.

### 3. INTRODUCTION

The Sentencing Council was set up in 2010 and produces guidelines for use by all criminal courts. Under its legislative remit (the Coroners and Justice Act 2009), the Council has a duty to have regard to the need to promote public confidence in the Criminal Justice System (CJS) when preparing guidelines. Moreover, when monitoring the effect of its guidelines, the Council has a duty to consider their effect on the promotion of public confidence with the CJS.<sup>1</sup> In order to fulfil these duties around public confidence, it is important that the Council understands the views of the public and their level of understanding of issues related to sentencing and the wider system.

In January 2018 the Sentencing Council commissioned ComRes to conduct a programme of research into public confidence in sentencing and the CJS, with the following aims:

- To understand the public's knowledge of, and attitudes towards, the criminal justice system (CJS), and sentencing and sentencing guidelines in particular;
- To help identify key audiences that the Sentencing Council may wish to target with its communications;
- To gain insights into the messaging and media appropriate to each key audience.

The full methodology comprised of a literature review, survey research, discussion groups with the general public and in-depth interviews with victims of crime and a media analysis.

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<sup>1</sup> Coroners and Justice Act 2009, section 120(11) and section 128(2). See: <https://www.legislation.gov.uk/ukpga/2009/25/part/4/chapter/1>

## 4. METHODOLOGY

In February 2018, researchers began the project by conducting a short literature review of UK research about sentencing from 2008-2018. As well as covering core terminology and data sources, it focused on what has been published about public knowledge of and attitudes towards sentencing and the criminal justice system. It concluded with recommendations about how best to proceed with the Sentencing Council's own original research, in line with its duties around public confidence in sentencing.

Following the literature review, ComRes conducted an online survey of 2,000 adults in England and Wales. Respondents were recruited from an online panel using a diverse set of sources and a variety of recruitment methods in order to avoid bias. Fieldwork was carried out between 20 and 27 March 2018, with questions designed to understand the public's media and communications preferences as well as their experience of the criminal justice system, opinions about the system and sentencing, both in general and around specific offences or processes. The resulting data were weighted to be demographically representative of all adults in England and Wales by gender, age, region and socioeconomic group (SEG).<sup>2</sup> At the analysis stage, the data were cross tabulated and all differences were tested for statistical significance (95%) to tease out associations between experience or demographic characteristics and particular attitudes or knowledge. All of the differences between groups quoted in this report are statistically significant unless otherwise stated. Researchers also conducted key drivers analyses, using linear or logistic regression, to understand how multiple experiences or demographic features might combine to influence an individual's confidence in the criminal justice system, their views about sentencing and their knowledge of sentencing guidelines.

A year later, a short set of questions were re-run on an omnibus survey. The reasons for this were to test whether the timing and wording of some questions made a difference to responses, and to ensure that we had responses from a representative sample of BAME respondents, as the BAME sub-sample in the original survey had a younger age skew. The omnibus fieldwork was carried out between 15-19 March 2019 and full details of this sample and method are given in Appendix 1. For the most part, this report focuses on the findings from the initial study. Where the findings are from the second, omnibus survey, this is indicated with an asterisk (\*).

Two qualitative methodologies were applied, covering the same broad topics as the quantitative research. Eight group discussions with the general public aged 18 or over were carried out in four locations in England and Wales (London, Sheffield, Swansea and Liverpool); at the same time, researchers carried out twelve interviews with victims of crime, with nine interviews being spread across the same locations and three in Manchester. Participants were recruited through an agency and were chosen to fit specific criteria in order to achieve a good spread across discussion groups and interviews.<sup>3</sup> Potential participants were excluded if they worked for the CJS or had family or friends in the sector. Victims of crime were interviewed only if they had been a victim within the 18 months preceding interview and had reported the crime to the police or another agency. The sample was designed to ensure a spread of crimes among the victims, with experiences including being a victim of a hit and run driver, of racial abuse, as well as of burglary, assault, theft, criminal damage, harassment or stalking. Of these, two victims had

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<sup>2</sup> Throughout this report we refer to socioeconomic group or "SEG", with the main SEG categories being AB, C1, C2 and DE. Those in the AB category occupy higher or intermediate professional, managerial or administrative jobs; students or those in clerical or junior managerial, professional or administrative roles fall into the C1 definition. C2 comprises skilled manual workers and D semi- or unskilled manual workers. Those who are not in paid work, are homemakers or carers, are in casual work or are retired fall into the E category.

<sup>3</sup> Please refer to Appendix 1 for further detail on sampling for the qualitative study.

seen a defendant charged and taken through court proceedings, resulting in a sentence.<sup>4</sup> The others were either early on in the process of reporting and investigation, or there had been no success in identifying a culprit.

As well as discussing their understanding and opinions in general, participants in the group discussions and interviews were asked to comment on a range of stimuli (e.g. press cuttings of sentencing stories) to tease out understanding of and receptivity to different communication styles. Group discussions and interviews were transcribed and the themes from those transcripts were used to create a framework for analysis. All quotations from the transcripts have been anonymised.

It should be noted that the research took place around the date of 25-year anniversary of Stephen Lawrence's death, on 22 April 2018. It also coincided with developments, heavily covered in the media, around the case of John Worboys, who was convicted of charges including rape, sexual assault, assault and drugging in 2009. These topics were brought up in the course of the qualitative research and may also have affected the views of those participating in the online survey.

A media analysis was also carried out as part of this project. This examined the quantity, content and style of media coverage of sentencing issues and sentencing guidelines over a two-month period (1 February to 31 March 2018), with the aim of informing the Sentencing Council's future engagement with the media. The media analysis is referred to at the end of this report but has not been published alongside it.

More detail about the sample, method and analysis is included in the technical note appended to this report (see Appendix 1).

## **Glossary of key terms used in the report**

### **Community sentence / community order**

A community sentence can be imposed as punishment and/or to rehabilitate. It can include one or more of 13 requirements on an offender. This could be carrying out up to 300 hours of unpaid work, which might include things like removing graffiti or clearing overgrown areas.

### **Custodial sentence**

Imprisonment is the most severe sentence available to the courts. Not all offences carry a custodial sentence. Even when they are available, custodial sentences are reserved for the most serious offences and are imposed when the offence committed is "so serious that neither a fine alone nor a community sentence can be justified for the offence" (section 152(2) of the Criminal Justice Act). There are a number of different types of prison sentence available to a court. A custodial sentence can be immediate, or suspended (see below).

### **Custody rate**

The proportion of offenders in a population sentenced to immediate custody.

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<sup>4</sup> The fact that only two of the twelve victims had seen the defendant charged and taken through court proceedings was not a deliberate sampling decision, rather it reflects the difficulties experienced in recruiting victims who met the criteria within a relatively short period of time.

## **Defendant**

A defendant is a person accused of committing a crime in criminal prosecution

## **Legal precedent**

In common law legal systems, a precedent or authority is a legal case that establishes a principle or rule. This principle or rule is then used by the court or other judicial bodies when deciding later cases with similar issues or facts.

## **Mandatory life sentence**

Parliament has decided that judges must give a life sentence to all offenders found guilty of murder. The judge will set a minimum term an offender must serve before they can be considered for release by the Parole Board. The offender will only be released once they have served the whole of the minimum term and if the Parole Board is satisfied that detaining the offender is no longer necessary for the protection of the public. If released, an offender serving a life sentence will remain on licence for the rest of their life. They may be recalled to prison at any time if they are considered to be a risk to the public. They do not need to have committed another offence in order to be recalled.

## **On bail**

If a defendant is released on bail at the police station, having been charged, they are able to go home (or to an agreed address) until their court hearing. After this first hearing, they may be given bail until their trial begins. There may be conditions attached to bail (such as not to go to a particular area or not to contact potential witnesses).

## **On licence**

Offenders will normally spend half their sentence in prison, and the rest on licence in the community. Being on licence means offenders have to obey certain rules, which could include wearing an electronic tag which restricts where they can go. If they don't follow the rules, they can be sent back to prison.

## **On parole**

The Parole Board is an independent body that assesses the risks of releasing prisoners and decides whether they can be safely released into the community. An offender who is released on parole is released under supervision (on licence) before the end of their sentence.

## **On remand**

If the police do not release an accused person on bail, they will be held in police cells until their hearing at a magistrates' court. After this first hearing, the court will decide whether to release the defendant on bail or remand them to prison until the case is dealt with. A defendant who has previously been given bail but does not comply with the conditions may be put on remand.

## **Probation**

Being on probation means an offender is serving a sentence but not in prison. This may be because they are serving a community sentence or have been released from prison on licence or parole.

### **Statutory maximum sentence**

This is the highest sentence which has been set by Parliament for a given crime.

### **Statutory minimum sentence**

For a small number of offences, Parliament has set a minimum sentence. This is the shortest term of imprisonment for a given crime.

### **Suspended sentence**

When a court imposes a custodial sentence of between 14 days and two years (or six months in the magistrates' court), the court may choose to suspend the sentence for up to two years. This means that the offender does not go to prison immediately, but is given the chance to stay out of trouble and to comply with requirements set by the court.

### **Unconscious bias**

Unconscious bias refers to a bias that an individual is unaware of, and which happens outside of their control. It is an automatic bias triggered by the brain making quick judgements and assessments of people and situations, influenced by the individual's background, cultural environment and personal experiences.

## 5. KNOWLEDGE OF AND ATTITUDES TOWARDS THE CRIMINAL JUSTICE SYSTEM (CJS)

- The survey found that confidence in the effectiveness and fairness of the CJS was mixed overall: 52% of those surveyed reported that they were confident the CJS is effective and 54% said that they were confident it is fair, while 44% and 42% were *not* confident in its effectiveness or fairness respectively.
- Confidence varied by demographic groups: younger adults, BAME adults and those in AB social grades were more likely than other groups to have confidence in the effectiveness of the CJS. Also, younger adults and ABs were more likely than other demographic groups to say that their experience of the CJS improved their confidence in its effectiveness and fairness.
- Those who have had contact with the CJS were far more likely to say their experience was positive rather than negative. A majority of victims said that their experience of the CJS made them 'at least a little' more confident that it is effective (65%) and fair (54%).

This is the first of three sections which explore knowledge of, understanding of and attitudes towards the criminal justice system, sentencing and sentencing guidelines. All draw on the results of the online survey of 2,000 adults in England and Wales conducted by ComRes in Spring 2018, which explored attitudes towards the criminal justice system, sentencing and sentencing guidelines. All quantitative data cited are derived from this survey, unless otherwise stated. Qualitative data are drawn from group discussions with the general public and in-depth interviews with victims of crime, which explored the same topic. Where relevant, references are made to the findings of previous studies identified as part of the initial literature review.

This first section focuses on knowledge of, understanding of and attitudes towards the criminal justice system (CJS). It begins by looking at the contact the public has with the CJS, before examining the public's attitudes towards the CJS, and specifically the extent to which people say that they are confident that the CJS is effective and fair. Finally, it looks at variation in attitudes towards the CJS, and the factors that are most influential in this respect.

### 5.1 KNOWLEDGE OF THE CJS

#### Contact with the CJS

Of the main criminal justice agencies, members of the public surveyed as part of this study were most likely to have been in contact with the police (47%) and the criminal courts (24%).<sup>5</sup> Only 7-10% of the public surveyed had been in contact with Victim Support, Probation Services or Witness Support.

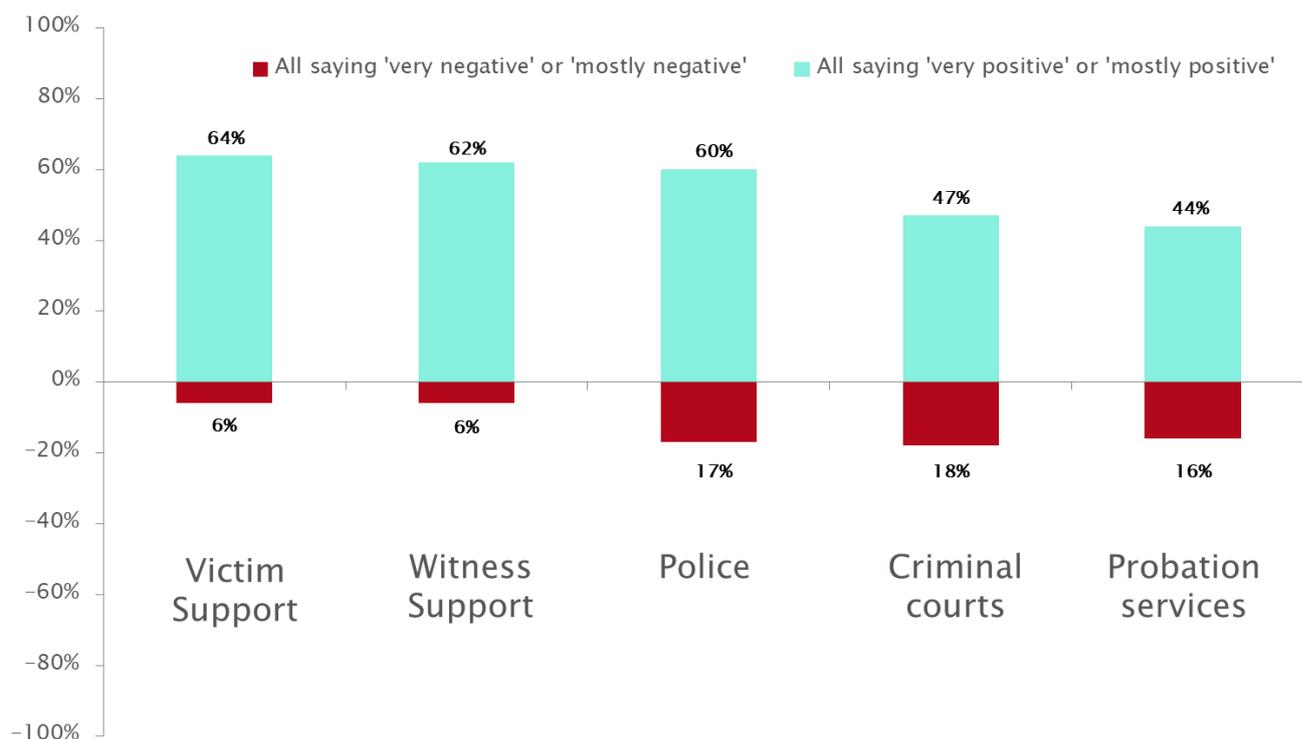
In addition, respondents were asked a separate question about whether they had personally been involved in any case in the criminal courts, and in what capacity. The majority of the public (72%) had not. However, 10% had been a juror, 7% a witness, 5% a defendant, 5% a victim and 5% had supported family and friends. A further 1% had been involved in a criminal court case in some other role.

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<sup>5</sup> The questionnaire asked respondents if they had 'ever' been in contact with any of the following agencies of the CJS: the police, Victim Support, Witness Support, probation services and the criminal courts (magistrates' or Crown Court).

Approximately one third (35%) of members of the public who had been witnesses had been in contact with Witness Support and almost half (48%) of victims had been in contact with Victim Support. In our survey, those who had been in contact with the main agencies of the CJS were much more likely to describe the contact they had as positive than negative, as demonstrated in Figure 1 below. The institution with which people surveyed were most likely to have had positive experiences was Victim Support, while experiences of criminal courts and probation services were the most mixed. This is possibly at least partly because victims and defendants might be expected to have quite differing ideas of what would constitute a good experience.<sup>6</sup>

**Figure 1: Chart showing contact with criminal justice agencies**



*Q 19. How would you describe your contact with them? Base: all respondents who have had contact with agencies within the Justice System. Victim support (n=200); Witness support (n=140); Police (n=933); Criminal courts (n=473); Probation services (n=144).*

## 5.2 ATTITUDES TOWARDS THE CJS

### Confidence in the CJS

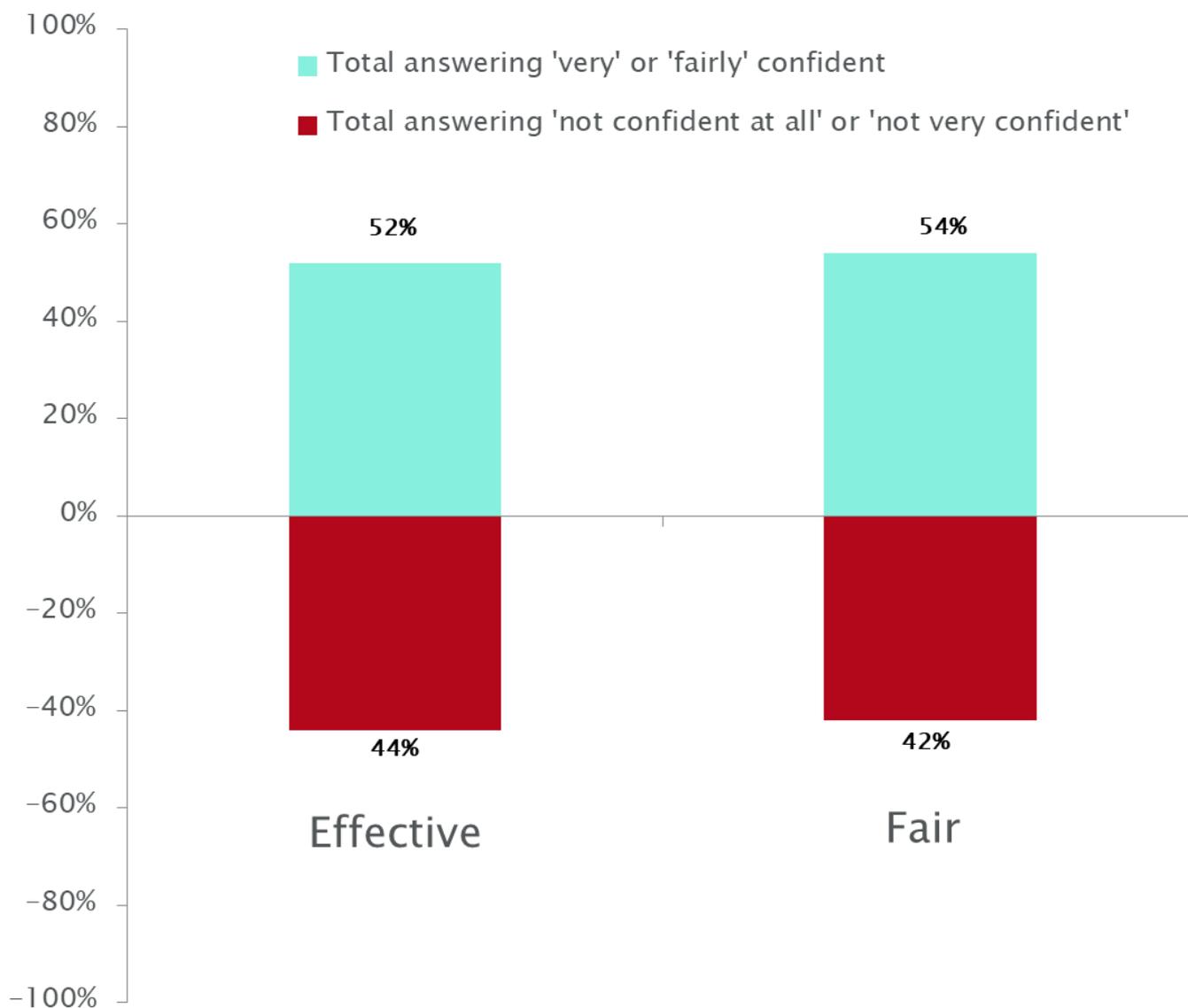
The most recent Crime Survey for England and Wales (CSEW) results on confidence showed an increase in the public's perceptions of effectiveness and fairness of the CJS over the last ten years. In 2017/18 **53%** of the public said they thought the CJS as a whole is **effective** (compared with 37% in 2007/8) and **69%** said that they thought it is **fair** (compared with 56% in 2007/8) (Office for National Statistics, 2018).

Our survey showed the English and Welsh public to be only slightly more likely to be confident than not confident in the effectiveness or fairness of the CJS, as shown in Figure 2 below. **Fifty-two per cent** of those surveyed reported that they were confident the CJS is **effective** and **54%**

<sup>6</sup> The sample included 1433 respondents who had not had any involvement with the CJS, and 567 respondents who had. Of the latter, 110 had been involved as a defendant, 106 as a victim of crime, 139 as a witness, 199 as a juror, 104 as providing support to friends or family and 16 in some other way.

said that they were confident it is **fair**, while 44% and 42% were not confident in its effectiveness or fairness respectively.<sup>7</sup>

**Figure 2: Chart showing confidence that the criminal justice system is effective and fair**



Q1. Thinking about ALL of the agencies within the Criminal Justice System: the police, the Crown Prosecution Service, the courts, prisons and the probation service, how confident are you

that the Criminal Justice System as a whole is **effective**? Base: all respondents (n=2,000).

Q2. Thinking about ALL of the agencies within the Criminal Justice System: the police, the Crown Prosecution Service, the courts, prisons and the probation service, how confident are you that the Criminal Justice System as a whole is **fair**? Base: all respondents (n=2,000).

<sup>7</sup> This survey used the same wording for this question as is used in the CSEW. The ratings of effectiveness in the CSEW 2017/18 and in our survey are very comparable at 53% and 52% respectively. However, there is large discrepancy in the ratings of fairness, at 69% for the CSEW and only 54% in our survey. The difference in findings may be at least partly explained by events that have dented the public's confidence in the CJS's fairness. This survey will be more sensitive to context than the CSEW it was conducted at one point in time and as such is more sensitive to the news. For example, fieldwork was carried out shortly after the media storm surrounding the case of John Worboys which is likely to have had a negative impact on perceptions of the CJS, whereas the fieldwork period for the CSEW is much longer, and its findings therefore likely to give a more stable and reliable indication of public confidence in the CJS over time. To test the influence of timing of fieldwork, we repeated the question on the second survey in 2019. This found that both confidence in effectiveness and fairness had slipped further, with 38% seeing it as effective (compared with 52% in 2018) and 44% seeing the CJS as a whole as fair (compared with 54% in 2018). This may suggest that other events have further undermined the public's confidence in the system – for example, publicity around rising knife crime may have impacted on the effectiveness measure at the time the second survey was undertaken. The notable difference between the CSEW and both the first and second survey may also be due to differences in methodology. For example, the CSEW is conducted as a face-to-face survey of approximately 35,000 households and the ComRes/Sentencing Council surveys were conducted online with a sample of 2,000. For further detail on the CSEW methodology please see

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/methodologies/crimeinenglandandwalesqmi> (last accessed 3 June 2018).

Qualitative discussion groups similarly suggested that confidence in the effectiveness and fairness of the CJS was mixed. When asked for spontaneous associations with the CJS, across all groups concerns were raised about the 'inconsistency' or 'unfairness' of the system and its agencies, while spontaneous positive associations were rarer.

Impressions of the CJS tended to be derived from two key sources: media coverage, and popular culture. When discussing the CJS, respondents frequently made reference to recent cases they had seen in the news. While it was recognised that in being covered by the media, these cases were likely to be out of the ordinary in some way, they were nonetheless referenced in order to exemplify ways in which the system was ineffective or unfair. It was also clear that many respondents derived their views and understanding of the CJS from film or TV. Comparison with the American justice system – often arrived at via familiarity with American pop culture – were made in almost every group, with people generally of the opinion that the CJS in the US is tougher, and therefore in their view more effective than in the UK – although some felt it was also perhaps less fair.

## 5.3 VARIATION IN ATTITUDES TOWARDS THE CJS

### The key drivers of confidence in the CJS

#### Contact with the CJS

A key drivers analysis, modelling the factors that most influence an individual's confidence in the effectiveness of the CJS, similarly suggested that overall, contact with the CJS was the factor that most influences confidence in it.<sup>8</sup> In this type of analysis, ComRes input many different variables (or factors) into a statistical model to control for the effect that they might have on one another as well as on an outcome variable. In this instance the outcome variable was the public's level of confidence that the CJS is effective. The input variables included aspects of survey respondents' background, experience, preferences and behaviour:

- demographic information (ethnicity, age, gender, region, education level);
- experience with the CJS (contact with main agencies, type of involvement in a criminal court case, effect of contact with the CJS on their understanding of sentencing for criminal offences);
- media-related preferences and behaviour (preferred source of news/current affairs, frequency of finding out about news/current affairs).

In the findings below, we report only the input variables that had a significant influence on the public's confidence that the CJS is effective.

If an individual said that their experience with the CJS agencies had improved their understanding of sentencing for criminal offences, then this had the greatest weight in the model and was associated with higher confidence in the CJS's effectiveness. Having contact with the police, having been involved in a criminal court case as a juror and having come into contact with the criminal courts per se also predicted a higher level of confidence in the effectiveness of the CJS. These findings suggest a clear link between exposure to the CJS,

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<sup>8</sup> As is common in social science research, both models and the significant factors they include only partially explain why the English and Welsh public feel confident or not in the CJS, suggesting that the public's views about the CJS are driven by factors that have not been captured in this research. For example, these factors might include the crime rate in the area where a member of the public lives, how safe they feel in their local area or how frequently they watch television dramas with a legal theme or plotline.

understanding of the CJS and confidence in its effectiveness.

In terms of demographics, as the public get older their confidence levels decrease – this had the greatest negative weight in the model – and if they had higher education then their confidence increased, but to a lesser degree than the influence of contact with or understanding of sentencing. Living in Wales, the Midlands or the North were factors that decreased an individual’s likelihood of having confidence in the effectiveness of the CJS.

**Figure 3: Table showing results of key drivers of public confidence in the effectiveness of the CJS<sup>9</sup>**

<b>Factors increasing public confidence in the effectiveness of the CJS</b>	<b>Factors decreasing public confidence in the effectiveness of the CJS</b>
If the person has experience of the CJS and it improved their understanding of sentencing for criminal offences	Living in Wales
Having contact with the criminal courts	Living in the Midlands
Having contact with the police	Living in the North of England <sup>10</sup>
Being a juror	Being older
Having a degree or a higher level of education	

Carrying out a similar key drivers analysis, with the same input variables, but this time for confidence in the fairness of the CJS, the modelling found that similar, but fewer, significant factors can partially predict levels of confidence among the public. Once again – and in ascending order of weight – having higher education, having come into contact with the criminal courts and having experience of the CJS agencies that has improved one’s understanding of sentencing for criminal offences all predicted higher levels of confidence in the fairness of the CJS. Living in Wales or the North predicted lower levels.

**Figure 4: Table showing results of key drivers of public confidence in the fairness of the CJS<sup>11</sup>**

<b>Factors increasing public confidence in the fairness of the CJS</b>	<b>Factors decreasing public confidence in the fairness of the CJS</b>
If the person has experience of the CJS and it improved their understanding of sentencing for criminal offences	Living in Wales
Having contact with the criminal courts	Living in the North of England
Having a degree or a higher level of education	

<sup>9</sup> In the KDA, geography only serves, to a statistically significant extent, to decrease public confidence in the effectiveness of the CSJ. We only highlight the factors that are statistically significant, so locations may have been drivers the other way, but only to a statistically insignificant extent.

<sup>10</sup> This includes both the North East and North West of England.

<sup>11</sup> In the KDA, geography only serves, to a statistically significant extent, to decrease public confidence in the fairness of the CSJ. We only highlight the factors that are statistically significant, so locations may have been drivers the other way, but only to a statistically insignificant extent.

## Type of involvement with the CJS and its effect on confidence

A number of aspects of survey respondents' experience were not significant in either of the key drivers analyses reported above, but are still worth exploring further as they showed significant differences between groups in confidence in the effectiveness or fairness of the CJS.

For example, those who had been involved in a criminal court case as a defendant were significantly<sup>12</sup> less likely than those who had been involved with a criminal court case in other ways to say that they were confident in the effectiveness or fairness of the CJS. Just two in five in this group said that they were confident that it is effective (37%), or fair (40%), compared to 59% and 57% of jurors, and 62% and 64% of those supporting friends and family in a court case, for effectiveness and fairness respectively.

The survey results also indicated that victims of crime are particularly likely to say that they are not confident that the CJS is effective or fair. Over half (53%) reported that they were not confident that the CJS is effective, and 49% that they were not confident that it is fair, in comparison to 44% and 42% of the general public, respectively. These findings are in line with CSEW data for 2013/14, which showed that victims of crime were less confident than the general public: of those who had been a victim of crime in the previous 12 months, 43% were confident in the effectiveness of the CJS, and 57% were confident in its fairness, in comparison to 49% and 66% of the general public, respectively (Jansson, 2015). Qualitative interviews with victims of crime suggested that contact with the CJS was often confusing, driving negative perceptions of the justice system as a whole. Interviewees often reported that this was driven by poor communications from agencies within the justice system, who often failed to provide victims with adequate information or updates about the progress of the criminal investigation.

*Well, [the] first interaction with the police force is good, is approachable, is supportive, is informative. I think after that, it becomes much more sporadic and much less proactive and more reactive ... I think the transition element is lacking as well. I could be the victim of an assault, and then maybe in a month's time, the contact that I had is no longer the applicable contact at that stage of the investigation, and that transition isn't particularly made that effectively.*

**Male, 26, victim of assault, London**

*In my case, these two women [defendants], I don't know what happened with them, or why or how much of it they actually ended up saying, or what happened in the court room, or what they then said as evidence, or if they gave any at all. So, that part, I didn't feel kept up to date with, really*

**Female, 25, victim of burglary/assault, Sheffield**

However, the survey suggested that although victims' confidence in the CJS is generally lower than that of the general public, when asked how far their experience of the CJS improved their confidence in the system, a majority reported that it made them 'at least a little' more confident that it is effective (65%), and fair (54%). This corresponds with the key drivers analysis that

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<sup>12</sup> All differences across groups cited in this report were statistically significant at the  $p < 0.05$  level, unless otherwise stated. It should also be acknowledged that because these analyses compare one variable to another, we cannot be sure that another variable does not explain or partially explain the finding e.g. defendants may also be more likely to distrust institutions in general, which in turn has made them less confident in the CJS. This observation holds true of all observations around differences across groups, throughout the report, although the key drivers analysis has more explanatory power because the model assesses the impact of multiple variables at once.

suggests that contact with the system overall is likely to increase confidence in its effectiveness and fairness – even if in the case of victims, it comes from a low starting point.

## Demographic factors and their effect on confidence

The survey results also suggested that there are some significant differences in confidence in the CJS between different demographic groups:

- **Age:** Younger adults (18-34) in England and Wales were more likely to say both that they were confident in the CJS's effectiveness than older adults aged 55+ (57% vs 47%), and in its fairness (58% vs 51%). This supports the key drivers analysis, which showed being older is a driver for lower confidence in the CJS. Young people were also particularly likely to say that their experience of the CJS improved their confidence in it. For example, 77% of 18-34 year-olds who had had contact with agencies within the CJS said that their experience improved their confidence in its effectiveness at least a little in comparison to 52% of those aged 55+. Young people were most likely to say that they had had contact with the police, of the agencies within the CJS tested.
- **Socioeconomic grade (SEG):** Those in the highest socioeconomic grade (AB) were much more likely than those from more disadvantaged socioeconomic backgrounds to say that they were confident in the effectiveness of the CJS, with 62% of those surveyed saying this in comparison to 42% of adults in social grade C1, 45% of those in C2, and 52% of those in DE. Those in higher social grades were also more likely than those in lower social grades to say that their experience of the CJS improved their confidence in its fairness. While 59% of those in social grade AB said that their experience of the CJS improved their confidence in its fairness at least a little, just 47% of adults in social grade DE said this.
- **Education level:** Supporting the key drivers analysis which showed higher levels of education as a driver for higher confidence in the CJS, those educated to degree and above were more likely to say that they were confident in the effectiveness of the CJS than those who had been educated to school level and below (55% vs 50%). However, there were no significant differences in perceptions of fairness (school level 53%, degree level and above 56%)<sup>13</sup>, and no significant differences in the extent to which contact with the CJS affected the confidence of these two groups overall.

\* These data are from the second survey.

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<sup>13</sup> The second survey showed a similar pattern in the analysis of confidence amongst demographic groups; one difference, however, was that the second survey also demonstrated a significant difference by education level, with those educated to degree level and above significantly more likely to see the CJS as fair, compared to those educated to school level and below. The second survey did not repeat the questions on experience of the CJS.

- **Ethnicity:** The second survey, in which the BAME sample were representative of the age and gender distribution of BAME groups in England and Wales, found a significant difference in confidence in the effectiveness of the CJS between White and BAME adults, with 48%\* of BAME adults seeing the system as effective, compared to 38%\* of White adults. BAME adults were also more likely to see the CJS as fair (48%\* for BAME compared to 43%\* for White), but this difference was not statistically significant. Previous research has also suggested that being Black, Asian or White can be associated with varying attitudes to the CJS, sometimes in unexpected ways<sup>14</sup>.

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<sup>14</sup> For example, British Crime Survey (BCS) 2001-2007 data suggests that having been arrested is associated with more negative assessments of the CJS among White respondents but has no effect on Asian or Afro-Caribbean perceptions of the CJS (Kautt & Tankebe, 2011). This may be because those from ethnic minority groups have an increased likelihood of being arrested: 2016/17 CSEW data shows that Black people are three times more likely than the White people to be arrested and mixed race people are twice as likely (Ministry of Justice 2017). Conversely, some research suggests having been the accused in court only lowers assessments of the CJS for Asian and Black people but does not affect Whites (Kautt & Tankebe, 2011). Kautt and Tankebe (2011) suggest this is driven by perceived systemic racism in the CJS and the ensuing experience of Asian and Black defendants. It may also be affected by the fact that Black people have the highest prosecution and conviction rates of all ethnic groups, whereas Asian people have similar rates to White people (Ministry of Justice 2017).

## 6. KNOWLEDGE OF, UNDERSTANDING OF, AND ATTITUDES TOWARDS SENTENCING

To achieve these objectives, ComRes used a mixed methods approach, involving a literature review, quantitative methods, and qualitative methods, explained in detail below.

- Despite the fact that members of the public reported in our survey that they were confident in their knowledge of sentencing terminology, qualitative discussions found that in reality understanding was limited.
- The online survey indicated that the majority of the public think sentences are too lenient, particularly among adults who are older, from lower socioeconomic grades, White, and educated to school level or below.
- However, some demographic groups such as BAME and younger adults were less likely than the general public overall to see sentencing as too lenient.
- Qualitative discussions suggest that media coverage is particularly influential in perpetuating the impression that sentencing is excessively lenient.

This second section focuses on knowledge, understanding and attitudes towards sentencing. It begins by looking at knowledge and understanding of sentencing terms and processes among the general public. Next, it examines the public's attitudes towards sentencing, and the extent to which people think that it is too lenient, too tough, or about right. Finally, it looks at variation in attitudes towards sentencing, and the factors that are most influential in this respect.

### 6.1 KNOWLEDGE AND UNDERSTANDING OF SENTENCING

Both our online survey and qualitative discussions tested understanding of key sentencing terminology. In the online survey, the majority of the public reported that they were confident that they understood terms such as 'life sentence' or 'on licence', as shown in Figure 5 below.<sup>15</sup> However, when pressed for definitions in group discussions it became clear that members of the public were less certain. This suggests that while people are familiar with sentencing terminology, they are not always sure what it means.

Respondents to the 2010/11 CSEW were asked to estimate the proportion of offenders receiving a custodial sentence for domestic burglary and rape (Hough et al., 2013). The public underestimated both of them routinely, with only 8% and 29% respectively getting the answer roughly right. In an additional piece of analysis, the most important predictors of public knowledge about the custody rate for rape were: gender, education, socioeconomic class and newspaper readership. Professional groups (undefined in the paper, but usually considered ABC1), those with more education, and broadsheet readers were associated with higher estimates and women with lower estimates (Hough et al., 2013).

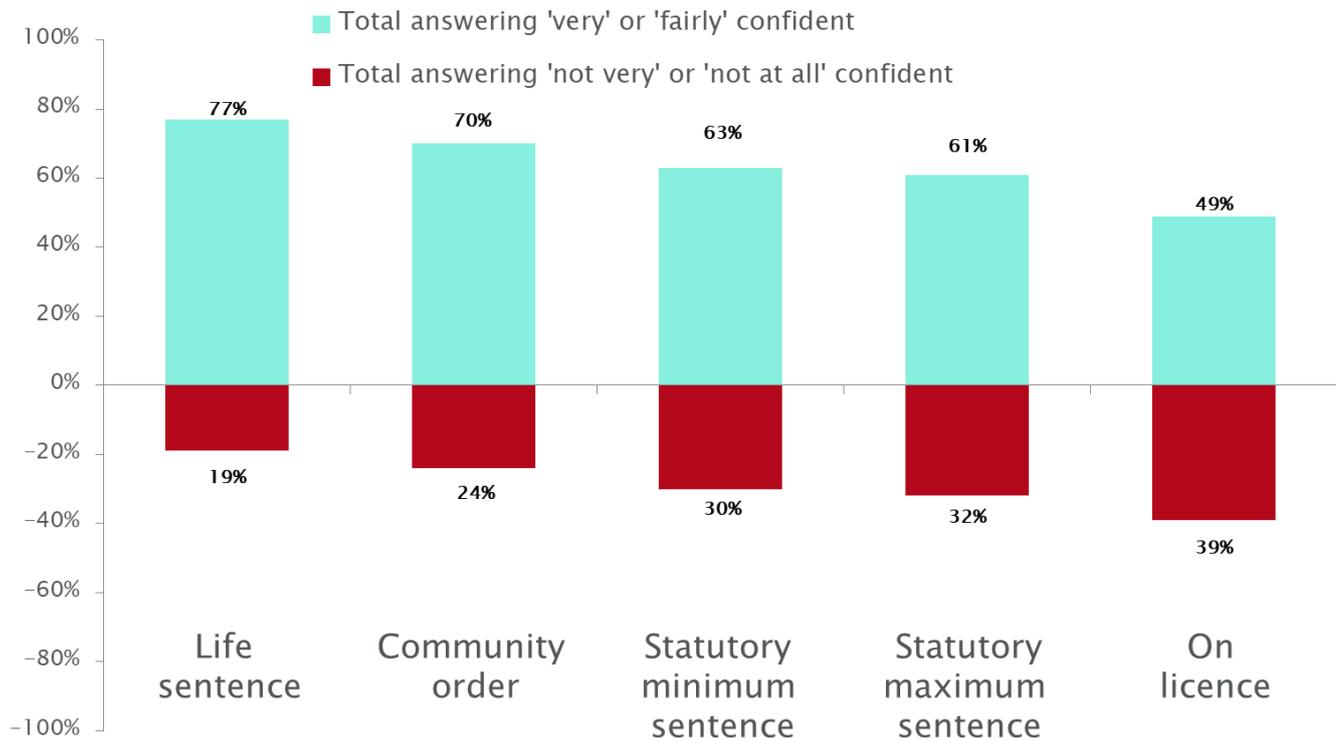
Similarly, Rossetti et al. (2010) found that victims often do not have a full understanding of the sentences handed to their perpetrators, with the potential to cause distress and disappointment in the CJS, as well as confusion. They add that "this is not because the public are not capable of understanding what sentences mean in practice, but a failure of the criminal justice system to explain it to them" (Rossetti et al., 2010: 17). Nonetheless, Dawes et al. (2011) found that those

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<sup>15</sup> The survey data reported in this section on public understanding of sentencing terminology are from the second survey. This is because in the first survey we used more ambiguous descriptors for 'statutory maximum sentence' and 'statutory minimum sentence'. The findings in the first survey closely corresponded with the second except in relation to these two terms which were edited for the second survey, which underscores the value of repeating the question.

with experience of the CJS, such as victims or witnesses, tend to have a better understanding of sentencing than the general public.

**Figure 5: Chart showing understanding of sentencing terminology**



Q. How confident would you say that you were in your understanding of the meaning of the following terms? Base: all respondents (n=2226).\*

1. Statutory minimum sentence / statutory maximum sentence

The majority of the public were confident in their understanding of these terms, with 61%\* saying they felt confident they understood statutory maximum sentence and 63%\* saying the same for statutory minimum sentence.<sup>16</sup>

2. Life sentence

Over three quarters of the public (77%\*) said they were confident they understood the meaning of the term 'life sentence'. However, qualitative research via the discussion groups yielded quite different results and suggested that in reality understanding was quite low. The most common association with life sentence was a prison sentence of 25 years. Very few were aware that life sentence meant the offender would remain on licence for the rest of their life. Participants often felt that describing the number of years in prison and emphasising that offenders spend their life on licence when communicating with the public about life sentences might aid clarity.

*Person 1: I didn't know that they were on licence for the rest of their life. I thought once they've served it, that was it. That puts a different spin on it. I always thought, 'Someone's got eighteen years minimum term for a life sentence, is that it?'*

*Person 2: You tend to hear that people get released and you're like, 'Oh, well.'*

*Person 3: We don't realise that, actually, there are terms afterwards.*

**London, BAME, 18+**

<sup>16</sup> In the first survey, the phrases tested were 'minimum term' and 'maximum term', and 74% of respondents felt they understood the terminology in each case. \* These data are from the second survey.

Previous research similarly suggests that understanding around the length of custodial sentences is limited. Roberts et al. (2012) showed that the public underestimate the length of time spent in prison, with only 15% knowing approximately how long the average custodial sentence for rape is. Similarly, when asked in a 2010 face-to-face survey (n=1,027) how long convicted offenders spend in prison for murder on average, 42% of the English and Welsh public said less than 10 years, while 48% got the right answer of 11-20 years (Mitchell and Roberts, 2012). The same study used group discussions to investigate understanding of the mandatory life sentence and found that participants were unclear about what it comprised.

### 3. Community order

The majority of respondents were confident that they understood the term 'community order', with 70%\* saying that they were confident.

Public understanding of community sentences was explored in a slightly different way to that of the terms 'life sentence' and 'on licence'. In the group discussions, people were asked for their response to the statement that 'Community sentences are a soft option'.<sup>17</sup> In the course of the discussion, members of the public talked about their understanding of community sentences. Many were aware that these could take varied forms, including litter-picking, or work with charities or on community projects, contrasting with a study by Wilson and Ellis (2013) which found that their participants had a broad awareness of community sentences but little understanding of their requirements. Notably, only some were aware that a community sentence might involve work related to the crime, or associated it with rehabilitation or restorative justice, however.

Members of the public tended to feel that the extent to which community sentences were appropriate or not depended on the offence in question. Most agreed that for less serious crimes – such as minor theft - community sentences could be appropriate, although some felt that they were too much of a 'soft option' to ever be effective. Overall, attitudes towards different types of community sentences tended to be shaped by people's overall views of the CJS as a whole.

*Yes, I just think it probably is a soft option because I think a lot of them are repeat offenders and a lot of people that do community service end up doing it again and again and then they go to prison. I think if they got, like, a prison sentence to begin with then that probably would maybe stop that.*

**Liverpool, BAME, 18+**

*So, community service, to me, if it's taken seriously, it should be a way of giving something, actually doing something to show remorse, contribute in some way and I think if it's also relevant to the crime. So, say for example, if you get nicked for, say, selling drugs to kids or something, like, go and do something that's helping kids in the community.*

**Liverpool, 25-40**

\* These data are from the second survey.

<sup>17</sup> Community sentences are often reported in the media as being a soft option. This perception is reflected in online comments and social media. In the media, it is frequently conflated with 'walked free from court'.

#### 4. On licence

Respondents were less confident in their understanding of 'on licence'. Just under half (49%\*) were confident they understood the term and nearly two fifths (39%\*) were not confident.

Qualitative research via the discussion groups confirmed that members of the public are less familiar with the term 'on licence' and less confident in their understanding of it, than other terms discussed. In discussions, the term was variously linked to 'on probation', 'on parole', 'on remand', and 'on bail'. People were sometimes confused in associating 'licence' with permission to do something (i.e. driving). It was suggested that when describing the term 'on licence' the Sentencing Council might more clearly emphasise the restrictions on the offender.

*Person 1: License, it's sort of, a general kind of word, isn't it? ...*

*Person 2: Yes. If they said I was released with restrictions, I'd have a better idea what that was.*

**Swansea, 25-40**

## 6.2 ATTITUDES TO SENTENCING BY CRIME

When asked in our online survey about their attitudes towards sentencing in general, seven in ten (70%\*) of the English and Welsh public said that they think sentences are too lenient, while less than one in five (17%\*) said that they think they are about right, and only 4%\* said they are too tough.<sup>18</sup> However, in the qualitative group discussions, including examination of specific sentencing case studies suggested more mixed attitudes towards sentencing, with people less likely to say that sentences are too lenient overall.

Previous research has also found that that opinion surveys asking for the respondent's general assessment of existing sentencing practices, without being given any information first, typically produce answers that sentencing is too soft; however, exposing the public to real cases or realistic example cases leads them to say sentencing is appropriate or too harsh (British Academy, 2014; Hough and Roberts, 2017).

Several examples of research directed at finding out about public attitudes to sentencing bear this out. In a representative survey of approximately 1,000 people in England and Wales, roughly four-fifths of the sample believed that sentencing was too lenient, with only 16% believing it was "about right" (Mitchell and Roberts, 2012). Two fifths (40%) said sentencing was much too lenient in general while 45% said sentencing for murder was much too lenient (Mitchell and Roberts, 2012). In another study, using CSEW data from 2008/09 – 2010/11, Hough et al. (2013) showed that approximately three-quarters of the public say sentences are too lenient, with little variation in the answers by demographic profile. By way of comparison, they found that the public were less punitive when asked to allocate a sentence to a specific case. For example, when presented with the details of the case of a domestic burglar, 54% of the sample were in favour of imprisonment, with an average custodial sentence length of 12 months. The actual case underlying the example had resulted in a three-year sentence.

This is further evidenced by results from our online survey looking at attitudes towards different offences. When asked whether they felt that sentences handed down for particular offences were too tough or too lenient (Figure 6 below), for most

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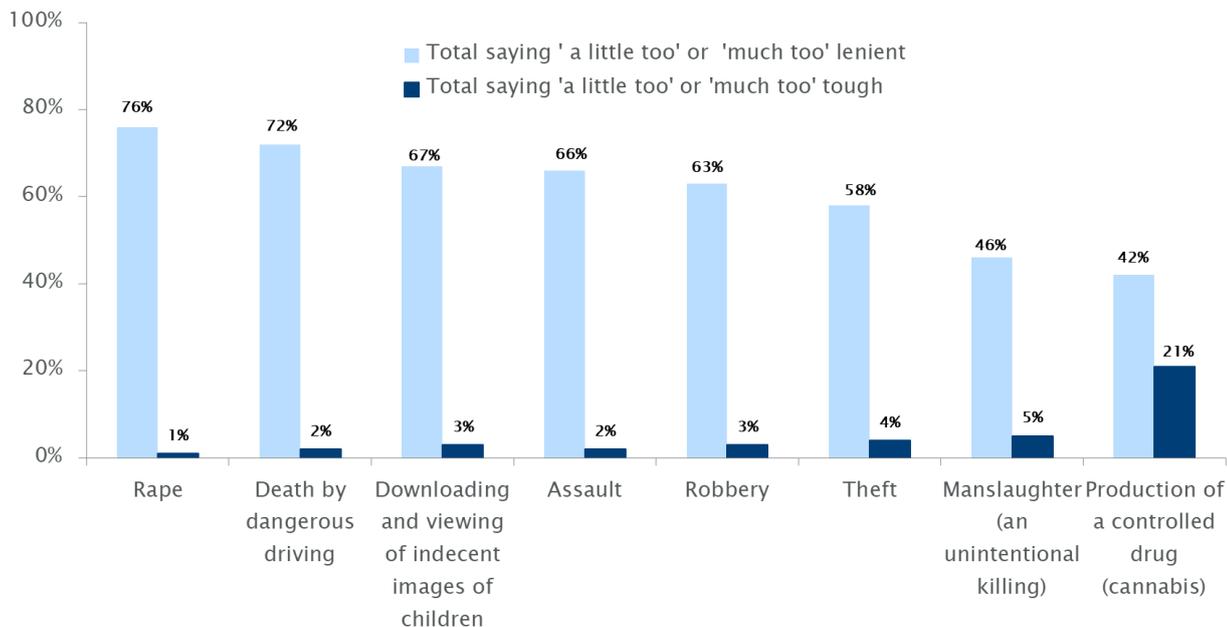
<sup>18</sup> The data in this section on attitudes towards sentencing are from the second survey. These questions were repeated in order to test the hypothesis that some of the information presented about sentencing was misconstrued in the first survey and also to improve on it in several other ways, as explained in later footnotes. In the first survey, 64% of respondents said they felt sentencing is too lenient, with 22% seeing it as about right, and 6% too tough. In line with the lower levels of confidence in the CJS found in the second survey, faith in sentencing may have lessened over the year, alongside faith in the system as a whole.

offences the proportion saying that sentences were too lenient was significantly higher when asked in general, than when provided

\* These data are from the second survey.

with a case study illustrating sentencing for a specific case (Figure 7 below).<sup>19</sup> For example, when asked initially about sentences for rape, 76%\* of the general public said that sentences are too lenient. When provided with a specific case study, this dropped to 41%\*.

**Figure 6: Chart showing attitudes towards sentencing, by crime**

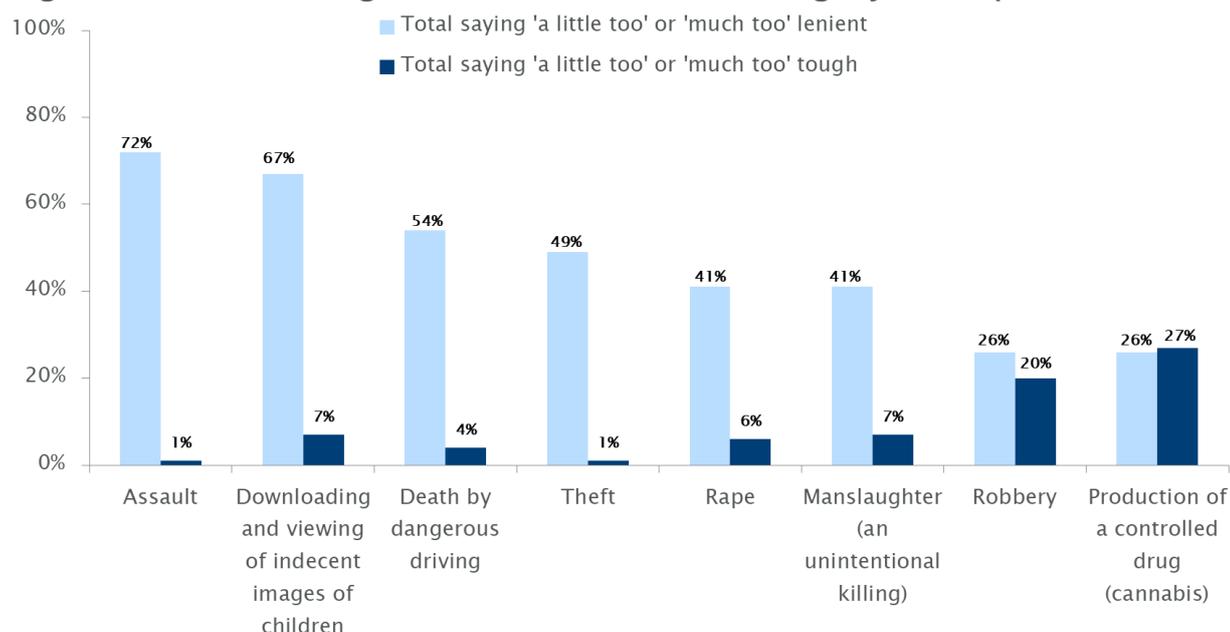


Q. Now thinking specifically about sentences handed down for the offences below only, would you say that sentences handed down by the courts are too tough, about right, or too lenient? Base: all respondents (n= 2226).\*

\* These data are from the second survey.

<sup>19</sup> In the first survey, we tested 'sex offences involving children' and 'murder' as two of the offences. For murder, 70% of respondents felt that sentencing was too lenient, and this figure dropped to 41% for the case study. For sex offences involving children, the corresponding figure was 80%, which dropped to 68% when respondents were presented with an indecent image case. The two offences were changed to make the comparisons more consistent and valid i.e. indecent images in general and in the case study, and manslaughter instead of murder because there is now a sentencing guideline for manslaughter, whereas there was not a comprehensive guideline for it in 2018 (and there is no guideline for murder).

**Figure 7: Chart showing attitudes towards sentencing, by crime (with case studies)<sup>20</sup>**



*Q. I think that the sentence handed down in this particular case is...Base: all respondents (n= c.550 for each crime).\**

However, the figures above also show that for two of the eight offences (indecent images and assault) the proportion of respondents seeing sentencing as too lenient did not drop appreciably when they were given a case study. This suggests that for some offences, there may be a public appetite for higher sentences than the guidelines suggest or legislation allows.

### 6.3 FACTORS INFLUENCING ATTITUDES TOWARDS SENTENCING

Previous research has suggested several reasons why people may be more likely to say that they believe sentencing is too lenient when asked in general, but less likely to say this when asked about specific cases: because the public are recalling the worst offenders, as a result of media coverage of lenient sentences, or because they do not consider the full range of sentences available (Berry et al., 2012).

Findings from our qualitative discussion groups similarly suggest that a range of factors might influence perceptions of sentencing among the general public. Most predominant was the impact of media coverage. Throughout discussion groups, people reported that their impressions of sentencing were driven by media reporting. The most common spontaneous description of sentencing in discussion groups was 'inconsistent', and when probed, this was felt to be rooted in media coverage. It was recognised that the media are most likely to report on exceptional cases – mostly those where sentencing was perceived to be disproportionately lenient – and therefore, these were the examples that came most easily to mind. As a result, people recognised that receiving information on sentencing predominantly from media reports might exacerbate perceptions of inconsistency and excessive leniency.

*A lot of the stories you hear on the news are cases that involve celebrities, or they're something really extreme. Or they're something that for whatever*

<sup>20</sup> For this question, respondents were split at random into eight groups. Each group was shown two short descriptions of two example criminal cases, including the sentence handed down. They were then asked whether they thought the sentence handed down in each case was too tough, about right, or too lenient. Half of the sample were shown some additional information about sentencing guidelines before answering the question, and the other half were shown the information afterwards. This graph shows the results for both groups, combined. The data in both figures are from the second survey.

*reason caught the public's imagination. They might be a very unique case. So, like, if you ask me, what's the standard sentence for rape or the standard sentence for murder, I wouldn't actually know... It, kind of, gives you a really, like, mixed up impression of it, because you don't really know.*

**Liverpool, 25-40**

Results from our online survey also suggested that the offence type might also be a factor which influences attitudes towards sentencing. The public were more likely to say that sentencing for 'emotive' crimes is too lenient than for other offences such as acquisitive crimes. For example, when asked about individual offences (see Figure 6 above), the public were most likely to say that sentences are too lenient for rape and death by dangerous driving (76%\* and 72%\* respectively). This might support the evidence for the impact of the media on perceptions of sentencing, as analysis of media coverage suggests that particularly emotive crimes such as rape are more often reported on than others.

## 6.4 VARIATION IN ATTITUDES TOWARDS SENTENCING

### Differences in and key drivers of attitudes to sentencing

Our survey findings highlight variations in attitudes towards sentencing among different demographic groups:<sup>21</sup>

- **Socioeconomic grade (SEG):** Those from lower socioeconomic grades were more likely to say that sentences handed down are too lenient.<sup>22</sup> Seventy-four per cent\* of those in SEG DE said this in comparison to 66%\* of those in social grade AB. Correspondingly, those from the highest socioeconomic grades were most likely to say that sentencing is about right (AB 22%\* vs 13%\* of DE).
- **Ethnicity:** White adults were more likely to say that they think that sentences are too lenient; 72%\* said this in comparison to 59%\* of BAME adults. Correspondingly, BAME adults were more likely than White adults to say that sentencing is about right; 21%\* said that this is the case in comparison to 16%\* of White adults. Notably, in discussion groups with BAME adults, people expressed the view that ethnic minorities receive harsher sentences than White defendants.

*Statistics show as well that people of colour have harsher sentences than white counterparts.*

**Liverpool, BAME, 18+**

*I think probably people from ethnic minorities might get, especially if they're young, harsher sentencing when it comes to criminal justice.*

**London, BAME, 18+**

\* These data are from the second survey.

<sup>21</sup> The data on socio-demographics in the section are from the second survey. The results of this survey largely replicated the first, lending weight to the validity of the findings reported here. The second survey is quoted here because the BAME sample was representative in this survey, whereas it was not representative in the first.

<sup>22</sup> The question here was "In general, would you say that sentences handed down by the courts, that is both the Crown Court and magistrates' courts, are too tough, about right, or too lenient?" so these are responses to sentencing in general, rather than sentencing for particular offences, discussed earlier.

- **Gender:** Women were more likely than men to say that sentencing is too lenient (73%\* vs 68%\*). Interestingly, these findings differ from previous studies which have found men to be more punitive than women. For instance, when asked to judge specific cases, Hough et al. (2013) found that women were likely to award less punitive sentences than men to both first-time and second-time offenders.
- **Age:** Younger adults in our survey were more likely, relative to other age groups, to think that sentencing is too tough, whereas older adults were more likely, relative to other age groups, to think that it is too lenient. Seven per cent\* of 18-34 year olds said it is too tough in comparison to 2%\* of 55+ year olds. Correspondingly, 81%\* of those aged 55+ said that sentences are too lenient, in comparison to 58%\* of 18-34 year olds.
- **Education level:** Those who had been educated to school level and below were more likely to say that sentencing overall is too lenient; 77%\* said this in comparison to 61%\* of those educated to degree level and above.

A key drivers analysis<sup>23</sup> was carried out to weigh the relative effect of the factors measured in the survey on whether, on one hand, an individual perceives criminal justice sentencing to be too tough, or, on the other hand, if they perceive it to be too lenient.<sup>24</sup> It built on the descriptive analysis by highlighting which factors are most influential in determining whether an individual perceives sentencing as too lenient or too tough.

This analysis suggests that if an individual who has been in contact with the CJS said that their contact increased their understanding of sentencing for criminal offences, they also became more likely to perceive sentencing as too tough. Having higher education and reading books to find out about the news and/or current affairs also increased perceptions of sentencing as too tough. Being of mixed ethnicity or Black, African or Caribbean was associated with thinking that sentencing is too tough, as was having contact with the police or having been involved with a criminal court case as a defendant.

On the other hand, getting older and living in the North of England had the strongest effect on perceiving sentencing to be too lenient. A number of other regions were associated to a lesser extent with perceiving sentencing to be too lenient: the Midlands, the South, Yorkshire and the Humber and, with least influence, the East. It is notable that the London and Wales are the only regions not driving public perception that sentencing is too lenient. It is also clear that, given the large geographic area covered in total by these regions, where the public live is a much more powerful indicator of opinions around lenience of sentencing than most other demographic factors, including gender or ethnicity.

Finding out about the news through TV news and current affairs programmes and documentaries increased an individual's likelihood of saying that sentencing is too lenient to a similar extent as living in the East of England and being a woman had slightly less weight than all three.

Having contact with Witness Support was associated with thinking sentencing is too tough and had a similar level of influence as being a woman in the model, however it did not meet a high enough level of significance for us to be sure of its importance.

\* These data are from the second survey.

<sup>23</sup> The key drivers analysis was performed on the first survey only.

<sup>24</sup> As with the key drivers analysis of attitudes to the CJS, the model only partially explains why people think sentencing is too tough or too lenient, meaning that there are a number of other important factors in predicting the answer, but they are not measured in this research.

**Figure 8: Table showing results of key drivers of attitudes towards sentencing<sup>25</sup>**

Factors increasing the public perception that sentencing is too tough	Factors increasing the public perception that sentencing is too lenient
If the person has experience of the CJS and it improved their understanding of sentencing for criminal offences	Being older
Having degree level education or higher	Living the North of England
Having experience of the CJS as a defendant	Living in the Midlands
Being mixed race	Living in the South of England <sup>26</sup>
Having had contact with the police	Living in Yorkshire and Humberside
Being Black African or Caribbean	Preferring to find out about the news/current affairs through watching news and current affairs programmes on TV
Preferring to find out about the news/current affairs through reading books	Living in the East of England
Having had contact with Witness Support	Preferring to find out about the news/current affairs through watching documentaries on TV
	Being a woman

**Understanding of sentencing considerations**

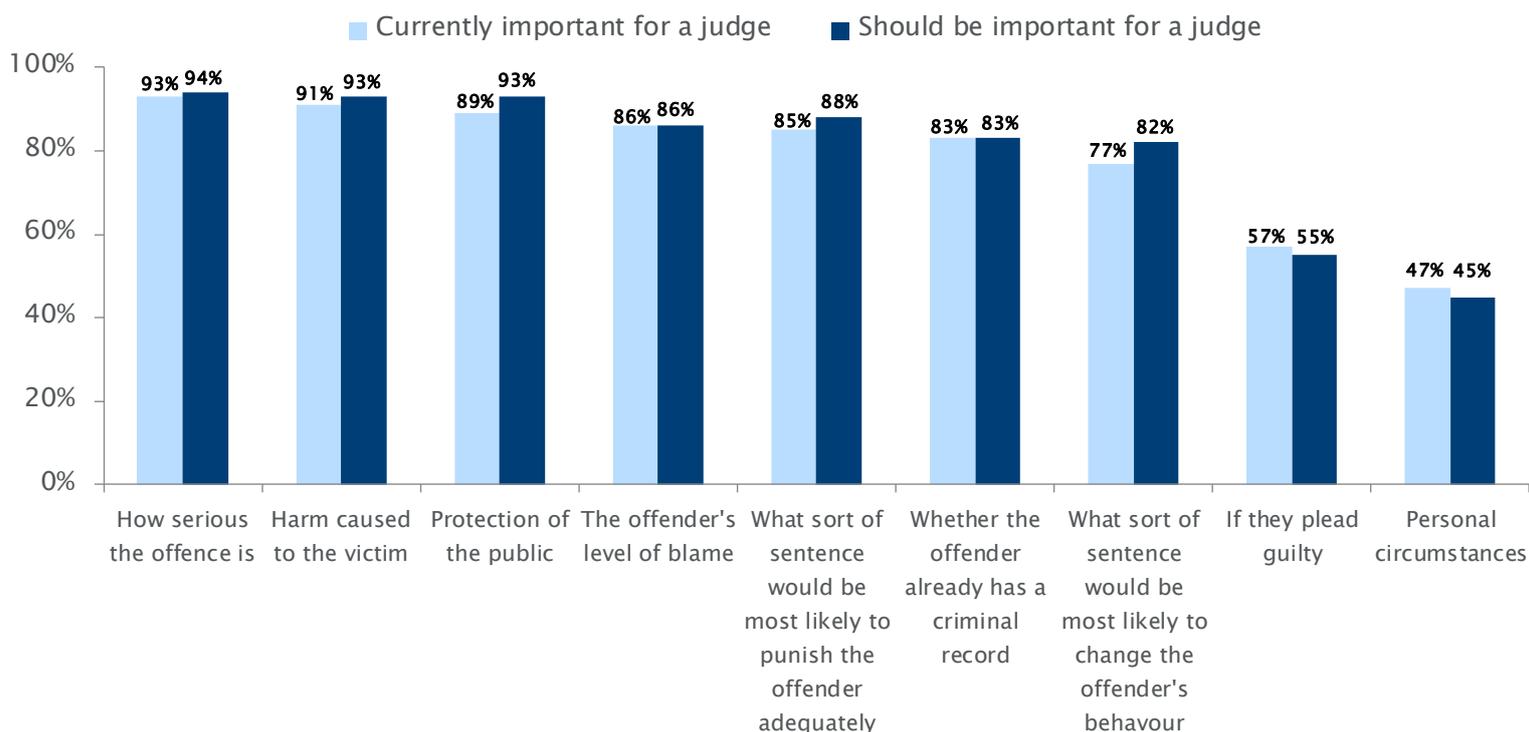
Our online survey also tested the public’s and victims’ understanding of the sentencing factors that judges and magistrates take into consideration when passing sentences. In the survey we asked the public how important they thought each of the factors *are* and *should be* to a judge (see Figure 9 below), conducting a similar exercise in qualitative discussions with victims and the public

In both quantitative and qualitative interviews, the severity of the offence and the harm caused to the victim were consistently ranked as the most important factors that a judge *should* take into account (94% and 93%). Conversely, ‘If a defendant pleads guilty’ was consistently placed near the bottom end of the scale (55%).

<sup>25</sup> In the KDA, geography only serves, to a statistically significant extent, to increase the public perception that sentencing is too lenient. We only highlight the factors that are statistically significant, so locations may have been drivers the other way, but only to a statistically insignificant extent.

<sup>26</sup> Including South East and South West.

**Figure 9: Chart showing perceptions of relative importance of sentencing factors**



Q 10. How important do you think that the following factors are to a judge when working out the appropriate sentence for a crime?  
Base: all respondents (n= 2000 for each factor)

The survey results suggest that the public's view of what factors should be important to a judge closely mirrors their perception of what factors *are* important to a judge when sentencing. The order of importance for each was the same, with 'how serious the crime is' at the top (93% vs 94% for how important the public think it *should* be) and 'personal circumstances' at the bottom (47% vs 45% for how important the public think it *should* be).

However, in both the group discussions and victim interviews, people regularly said that they felt that judges often weighed the factors differently to how they themselves might. In particular, it was felt that judges were likely to be more impartial and less influenced by emotion. For some this was a quality for professionals working in the CJS. However, others felt that this might lead judges to focus less on the factors they perceived as most important such as the harm caused to the victim or protection of the public, and more likely to consider practical factors such as time or cost.

The importance placed on more emotive factors such as the harm caused to the victim was a recurring theme in qualitative discussions. One group, for example, felt that the press article they saw about changes to sentencing guidelines explained these from the context of political and policy change, rather than being about minimising harm to victims.<sup>27</sup>

*[the Press Association article] is saying, well, you know, the sentencing guidelines have been changed because politically it's going to be viewed differently, which, of course, everybody here would agree with. [But] there's nothing to do with putting the victim at the centre and I thought the criminal justice system was about putting victims at the centre of things. Sheffield, 41-60*

<sup>27</sup> In qualitative focus groups, respondents were shown two press articles about changes to sentencing guidelines. The subject varied by group, with some groups seeing two articles relating to knife crime, with the others seeing articles relating to domestic abuse. All groups saw one press article from the Press Association, accompanied by either a press article from the Guardian or the Daily Mail (depending on the group).

## 7. KNOWLEDGE OF, UNDERSTANDING OF, AND ATTITUDES TOWARDS SENTENCING GUIDELINES

- A majority of the public said that they are aware of sentencing guidelines (64%), although this varied by demographic group, and qualitative discussions suggested that understanding of sentencing guidelines is generally limited.
- Awareness of sentencing guidelines was most pronounced for those who have had contact with the CJS.
- Both previous research and findings from this study suggest that providing people with information about sentencing guidelines improves confidence in the fairness of sentencing.

This third section focuses on knowledge, understanding and attitudes towards sentencing guidelines. It begins by looking at awareness and understanding of sentencing guidelines among the general public. Next, it examines the public's attitudes towards sentencing guidelines in general, before looking at factors that might influence this such as provision of information.

### 7.1 KNOWLEDGE AND UNDERSTANDING OF SENTENCING GUIDELINES

Previous research suggests that awareness of sentencing guidelines generally is limited. In a representative, online survey of over 1,000 adults in England and Wales, for example, 1 in 7 (14%) had heard of the Sentencing Council and only half of these were successful in picking its function correctly from a list (Roberts et al., 2012). This survey would have been conducted shortly after the Sentencing Council was established in mid-2010.

#### Awareness of sentencing guidelines

A majority of the public surveyed said that they were aware of sentencing guidelines. Sixty-four per cent of the public said that before taking the online survey they were aware that sentencing guidelines existed and 36% said they were not aware of them.<sup>28</sup>

This is the reverse of the results for the Crime Survey for England and Wales (CSEW) in the year ending September 2017. This reported that 33% were previously aware that guidelines existed and 67% were not aware, although when asked in a previous question whether official guidelines should be used in sentencing, 64% felt they *should* be used.<sup>29</sup> However, caution must be taken in comparing the survey results from this research with the CSEW due to the different interview methodologies used. Differences are also introduced by questionnaire design, ordering of the questions or in the information supplied about sentencing guidelines,

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<sup>28</sup> This question was re-asked in the second survey and the findings were almost the same, with awareness at 66%.

<sup>29</sup> See:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/008222crimesurveyenglandandwalescsewpercentageofthecriminaljusticesystemandthesentencingprocessselectedyearsandperiodsfromtheyearendingmarch2013totheyearendinginseptember2017>

with the current survey prompting respondents more obviously than the CSEW.<sup>30</sup> Given the size of sample and unprompted nature of the question, the CSEW probably gives the best measure of unprompted awareness of guidelines, at 33%. However, the current survey is useful for giving us a breakdown of the relative awareness of different groups, as detailed below.

Members of the public surveyed who previously had involvement with a criminal court case were more likely than those who had not to say they had heard of guidelines before answering the survey (78% vs 59%). Age also proved significant. Those over 35 were more likely to say that they had been aware of guidelines before the survey, in comparison to under 35s (18-34: 54%; 35-54: 64%; 55+: 73%). It is possible that this reflects the greater likelihood of experiencing elements of the criminal justice system – for instance, being called for jury service – as one grows older.

The importance of experience of the criminal justice system was emphasised by the findings of a key drivers analysis, which found several significant demographic features or behaviours that help to explain why people might be more likely to be aware of sentencing guidelines.

Of all the features to do with contact with criminal justice agencies, having contact with the police was the most important in making an individual more likely to be aware of sentencing guidelines. Having contact with Witness Support and the criminal courts also made an individual more likely to be aware of sentencing guidelines, but to a lesser extent. In addition, the analysis found that, with the least weight in the model, if an individual did not read short articles (either print or online) to find out about the news, they were less likely to be aware of sentencing guidelines.

The model also confirmed the survey findings around the relationship between age and awareness of sentencing guidelines. The model showed that, when compared to those aged 65+, those in younger age groups – aged 25-34, 35-44 and 55-64 - were less likely to be aware of sentencing guidelines.

Other notable demographic differences included by gender: men were more likely than women to say they had previously been aware of sentencing guidelines (69% to 59%). In addition, AB members of the public, the highest socioeconomic group, were more likely than those from other socioeconomic groups to say they were aware of guidelines before the survey (72% compared with 63% or less for the other groups). White adults were more likely to say that they were aware of sentencing guidelines than BAME adults (71%\* vs 55%\*<sup>31</sup>). It may be that these three demographic patterns are due to a confidence in one's own knowledge that accompanies a socially or culturally dominant position.

## Understanding of sentencing guidelines

Some awareness of sentencing guidelines was demonstrated in both group discussions and interviews, sometimes without prompting. Often, both members of the public and victims

*\* These data are from the second survey.*

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<sup>30</sup> Sentencing Council/ComRes survey question was 'Before this survey, were you aware that there are sentencing guidelines to help judges and magistrates decide on the appropriate sentence for a criminal offence?' while the CSEW question was 'Before this interview, were you aware that sentencing guidelines for criminal offences existed?'. The question was then re-run in the second survey, but this time using the exact wording of the CSEW question, and the original pattern was replicated. This suggests the difference is not attributable to the form of the question. However, there were other differences between our survey and the CSEW: the information supplied by the Sentencing Council to survey respondents about sentencing guidelines was longer and more detailed in both of our surveys compared to the information in the CSEW, and preceded the question about knowledge. It is likely that the extra detail and placing of the question after the provision of information on sentencing guidelines prompted recognition of the concept of guidelines. The Sentencing Council/ComRes survey had four questions about sentencing – some including paragraphs of contextual information - preceding its question about guidelines while the CSEW had only one. See footnote 1 for commentary around differences in sampling.

<sup>31</sup> These figures are from the second survey. They are used here because the BAME sample in the first survey was found to be unrepresentative.

expected guidelines of some sort to exist even if they had not previously been aware of them.

*Yes. Well, yes, they're bound to [exist] really, aren't they? Everybody has to work within some sort of code of conduct really, haven't they? I would think so anyway.*

**Female, 59, Swansea, Victim of Theft/Burglary**

However, qualitative group discussions also suggested that in-depth understanding of sentencing guidelines is limited. Members of the public often required explanation or clarification about sentencing guidelines. For example, guidelines were sometimes confused with legal precedent, a legal case that establishes a rule or principle which is then influential in deciding the outcome of similar, subsequent cases. Media and television were referenced as sources of information in this context. Perhaps connected to the confusion with precedent, the public also discussed how guidelines might be old and need modernising to be relevant to crime today.

*You know, and we do get quite a lot of our knowledge and ideas from watching films, where they look at the rows and rows and rows of books in a barrister's office or a solicitor's office. They're going, 'Oh, yes. I'm sure there was a case back in whenever. Find it,' and if you can compare the two cases, then you can go along the same lines or make the same argument.*

**Swansea, 41-60**

*I don't feel like I know enough about the sentencing guidelines to be able to make a statement like that [that there should be guidelines]. I know they exist, but I don't know almost anything about them, so I couldn't comment.*

**Liverpool, BAME**

*It'd be interesting to know when these guidelines were created. I mean, were they created in, you know, 1890? 1920? 1990 or something like that?*

**Sheffield, 41-60**

## 7.2 ATTITUDES TOWARDS SENTENCING GUIDELINES

In qualitative group discussions, when asked about their attitudes towards sentencing guidelines, members of the public were generally positive about their existence. Most said that it seemed sensible to have guidelines in order to encourage consistency and to make sure sentences met their intended aims. In particular, people expected that sentencing guidelines would be effective in countering conscious and unconscious bias in judges.

*If there weren't guidelines, one judge could give x amount of years and a second judge could give a different amount for a similar or identical crime...*

**Swansea, 25-40**

*If you give a subjective decision, then people would say, 'Oh, you gave me a sentence because I'm not white or because I'm poor,' or so on. If there is a set guideline, the judge can look at that and say, 'this is the reason why I gave you the sentence.' If there is no guideline, it's subject to 'this was actually your personal opinion and not the rule of law'.*

**Liverpool, BAME, 18+**

## 7.3 VARIATION IN ATTITUDES TOWARDS SENTENCING GUIDELINES

### Impact of knowledge on perceptions of sentencing

Previous research has suggested that how informed a member of the public is about sentencing guidelines and other aspects of the sentencing process affects their views about sentencing overall. In several cases, researchers have found that providing a participant with information made them more positive about sentencing and its processes. For example:

- Roberts et al. (2012) found that research subjects who had been informed about sentencing guidelines and the role of magistrates were more likely to give positive assessments of the sentencing process and consistency of sentencing. Their basis for this was a representative online survey of over 1,000 adults in England and Wales where respondents were randomly assigned to three groups: one given a description of the magistracy before answering, one given a description of sentencing guidelines and one control group, who were not given any information before answering.
- Likewise, when asked to recommend sentences for cases modelled on the 2011 London riots, high numbers of the English and Welsh public were supportive of community sentences as an alternative to custody once the requirements were presented to them (Hough and Roberts, 2013, with a representative online survey of 1,003 people).
- In a survey of more than 1,000 people, 93% of the English and Welsh public agreed that guidelines were definitely or probably a good idea and the subsample of respondents who were picked at random to receive information about sentencing guidelines were less likely to say that specific sentences were too lenient (Roberts et al., 2012).

Together, the effects of providing information in an experimental setting, combined with evidence of low levels of knowledge and awareness, support the idea of a **cognitive deficit model**. This theorises that members of the public have slim or inaccurate knowledge of the CJS and that leads them to be more critical of it or hold more punitive attitudes. For example, when a sample of the public are asked a question to which they do not know the answer they will guess that imprisonment rates for offenders committing robbery are low because that is a view they have heard elsewhere (Feilzer, 2015; Hough et al., 2013).

For the proponents of this model, it then follows that better public education would result in higher levels of confidence in the CJS (Feilzer, 2015; Hough & Roberts, 2017; Van de Walle, 2009). However, while this appears to be a dominant view among academics, Feilzer, taking an international perspective, challenges it. She argues that since all groups of the public presently have comparatively low levels of knowledge about sentencing, the differences in attitudes that already exist between countries and demographic groups must be driven by an individual's cultural and demographic background as well as levels of knowledge (Feilzer, 2015).

Both the online quantitative survey and qualitative discussions conducted as part of this research similarly found that awareness of the existence of sentencing guidelines in general improves people's confidence in the fairness of sentencing. Most of the public (67%) said that knowing sentencing guidelines existed improved their confidence in the fairness of sentencing at least a little. Younger adults were more likely to say this, with 76% of 18-34 year-olds saying that their confidence in the fairness of sentencing was improved at least a little compared with 67% of 35-54 year-olds and 59% of 55+ year-olds.

In the qualitative group discussions, when provided with some information about sentencing guidelines, people broadly tended to feel that the existence of guidelines was sensible, both in

theory and when applied to specific scenarios. However, it was notable that even when provided with information about guidelines, many – particularly in younger groups – struggled to understand how these might work, and therefore remained unsure as to whether it made them more or less confident about the fairness of sentencing overall.

In qualitative interviews, victims of crime generally said that the existence of guidelines meant that they felt more confident in sentences, although a minority thought that guidelines limited judges' ability to sentence appropriately, or that negative media coverage suggested that those passing sentences were not following the guidelines.<sup>32</sup>

*Yes, I think it would be certainly more likely that I trust it. I think checks and boundaries are crucial to any system.*

**Male, 37, Manchester, victim of assault**

*I wonder how effective they are. It must happen more often, but the ones that get into the news quite a lot, it's like, how is that happening if there are guidelines in place? Or if they're given unduly lenient sentences, how has that happened, if they've supposedly got guidelines? Have they then not been following the guidelines? What has happened to make them not follow the guidelines?*

**Female, 25, Sheffield, victim of assault/burglary**

### **Impact of knowledge on perceptions of sentencing in specific scenarios**

While a majority of both the public (67%) and victims of crime (68%) said that the existence of sentencing guidelines improved their confidence in the fairness of sentencing at least a little, when they were presented with guidelines relating to specific scenarios, the information did not markedly change their views about whether a sentence is too lenient, too tough or about right.

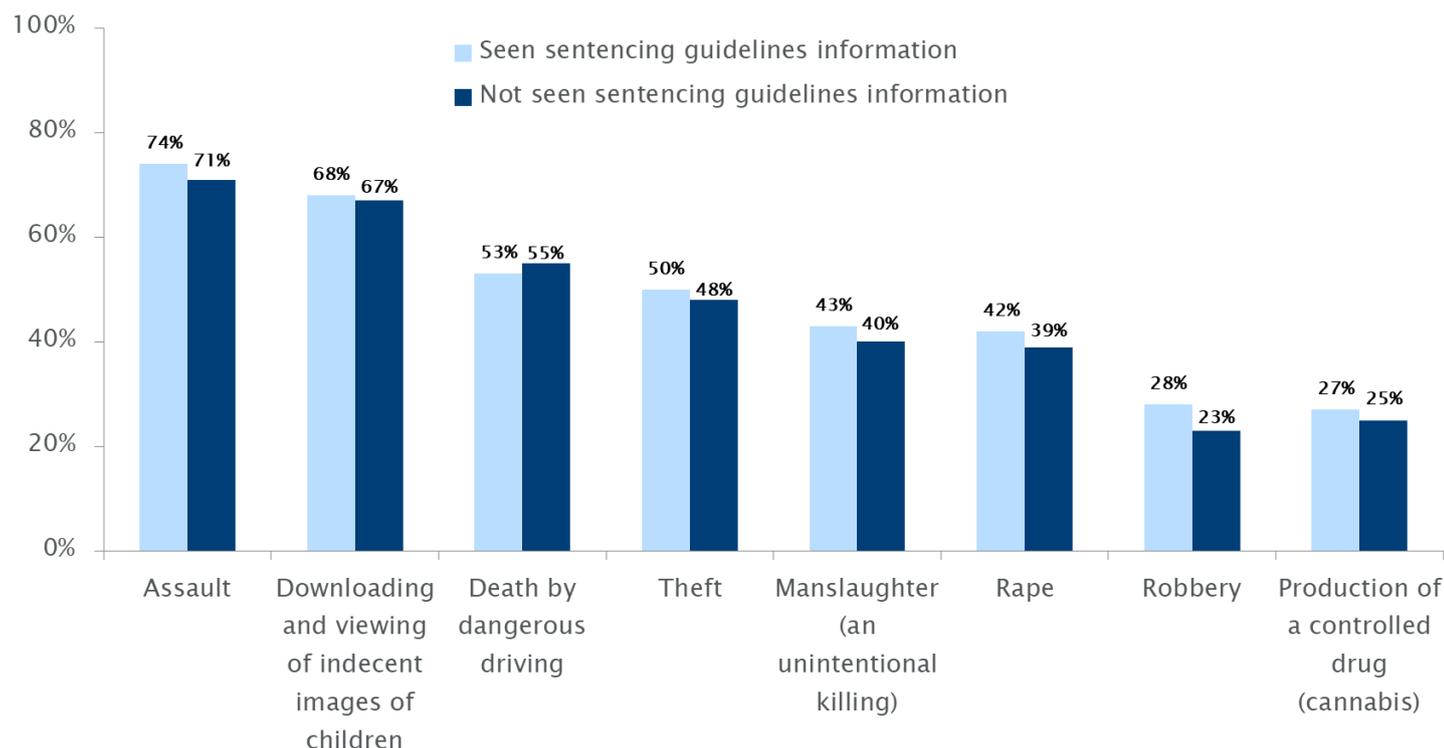
Replicating some research carried out by Roberts et al. (2012), in the online survey, half of the sample was provided with information about sentencing guidelines when shown a fictional scenario of a crime, and half was not. The same procedure was carried out in the second survey, this time testing a different form of wording in describing how the sentencing guidelines had shaped the sentence. In all cases the provision did not make much difference and none that was statistically significant (see Figure 10).<sup>33</sup> For example, almost the same proportion of the group seeing information and the group not seeing information about a robbery scenario said the sentence was about right (51%\* and 52%\* respectively), and more people who saw the guideline information felt it was too lenient (see Figure 10). In contrast, in Roberts et al.'s 2012 study, participants were shown a scenario for benefit fraud, robbery and burglary with and without guideline information, and in two out of three of these scenarios (burglary and robbery) those seeing the guideline information were significantly more likely than those not seeing the information to say that sentencing was about right.

\* These data are from the second survey.

<sup>32</sup> It should be noted that judges and magistrates are allowed to give sentences which are higher or lower than the overall ranges set out in guidelines if and when it is in the interests of justice to do so.

<sup>33</sup> These results are from the second survey. The finding that providing information on sentencing guidelines did not alter perceptions of sentencing lenience was a surprise, given the results of Roberts et al. (2012) and evidence from the qualitative research suggested that this might have been because respondents misconstrued the wording around guideline ranges when we tested this the first time. However, the findings from the first survey were replicated in the second one, which gave a more detailed explanation of the guideline ranges, inferring that this is a robust finding.

**Figure 10: Chart showing effect of sentencing guidelines information on perceptions that sentencing is too lenient**



*Q. I think that the sentence handed down in this particular case is... Base: all respondents (n= c.280 seen and n= c.280 not seen for each crime). These data are from the second survey.*

There are several hypotheses as to why our two surveys did not elicit similar results to those of Roberts et al. (2012). Firstly, since the public expected there to be guidelines or rules of some sort for judges, it is possible that there was a limited effect from reading information that seemed obvious or sensible. It might also be that given a specific (and possibly emotive) fictional situation, but only, by necessity, a minimum of information that the public surveyed still did not have enough information to prompt them to agree with the sentences recommended by the guidelines. It may, however, also be that for serious offences in particular, respondents felt that the guidelines were pitching sentences too low. While knowing the actual sentence per se tended to lessen perceptions of lenience for most offences (see Figures 6 and 7), knowing how the sentence is informed by guidelines did not appear to further affect attitudes in the way expected (see Figure 10). It seems that perceptions of sentencing are improved by knowing there are guidelines, by knowing the sentences in average cases (not just those that hit the headlines), but not by knowing exactly how that sentence is decided.

## 8. MEDIA AND COMMUNICATION

- The public's engagement with news and current affairs is high (91% engage at least weekly), with broadcast media the most frequently used source (selected by 40%) and local newspapers the most commonly read source (selected by 30%). People remembered news stories because they were recent, shocking or had personal relevance; they were able to critique tone and choice of content in news outlets but were nonetheless drawn to and recalled sensational vocabulary and narratives in news articles.
- Five groups were identified which the Sentencing Council could prioritise to increase understanding of sentencing, sentencing guidelines and the criminal justice system. These are: younger people; older people; BAME people; those living in certain regions where confidence in the system is low; and those who have been involved with the criminal justice system, including victims. Suggestions are made about the media channels and messaging that would have traction with them.
- Two further groups – those from the lowest socioeconomic grade DE and those with school level education or below - emerged as important, but require further investigation in regard to the messages that would influence them.

This research has built on previous work to confirm that public confidence in sentencing and the CJS could be improved. The English and Welsh public have mixed levels of confidence in the CJS, are more likely to think sentences are too lenient than about right or too tough, and require clarification about sentencing guidelines.

The questions that follow from this are firstly, how can the Sentencing Council best communicate with the public to increase their confidence in the CJS and sentences as they are currently formulated? Secondly, how can information about sentencing guidelines be imparted so that the public are not only aware of them, but have accurate and up-to-date knowledge of what they are and why they are used?

The challenge for the Sentencing Council is the volume and tone of information that is in the public domain about crime and sentencing. In terms of volume of articles, media analysis carried out at the same time as this study found that the Daily Mail published the largest volume of articles related to criminal sentencing in general – 1,366 alone in February 2018 – suggesting that its editors expect articles on this subject to appeal to their readership. In relation to tone, the analysis also found that articles about specific offences such as domestic abuse, knife and acid attacks and dangerous driving tended to focus on emotive or extreme cases. This implies that news readers are not getting as balanced a picture as they might in terms of criminal justice.

To have a chance of achieving maximum standout in a congested media environment, it is recommended that the Sentencing Council target their audiences of interest through the media channels that they know will reach them and with messaging that will resonate.

### 8.1 OVERVIEW OF MEDIA AND COMMUNICATIONS

#### General news habits

Before exploring how to target particular groups, it is important to consider the broader engagement that the English and Welsh public have with news and communications. Our survey showed that in general, engagement with news is high, with many finding out about the news at least weekly (91%) or at least daily (76%). The majority prefer to find out about the

news through watching news and current affairs programmes (66%) or documentaries (50%). This makes sense given that when people were pressed on the one source they use most frequently, broadcast media comes out on top (40%), followed by online media (27%).

When it comes to the most regularly consumed media sources, the most commonly read newspaper is a local one (30%) followed by the Sun / Daily Mail / Express (24%), with the same amount saying 'none of these'. BBC News is regularly watched by the majority (58%) although a substantial minority watch ITV News (36%). Of social media sources, Facebook tops the list of those regularly used to access news (44%) but nearly as many people say they use none of the mainstream social media sites or apps suggested in the questionnaire for news consumption (38%).<sup>34</sup>

## Perceptions of stories and sources

In terms of the stories that grab and keep the public's attention, a number of criminal investigations and cases were brought up repeatedly over the course of qualitative fieldwork. People most frequently recalled these cases for a couple of reasons: sometimes because the crime was serious or uncommon, or if the story was perceived as unjust to the victim or defendant. They also acknowledged that recent or well-publicised crimes tended to 'stick' with them. The public also remembered cases that had a personal interest or connection for them; local crimes therefore often have high recall in a community.

*Person 1: When it has an emotional impact on you, I think you're more likely to remember a story.*

*Person 2: You remember being outraged, rather than finding something happy and lovely....*

*Person 3: That sense of injustice.*

**London, 25-40**

Several of the news stories that came up repeatedly in different groups and locations were based around events that had occurred in London; the Grenfell Tower disaster and knife crime in London were particularly well known. Some people went on to remark that the media coverage of crime was London-centric and that events occurring outside of London were not covered so widely.

*Person 1: I feel like the news that we see on TV is very London-centric when actually you look at what's presented, I'm sure there are gangs in other cities. There's knife crime in other cities...*

*Person 2: Children going missing, as well, that's very geographical, and sometimes I'll read an article that's London-based, and I think, 'I know that happened somewhere else a couple of months ago, but I didn't hear anything about it then.'*

**Swansea, 25-40**

It should also be noted that members of the public, including victims, engaged critically with the media and were aware of the political associations and reputations of particular media outlets. Many claimed to use multiple sources to find out about stories and corroborate particular details about them, either as a deliberate action or as a consequence of their daily routine such as listening to the radio when driving.

*I do watch the news, I don't do it religiously, it just so happens if there's nothing else on I will watch the news. I see a lot of news online, social media, and I do read it, but it's only*

<sup>34</sup> These were Facebook, Twitter, YouTube, News App, Instagram, Snapchat, Vimeo, Periscope or an "other" option.

*if it's something that interests me, or it's something about local to me that I will look into it further.*

**Female, 33, victim of harassment, Manchester**

## Language and tone

In the group discussions, members of the public were asked to examine two media articles and a Sentencing Council press release about some new sentencing guidelines – either for knife crime or domestic abuse. In the course of this exercise, readers found that articles with punchy or emotively-worded statements were likely to catch their eye, and that this was especially the case in relation to the title of the article. When asked to reflect on the difference between the articles and the press release, some participants drew stark comparisons about the difference in their tone; many went on to comment that the press release was more informative but that the media article would be more easily digested if they were quickly reading the news. In some groups and interviews, members of the public suggested that they would like the press release text to be online as a source of information. They also suggested that having its webpage available as a link from relevant media articles would prompt them to read it.

*The headline, for me, is key. [Not something that] looks like something I'd find on a PDF, in a sub-folder, in an office, that I'd never be bothered to open. [Articles which are] informative, conclusive, and give you a far better overview of what's going on.*

**Swansea, 25-40**

*I'd say Daily Mail was easier to read, only because it gives you examples and stuff. Whereas the first one is more of an explanation. It just treads a bit more carefully. Like, I don't know, it's almost like, if I was looking at a leaflet or something, you'd read this [the press release].*

**London, BAME 18+**

This should not be taken as a recommendation to mimic a particular newspaper, but simply as evidence of the value of punchy and simple communications, with key information delivered in a few sentences. Simplifying communications about sentencing for the public has also been recommended by other research. Wilson and Ellis' 2013 research for the Ministry of Justice led them to recommend simplifying communications around sentencing in order that the public understand it more easily. Their research participants came up with a '1, 2, 3' of sentencing, identifying three elements of custodial sentences. These were time served inside prison, conditions of release and time served outside of prison. Similarly, they sorted community sentences into three categories: payback, punishment and rehabilitation (Wilson and Ellis, 2013).

## You be the Judge

A separate study examined in the literature review for this piece of research focused on the Ministry of Justice's online communications tool 'You be the Judge' (YBTJ) (Cuthbertson, 2013). It demonstrated that the tool has had some success in changing the views of those members of the public who choose to use it. While the tool was not a focus for this piece of research, it is useful as an example of how introducing the public to the considerations and process of sentencing may influence their views.

YBTJ asks participants to state at the beginning and the end of the exercise whether sentencing is too lenient, too harsh or about right. In the YBTJ study, two trajectories demonstrate how users change their minds:

- 52% started with the view that sentencing is ‘about right’ and 72% ended saying sentencing is ‘about right’.
- 41% started off saying that sentencing is ‘too lenient’, but only 13% ended choosing the ‘too lenient’ option.

The user statistics produced from the tool are limited, in that the sample is self-selecting and the tool may attract those who already have an interest or prior knowledge about sentencing. Feilzer (2015) also suggests that the change that is observed may be due in part to a Hawthorne effect, whereby participants alter their behaviour because they know they are being observed. She questions whether this change would occur in a more naturalistic setting.

Hough and Roberts agree, saying that “it would be naïve to ignore the deep-seated anger with which some people respond to crime, and even more naïve to think this could be effectively countered by public education initiatives” (2017: 250). They recommend that while it is a challenge to capture the attention of the public, there should be a focus on countering negative media about sentencing instead.

## 8.2 PRIORITY AUDIENCES FOR TARGETED MESSAGING

The research points to priority audiences with whom the Sentencing Council might communicate in order to meet some of their responsibilities, in particular 1) to promote awareness of sentencing and sentencing practice among the public and 2) to increase confidence in sentencing and the wider criminal justice system. These are:

- Younger people aged 18-34
- BAME groups
- Older people aged 55+
- Those who become involved with the criminal justice system, including victims
- Those resident in different regions of England and Wales where confidence in sentencing is low

The profiles below explain the reasoning for recommending each target group, before setting out the messaging and messaging channels which might be used to engage them. Following that, there is a short discussion of two further groups for whom there is a rationale to targeting, but for whom this research did not test the best way to reach them: those with up to school level education, and those who belong to the lowest socioeconomic group, DE.

### 1. Younger people

#### *Rationale*

Young people – those aged 18-34 – had a tendency in this research to have more confidence than older people in sentencing and the criminal justice system; however, they also tended to have lower levels of understanding around sentencing and sentencing guidelines than older groups. The opportunity with younger people, we suggest, lies in strengthening any positive associations they have and maintaining these as they age, while also building their levels of knowledge and understanding about sentencing and sentencing guidelines.

In the course of this report, we have already seen that younger people were significantly more likely than older adults (aged 55+) to see the CJS as effective and fair, and less likely to see sentencing as too lenient. Even though a substantial number of 18-34 year-olds were aware of sentencing guidelines before taking the survey (54%), there were still lower levels of awareness among them compared with older groups (64% of 35-54 and 73% of 55+).

The research elicited some evidence that young people hold misconceptions about sentencing and the CJS based on popular culture and media. For example, 77%\* of 18-34 year-olds<sup>35</sup> said they understood the term life sentence, but the discussion groups found that in most instances they did not and their understanding was framed by entertainment and news. As such, we suggest that counteracting incorrect information and replacing it with accurate information about sentencing practice and guidelines is likely to be particularly important for this group.

In addition, of those young people who had contact with criminal justice agencies, more than three quarters were likely to say that their experience of the CJS improved their confidence in it (77% vs 52% of 55+), with that positive experience possibly indicating that younger people might be more open than older ones to hearing more from the CJS. They were also more likely than older people to say that hearing about sentencing guidelines increased their confidence in sentencing (76% vs 59% of 55+), which could signify that there may be benefits in giving the group more information about sentencing guidelines in particular.

### *Media channels*

The data suggested a number of habits and preferences in media consumption that might help the Sentencing Council target communications at 18-34 year-olds. While 18-34 year-olds consumed news less frequently than their older counterparts, the majority still found out about the news at least daily (60%) or weekly (84%). They also had a number of habits that differentiate them from older groups.

- While half of young people said they prefer to find out about news through dedicated TV news or current affairs programmes (51%), a larger share said they preferred to find out about news on social media (58%); 18-34 year-olds were most likely to use social media as a news source, with **Facebook** and **YouTube** predominating (65% and 42%).
- Young people were more likely than other groups to **talk about the news and sentencing** in general. Forty-one per cent found out about the news by talking to family and friends (41% vs 29% 35-54 and 23% 55+), and a substantial number had talked about sentencing with friends (26%) and family (30%) in the last three months.
- While generally, young people tend not to find out about news through formal channels, of these more traditional forms of media they were most likely to read the **Guardian** (24% vs 10% of 55+) and **Sky News website** (22% vs 9% 55+).

These habits suggest that if the Sentencing Council were to share information through social media (as the main government departments do, including the Ministry of Justice) the core channels to focus on would be Facebook and YouTube, with the latter requiring video content to engage them. Likewise, although young people read news across a range of outlets, any stories aimed at young people might be pitched to Sky News and the Guardian to maximise chances of reaching them. Since young people are more likely than other groups to talk about the news and sentencing, the content and messages that reach them have the potential to be shared more widely with their peers and relatives, therefore having an influential ripple effect.

\* These data are from the second survey.

<sup>35</sup> These data are from the second survey. All other data in the section on young people are from the first survey, which asked much more detailed questions than the second.

## *Messaging and content*

The findings suggest that it is particularly important for messaging targeting young people to seek to address low levels of understanding when it comes to sentencing and sentencing guidelines. However, in qualitative discussions it was evident that even when provided with some information about sentencing guidelines, some confusion and misunderstandings remained. We recommend, therefore, that communications of this kind are clear and informative. In particular, discussions with young people suggest that new information, for example about changes to sentencing guidelines, is understood most easily when accompanied by examples of what this means in practice.

In order to strengthen the positive associations that younger people generally hold, and ensure they continue to hold them as they age, one approach might be to address potential areas where dissatisfaction with the system might be expressed. For example, the survey results suggest that young people feel that judges should place more importance on what sort of sentence would be most likely to change the offender's behaviour (72% thought judges placed importance on this, compared with 80% who thought it should be important), to punish the offender adequately (77% vs. 82%), and to protect the public (84% vs. 88%). The survey also found that young people are more likely than older groups to say that personal circumstances both are and should be taken into account (51% vs. 41% thought it is taken into account, 49% vs. 39% felt it should be taken into account). Together, this suggests that communications around sentencing considerations that are targeted towards young people might be better framed around explaining the purpose of sentencing, particularly in terms of social rather than practical value. For instance, this might mean not focusing on how a particular sentence has saved the court time and money, but rather detailing how and why it is likely to prevent reoffending.

While young people are especially likely to consume news via social media, they are also conscious that information from these channels is particularly at risk of being subject to bias and 'fake news'. Language and content which has a factual, informative tone is valued as it suggests impartiality and trustworthiness. Nonetheless, young people also recognise that social and digital media have a tendency to produce 'information overload'. Where possible, young people in discussion groups suggested that the communications with the most impact have a 'hook' which means they are more likely to be noticed, read and remembered. This may be as simple as ensuring content uses incisive rather than complex or technical language, but where appropriate, might also involve a 'human interest' example which brings the information to life.

*When you use apps like Flipboard [or] Apple News, [you] just scroll. It's all about the title. I spend less than a second probably in each title and a second in the whole page. It goes very fast. [Something like] 'Young people with knives'...catches my eye.*

**London, 25-40**

## **2. Black, Asian and minority ethnic groups**

### *Rationale*

BAME groups have been selected as an audience of specific interest because they emerged as holding relatively positive views on the CJS but were less likely to know about sentencing guidelines than White people in our survey. Compared to White respondents, BAME respondents in the second survey were more likely to see the CJS as effective (48%\* BAME, compared to 38%\* White); were more likely to see sentencing in general as 'about right' (21%\* BAME, compared to 16%\* White); and were less likely to see sentencing as too lenient

\* These data are from the second survey.

(59%\* BAME compared to 72%\* White). However, BAME respondents were less likely than White people to know about sentencing guidelines (55%\* BAME and 71%\* White).

This suggests that the Sentencing Council could focus on raising awareness of guidelines with this group. This report cannot make firm recommendations on how to target BAME adults and which media to use because the second survey did not contain the same detailed questions on media consumption, as the first had done, due to practical constraints. Further research is needed to gain a detailed understanding of messaging and media in relation to this group. However, in the meantime the Sentencing Council may benefit from engaging with specialist BAME media channels, such as the BBC Asian Network, The Muslim News, China Daily, the Voice and Premier Radio, which reach primarily South Asian, Muslim, Chinese and Afro-Caribbean audiences, respectively.

### **3. Older age groups (55+)**

#### *Rationale*

While younger people emerged from the research as a group with a greater tendency to hold positive views about sentencing who would benefit from further information, older people came out as a slightly tougher group with whom to communicate. People aged 55+ were highly likely to say they were previously aware of sentencing guidelines, but this perceived knowledge did not appear to translate into confidence in the CJS or in sentencing and this may indicate that their views are harder to shift than those of young people.

Older people, aged 55+, were more likely than those aged 18-34 or 35-54 to say they are not confident that the CJS as a whole is effective (50% vs 38% 18-34 and 41% 35-54) and key drivers analysis found that as a person's age increases their confidence in the CJS's effectiveness decreases. Likewise, nearly half of those aged 55+ were not confident that the CJS as a whole is fair (46%) compared with 37% of 18-34 year-olds and 42% of 35-54 year-olds.

Their lower levels of confidence in the CJS as a whole were accompanied by lower levels of trust in sentencing, with only 12% of 55+ year-olds saying that sentences in general are about right. In comparison, almost a quarter of 18-34 year-olds (23%) and 17% of 35-54 year olds thought sentencing is about right.<sup>36</sup>

However, older groups were more likely to be aware of sentencing guidelines: nearly three quarters of 55+ year-olds (73%) were previously aware of sentencing guidelines compared to just over half of 18-34 year-olds (54%) and 64% of 35-54 year-olds. Although a slim majority of older people said that knowing about sentencing guidelines improved their confidence in sentencing at least a little, this was a smaller proportion than that of younger people (59% vs 76% of 18-34 year-olds). It is also important to note that just one in five said that their knowledge of sentencing guidelines improved their confidence in sentencing at least a fair amount, in comparison to about two in five younger people (20% vs 39%). This indicates that communicating more of such information to older groups might bear some fruit for the Sentencing Council, but to a lesser degree than for younger people.

*\* These data are from the second survey.*

<sup>36</sup> Here and elsewhere in this section, as elsewhere in the report, the figures on perceptions of sentencing as either too lenient, too tough or about right are from the second survey.

## Media channels

Those aged 55+ were distinguished from their younger peers by a number of media propensities. Notably, compared with other age groups they were the most avid consumers of news; 88% of 55+ year-olds found out about the news at least daily compared with 60% of 18-34 year-olds and three quarters (76%) of 35-54 year-olds. This is a positive finding in so far as it demonstrates that news outlets are a good way to reach this group; it is possibly negative insofar as older people will be more likely to be more exposed to the number and range of news stories about sentencing. Considerations that may direct a choice of channels by which to reach the group are:

- Their preference for news programmes and current affairs programmes: approximately four in five (79%) preferred to find out news in this way, while just half (51%) of 18-34 year-olds and two-thirds (64%) of 35-54 year-olds said the same.
- Their preference for broadcast media: 56% named broadcast media as their one most frequently used source.
- Their significantly higher likelihood of reading right-wing tabloids: almost a third (31%) of 55+ people read publications from the Express, Mail or Sun at least once a week (compared with 19% of 18-34 year-olds and 20% of 35-54 year-olds).
- Their low use of social media: the majority of older people said they use no mainstream social media outlets for news (61% choosing “none of these”).

These preferences indicate that if the Sentencing Council is keen to improve the confidence of older people in the criminal justice system – with those aged 55+ making up over a third of the adult population – then taking stories to traditional broadcast media outlets will be vital.

## Messaging and content

The sort of media stories and language that were memorable and attractive to older people in the discussion groups were the same as those for younger people, and older people were equally likely to critique the sources of news and their biases. However, we know that older people are still more likely to read publications like the Mail, Express or Sun, which the media analysis often found to report crime and sentencing issues in a way that focused on the emotional rather than factual interest of stories.

With groups who may have more ingrained views, such as older people, it is possible that broader public education will have a limited effect. Likewise a myth-busting approach through repetition of negative associations with sentencing and the CJS may serve to reinforce rather than challenge them. For example, communications with the message ‘sentences aren’t getting softer’, is likely to further entrench this perception rather than counter it.<sup>37</sup> Therefore, it may be more fruitful for the Sentencing Council to provide public-facing information around anonymised case studies which are relevant to cases in the news at that time. Language used will be important, since in the course of discussion groups it was suggested that in comparison to articles published by media outlets, the Sentencing Council’s press releases were more informative - which people liked - but less attention grabbing. Therefore, if some titles and key words were made punchy to catch the public’s attention but the factual tone retained, then briefings, placed on the Sentencing Council website and publicised, could serve as useful

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<sup>37</sup> In human rights campaigning, another area where strong views are held, myth-busting is not recommended as an approach to shift views: Equally Ours (2016) *How to talk about human rights*. <http://www.equally-ours.org.uk/blog/wp-content/uploads/2014/10/A-practical-guide-to-communicating-human-rights-FINAL.pdf>. Last accessed 2 August 2018.

sources of information to the public as well as media professionals seeking information beyond a press release.

One further area of interest is around the considerations that judges and magistrates apply when deciding sentences and how public views could be tapped into or referenced in the Sentencing Council's communications. Quantitative survey respondents were asked how important they thought a range of considerations are to judges, and how important they thought they should be. Those aged 55+ said that most considerations both are and should be given importance when considering the sentence for a crime, which may point to a heightened sensitivity about sentencing and criminal justice more broadly. For example, 96% of those aged 55+ said that they thought the seriousness of an offence is important to a judge, with 97% saying that they thought it should be important. Older people, as with those aged 18-34, felt that more importance should be placed on what sort of sentence would be most likely to change the offender's behaviour (78% thought judges placed importance on this, compared with 84% who thought it should be important) which may point to a shared idealism in these two age groups, with the middle-aged taking a more disengaged or pragmatist view.

There are also certain considerations which older people thought should be important more than those younger than them; older people placed more emphasis on the offender's level of blame (89%), whether the offender already has a criminal record (86%), what sort of sentence is most likely to punish the offender adequately (92%), and the protection of the public (97%).

#### **4. Those who have had contact with the CJS, including victims**

##### *Rationale*

Throughout the research, having involvement with the criminal justice system in particular ways emerged as a driver of opinion around confidence in both sentencing and the CJS, as well as in awareness of sentencing guidelines. Having contact with the police and criminal courts was particularly likely to drive opinion, but aside from this, the evidence suggests that there is potential for the Sentencing Council to take advantage of the various contact touchpoints that the CJS has with the wider public.

Notably, having contact with the criminal courts drove greater awareness of sentencing guidelines. Perhaps this is because by necessity this contact allowed for prolonged involvement with, and opportunity for understanding of, the system. Likewise, having contact with the police drove higher confidence in the CJS' effectiveness, views that sentencing was too tough and awareness of sentencing guidelines.

The *knowledge* gained from contact with criminal justice agencies rather than contact with agencies alone appears to be important: the key drivers analysis demonstrated that when a member of the public had experience with the CJS that they reported *improved their understanding of sentencing for criminal offences* then this drove higher rates of confidence in both the effectiveness and fairness of the CJS as well as a perception that sentencing is too tough. Likewise, higher proportions of victims than those with no previous involvement had awareness of sentencing guidelines (71% vs 59%) perhaps reflecting learnings from their experience with the CJS. In other regards, victims' views were not significantly different from the rest of the public. They were relatively split in their confidence in the effectiveness of the CJS (46% were confident and 53% were not) as well as whether it is fair (50% confident, 49% not confident). A majority of victims also thought sentencing is too lenient (62%) but this is in line with those who have had no contact with the CJS (64%).

## Media channels

Those who have had involvement with a criminal court case, including victims and those with contact with a criminal court case in other capacities, did not have preferences for media consumption that were markedly different from the rest of the general public. However, the way they discussed the CJS was different:

- Those with involvement with the CJS were more likely than those without to say that they had discussed sentencing in general or for specific cases with family (31% vs 20%) and friends (23% vs 16%) in the last three months.
- Victims were more likely than those who have not had involvement with the CJS to have talked about sentencing with friends (29% vs 20%) or family (29% vs 16%) in the three months preceding the research.

## Messaging and content

Analysis of the quantitative findings suggest that it is the improved knowledge that follows from contact with the CJS rather than contact alone that is *most* likely to improve confidence in the system. As such, it is recommended that the Sentencing Council focuses messaging and communications specifically on improving knowledge and understanding of the CJS among those who come into contact with it. Qualitative interviews with victims of crimes suggest that it is not always the case that those who have had contact with the CJS necessarily have a better understanding of the system, sentencing, or sentencing guidelines. When probed on their understanding of guidelines, for example, it emerged that victims often had as superficial an understanding as members of the general public.<sup>38</sup> Better communication with victims around the sentencing process, guidelines and sentencing factors might be helpful in improving confidence in the system and attitudes towards sentencing. Qualitative discussions suggest that utilising story-telling, perhaps based on case studies, can be particularly helpful in setting this information into context, and improving understanding. When asked if it would be helpful to provide context around sentencing guidelines to victims:

*Yes, definitely, because you'd have something to relate it to then... You understand it a bit more rather than just seeing a crime and then seeing what sentence they got and totally not understanding it, and thinking, 'Well, why have they done that?'*

**Female, 33, victim of harassment,  
Manchester**

The survey and CSEW data suggests that victims were less confident that the CJS is fair and effective than the general public. Qualitative interviews with victims suggested that involvement with the CJS can be a confusing, and at times isolating experience. Contact with the CJS has the potential to provide a valuable touchpoint through which to help raise confidence in the system, but the findings also suggest that communications with victims might also focus on providing them with clear information. While victims report that initial support – often with the police - is mostly good, as the case moves through to prosecution and sentencing, they feel they can sometimes be left in the dark. It is important to ensure that the tone of communications is approachable and warm, providing the victim with information which is both explanatory and supportive.

*On, let's say quite emotional, high-stakes cases, with people in the area, for example, they need to be much more sort of supportive and informative of how cases develop, and*

<sup>38</sup> It should be reminded that the majority of victims in the qualitative sample had not seen a defendant charged and taken through court proceedings. That may make this finding unsurprising, since most of these victims were unlikely to have had extensive contact with the criminal justice system.

*the reasoning and the actioning and justification for why investigations or sentences have been based on this decision. So, yes, I'd say [the criminal justice system] is effective, but not particularly approachable.*

**Male, 26, victim of robbery, London**

## **5. Regional targets for local news**

### *Rationale*

Notably, local newspapers held a leading position as a source of online or print news, with 30% of the public saying they read them at least once a week. With this in mind, several regions stand out as areas where the public had low levels of confidence in sentencing or the CJS and where the Sentencing Council could work to raise low awareness of sentencing guidelines.

Key drivers analysis found that living in the North, South, Yorkshire and the Humber, the Midlands, and the East of England – anywhere apart from London or Wales – was connected with increased perceptions that sentencing is lenient. Living in Wales and the North of England were also found to drive the view among the public that the CJS is not effective or fair.

### *Media channels*

If the Sentencing Council wishes to target communications in some of these regions, there were some media habits that varied in prevalence in each region. The North West, with the highest proportion of regular local newspaper readers, would be the best candidate for a targeted approach on local news sources designed to raise confidence in either effectiveness or fairness of the CJS. Beyond this research, local news outlets are also known to directly quote text from press releases and from Press Association articles, so the Sentencing Council may wish to build stronger relationships with the Press Association, with a desire to influencing them. Other regional variations may be of interest when thinking about the preferences for tone and content that are associated with the outlets popular in each region.

- The **North East** had the highest levels of those who prefer to find out about news through documentaries (56%). It also had the greatest propensity of all regions to regularly read the Express, Mail or Sun (33%) and half (50%) regularly watched ITV News. Interestingly, North Easterners were most likely of all regional groups to have talked about sentencing in the last three months with family (34%) or friends (26%), which may make them more likely to share their views about sentencing leniency with those close connections.
- **Londoners** were distinguished from other regions by their online and print preferences. 38% regularly read the Metro, while almost a third read the Guardian/ Observer/ Independent (29%) and a quarter the Times, Financial Times and Evening Standard (24%). When asked about the one source they most frequently used for news, similar amounts of London residents said broadcast (33%) and online (30%), with 15% saying social media.
- Those in the **North West** had the highest levels of regular local newspaper readership (38%) and although TV news programming is the majority preference for finding about news (63%), this was fewer than said the same in many other regions.
- **Wales** was broadcast-oriented in its media consumption, with nearly three quarters (71%) preferring to find out about news through TV programmes. Two thirds (66%) regularly watched BBC News and 45% regularly watched ITV News. Over a quarter (28%) regularly read the Huffington Post or the BBC news website.
- In contrast, in the **South West** media preferences were weaker. People named broadcast as the one source they most frequently used (43%) but were more divided in other areas in their preferences with half (51%) regularly watching the BBC News and 36% watching ITV News. Similar proportions regularly read quite seemingly different online and print sources such as local newspapers (27%), Huffington Post or BBC News website (23%) and the Express, Mail or Sun (27%).

### *Messaging and content*

In practice, the Sentencing Council cannot and probably would not wish to comment on multiple local crime stories. However, if a particular story gains wider regional popularity or interest in one of the key regions identified, the Sentencing Council might consider targeting communications to that region. These communications could be tailored to the particular need in that region; for instance, raising confidence that sentencing is about right, in the North.

Communications might also tap into local interest or concern. Members of the public from all backgrounds were often interested in local news because of its proximity and therefore relevance to their own lives. Some discussed how they would deliberately search for information or follow the progress of a local issue, such as a series of break-ins, perhaps connected to a concern about personal safety that was also raised in some interviews and discussion groups.

*I think you look for news also about your local area whether that be London local or specifically your area in London. I think your eyes, or your ears are, kind of, trained to pick that up and it doesn't actually necessarily matter what the story is.*

**London, 41-60**

*There's been quite a crime spate in [area] and stuff, so you seem to keep an eye on it.*

**Female, 41, victim of harassment and stalking, Surrey**

## 6. Two further groups of interest

In the course of the research, two other related groups emerged as groups where more understanding is needed of how to communicate with them. It is clear that there are gains to be made from lifting, where possible, the low levels of confidence in sentencing and the CJS found among those in **the lowest socioeconomic group, DE** and among those with **school level education or lower**. There may also be an overlap between these groups and older people, who might be less likely to have attended university than younger people, and who are more likely to be in the DE group if they are retired and claiming a state pension only.

This research recognises that although these groups should not be left out of the Sentencing Council's future communications plans, further research is needed to identify how best to engage them and with what messages. The paragraphs below summarise some of the evidence from the survey that underpin the rationale for targeting them in some way, as well as the media channels this survey points to using for them.

### 6a. Lower socioeconomic groups, DE

#### *Evidence*

Half of the DE group (52%) said they are not confident in the effectiveness of the CJS (significantly more than all other socioeconomic groups but especially AB at 35%) or in its fairness (50% vs AB 36%). DE members of the public were more likely than the AB group to say that they think sentencing is too lenient (74%\* vs 66%\*), and AB members were more likely than DE to have say sentencing is about right (22%\* vs 13%\*).

Positively, a majority of DE said they had previously heard of sentencing guidelines (63%) although they were still more likely than AB members (along with C2 and C1 members) to say they had not been aware of them (37% vs 28%).

#### *Media channels*

In many ways, the media consumption of the DE group was similar to other socioeconomic groups, especially insofar as the majority preferred to find out about news through TV programmes (64%), with 40% naming broadcast news as their most frequently used source. For the most part, they consumed news at least daily (70%) although they were more likely than AB groups to say only at least weekly (18% vs 10% AB) or rarely (7% vs 2% AB).

Members of the public in the DE group were distinguished from other socioeconomic groups by the following:

- They were the most likely to read a **local newspaper** (34%) and of all groups were along with C2 members most likely to read the **Mirror** (10%).
- Along with C2 members, they were more likely than AB to watch **ITV News** (40% vs 32%) as a regular source of news, although like other groups, the majority (53%) watched **BBC News**.
- Over a third used **Facebook** as a news source (38%) but were most likely to say they used **no social media outlets** for this purpose (45% 'none of these' vs 34% and 31% for C1 and C2).

These preferences suggest that local news might be the best way to reach this group, but no particular channel would reach them alone.

\* These data are from the second survey.

## 6b. Those with school level or below education

### *Evidence*

People with school level or below education were significantly more likely to say that sentences are too lenient (77%\* vs 61%\* of those with a degree or higher), and less likely to see sentences as about right (12%\*, compared to 25%\* for those with a degree or higher). They were also less likely to be aware of sentencing guidelines than those with a degree or higher (61% vs 68%). Those with lower levels of education were also more likely to say they were not confident in the CJS's effectiveness (46% vs 40%), although there were not significant differences between the two groups when it came to their views on the fairness of the CJS. All of the above is consistent with the key drivers analysis finding that having higher education at least increases confidence in both effectiveness and fairness of the CJS and increases perceptions that sentencing is too tough.

### *Media channels*

The media consumption of the public was not markedly different for those of different education levels, however those with lower levels of education showed several habits with their media consumption that can guide those wishing to reach them.

- Broadcast media was their one most frequently used source (42%), with half regularly watching **BBC News** (53%) and 39% watching **ITV News** (compared with 33% of those with a degree or more).
- When asked about preferred print or online sources, those with school level education or lower were most likely to name the **Express, Mail or Sun** as their outlet of choice (28%) and more of them read the **Mirror** than those with a degree or higher (9% vs 5%).

\* These data are from the second survey.

## RECOMMENDATIONS

Combined, all stages of the research – the literature review, qualitative, quantitative and media analyses – have set out a detailed picture of the public’s opinions about sentencing and the CJS. Often these could be improved: only slightly more of the public were confident in the effectiveness and fairness of the CJS, than were not. In the same vein, when asked about their views in general about sentencing, a minority said that sentences are about right and most were likely to say that sentences are too lenient. However, and more positively, a majority of the public were aware of sentencing guidelines and even if they needed some clarification about what they entail, once explained, the principle underpinning guidelines is welcomed by most. Nonetheless, there are certain groups among whom awareness and understanding could be increased.

The evidence suggests a number of actions that the Sentencing Council could consider taking to change the public’s views about sentencing and sentencing guidelines, set within the context of their wider views towards the CJS.

### **Improve understanding of CJS and sentencing in order to increase public confidence**

The research suggests that having experience of the CJS has a positive association with both confidence in the system’s effectiveness and fairness, and awareness of sentencing guidelines. This suggests that contact with the CJS has the potential to be a useful touchpoint through which to improve public attitudes towards the system and sentencing overall. Importantly, however, the key drivers analysis conducted on the survey results suggests that it is the *knowledge* gained from involvement with the CJS, rather than the contact alone, which is the most important driver of increased confidence and improved perceptions.

Improving knowledge and understanding of the CJS and sentencing amongst the general public should therefore be a central aim for the Sentencing Council. Both survey results and qualitative discussions suggested that although the public generally reported that they had a good understanding of sentencing and the criminal justice system, in reality understanding was limited. Providing the public with information about sentencing appeared to increase confidence in its fairness. For example, the proportion in the online survey saying that sentences are too lenient tended to drop significantly when the public were provided with a specific case study, as opposed to when asked for a general assessment of sentencing for a particular offence. Similarly, both qualitative and quantitative results suggested that providing people with information about sentencing guidelines improved confidence in the fairness of sentencing.

### **Continue to challenge negative media coverage about the CJS and sentencing**

Media coverage of crime and sentencing is extremely influential in forming the public’s opinions about the CJS and the appropriateness of sentencing. The influence of the media was emphasised in all qualitative discussion groups and interviews with victims. Media analysis carried out at the same time as this study found that the most frequent reporter of stories concerning criminal sentencing was the Daily Mail. However, the Daily Mail was also associated by the public with a sensational reporting style which often presents the CJS in a negative light. Given that almost a quarter of the English and Welsh population (24%) regularly read the Mail, Express and Sun, this makes it tough for the Sentencing Council to contend with the messages promulgated in those publications. Additionally, in discussion groups and interviews the public often recognise that even when coverage is not negative, by nature the media are most likely to report on cases where the outcome is in some way remarkable, thereby perpetuating impressions of inconsistency in sentencing.

It may be difficult to counter the content of popular news outlets when they report inaccurately or focus only on those cases which are out of the ordinary. However, the Sentencing Council should continue to challenge misconceptions or negative slants on sentencing and the CJS, especially around the coverage of cases that grab and keep the public's attention because of their sensational nature or because they are portrayed as a miscarriage of justice. The results of the survey and qualitative discussions suggest that there may be particular value in framing messages about guidelines and sentencing in general around the factors that the public sympathise with most, such as the harm done to a victim, or the seriousness of the crime. More specifically, the findings suggest that there are several key audiences in particular with whom Sentencing Council should target with particular communications in order to improve understanding of and increase confidence in sentencing and the wider criminal justice system. Recommendations for broad communications strategies which might help to improve understanding of and confidence in the CJS and sentencing amongst one or several of these key audiences are set out below.

### **Focus on broadcast media to address sceptical views amongst older people**

Traditional broadcast media – TV in particular - is a popular medium through which the majority of the public find out about the news. Among all groups, BBC News and ITV News are consistently named the most popular TV news programmes and BBC Radios 1 and 2 are the most popular of the radio stations, regularly listened to by 15% and 11% of the public. Therefore, these are the channels that Sentencing Council can target for maximum effect in order to ensure the broadest reach for information about sentencing and the CJS. That said, just because these are the main channels through which a majority of people find out the news, it may not be that these are the channels shaping perceptions of sentencing since sentencing decisions tend to be covered lightly in broadcast media. This may limit the extent to which TV and radio can be used by the Sentencing Council to, for example, provide accurate information on sentencing.

The reliance on traditional broadcast media is especially the case for older members of the public: nearly four in five (79%) of those aged over 55 prefer to find out the news from news and current affairs programmes. Older age groups are also the most avid consumers of news, with 88% finding out about the news at least daily in comparison to 60% of 18-34 year-olds. This group also tend to be the hardest group with whom to communicate about the CJS and sentencing, having lower levels of confidence and trust overall. Nonetheless, a majority of older people (59%) said that knowing about sentencing guidelines improved their confidence in sentencing at least a little. Communicating more of such information via the channels most frequently used by this group – traditional media outlets, both print and broadcast - might help to improve confidence of older people in the CJS overall.

Messaging and content that is likely to be most effective for this group is that which to some extent reflects the punchy headlines and easy, non-technical language of outlets they follow most, such as the Mail, Express and Sun, whilst providing positive comment and factual information about high-profile cases.

### **Use social media as an effective channel for education about sentencing to target younger people**

Young people were more likely to say that they were not previously aware of sentencing guidelines before taking part in the research. In addition, young people were more likely than older ones to say that their confidence in sentencing was improved at least a little by learning about the existence of guidelines. These findings suggest that they have a greater need for education about guidelines than other groups; they also suggest that education would be worthwhile as it has the potential to change their views about sentencing.

Young people are distinguished from other groups by their stronger preference to find out about the news through social media, with almost three in five of young people (58%) saying this. A communications plan, including the production of shareable graphics, videos and messaging about sentencing guidelines, could be implemented using the most popular social media sites, Facebook and YouTube. Social media could be exploited to drive the public to materials already on the Sentencing Council's website, such as press releases: in focus groups, the public appreciated the straightforward and informative language that they read in the edited press releases. For maximum 'cut through', all language used in messaging should be clear and impartial, avoiding overly technical or complex discussions of sentencing and sentencing guidelines.

Messaging and content that is likely to be most effective for these groups might address the points about sentencing that make them dissatisfied or uneasy. For example, it could engage with younger people's interest in social, rather than practical, justifications for sentencing, such as reducing reoffending rather than saving money.

### **Create a strategy for local newspaper coverage prioritising regions with lower confidence**

While the public's consumption of print and online media is spread between a range of publications, local newspapers take the largest single share, with nearly a third of the public (30%) regularly reading one. This highlights the importance for the Sentencing Council to influence the content of local publications; therefore, it would be valuable for the Sentencing Council to develop a strategy for engaging with prominent local newspapers. Local newspapers often lift text word for word from press releases or Press Association articles, so a strategy might comprise, among other things, seeking to better influence the language of Press Association pieces.

There are particular areas where engaging with local media could have the greatest results. For instance, the North West, which is associated with lower levels of confidence in the CJS, has the highest levels of regular local newspaper readership (38%). The North East, where more than three quarters of the public (77%\*) think sentencing is too lenient are also among the highest regional local newspaper readership, with 35% regularly finding out about news through one.

Messaging and content that is likely to be most effective for those living in these target regions is that which reflects the topics of greatest interest to people reading local news, such as concern around personal safety and interest in local crime trends. This can then provide a useful entry point for communications through which to build awareness and understanding of the CJS.

### **Provide tailored information about sentencing for victims of crime**

Victims' media habits did not vary widely from the general public's. However, survey results suggest that victims' confidence in the effectiveness of the CJS is lower than that of the public in general. At interview, victims said they often felt ill-informed about CJS processes, from the point of reporting a crime onwards, and, if the perpetrator of the crime was caught and sentenced, they were sometimes unclear about the details of and reasoning for the sentence.<sup>39</sup>

*\* These data are from the second survey.*

<sup>39</sup> It is important to remember that only two of the twelve victims interviewed had seen a defendant charged and taken through court proceedings, so this finding, about victims' understanding of sentencing process and outcome in their case, is based on a very small sample.

This suggests there is potential for the Sentencing Council to work with agencies like Victim Support to create communications strategies and materials designed to inform victims about the process that follows the reporting of a crime and what they should expect in terms of sentencing.

Victims were more likely than those who have not had contact with the CJS to talk about sentencing with friends (29% vs 20%) or family (29% vs 16%) in the three months preceding the research. For the substantial minority of victims who do talk to friends and family, there would then be potential for any improved understanding or perception of sentencing and the CJS to be shared in those conversations.

Messaging and content that is likely to be most effective for victims of crime is that which capitalises on their contact with the CJS as a key touchpoint, in particular focusing on providing victims with clear information about how their case will develop and transition through the system. It is important for the tone of communications is approachable and reassuring to avoid the impression amongst victims that the system is impersonal or uncaring.

### **Use research to develop and measure the impact of the Council's communications across all groups**

The findings of this research are a marker from which the Sentencing Council may measure their progress in communication around sentencing and sentencing guidelines. The CSEW may also continue to be a useful source for data for Sentencing Council: conducted by the Office for National Statistics, it has, in the past, regularly asked questions that the Sentencing Council could use to benchmark awareness of public confidence in the effectiveness and fairness of the CJS and public opinion about the how lenient, right or tough sentences are. The Council may also wish to commission tracking research to be repeated at appropriate points to measure the impact of communication strategies.

Finally, this research has tested the general public's media habits and general thoughts about the language and tone of media and press releases, but it might also be useful to conduct further in-depth qualitative research amongst each of the target groups in order to test and evaluate the effectiveness of different messages in building understanding and confidence in the CJS and sentencing.

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## APPENDIX 1: NOTE ON SAMPLING AND ANALYSIS

This note sets out more detail about the approach taken for the qualitative and quantitative elements of the project.

### SURVEYS

The original survey comprised nine demographic questions and 31 questions about respondents' perceptions of the CJS, perceptions of sentence severity and sentencing, experience of crime and the CJS, and sources of information (focusing mainly on the media), about the CJS and sentencing.

The fieldwork ran between 20-27 March 2018, with the survey link sent out to an existing online panel. Panellists were recruited from a diverse set of recruitment sources and through a variety of recruitment methods in order to avoid bias, including opt-in email, co-registration and e-newsletter campaigns as well as social media. Panellists had made a conscious decision to participate in online surveys through a double opt-in registration process, and the panel was closely monitored to track activity and engagement, and to ensure quality. The sample was composed through quota sampling. Quotas were set and weighting applied so that the data were representative of the English and Welsh adult population by age, gender, region and socioeconomic group.

The data were cross-tabulated and tested for statistical significance ( $p < 0.05$ ). Subsequently, whenever a difference is reported as being significant, this means statistically significant rather than large or marked. ComRes also performed a key drivers analysis, using either linear or logistic regression, on four dependent variables: confidence in effectiveness of the CJS, confidence in fairness of the CJS, opinion as to whether sentencing is too lenient or too tough, and whether people were aware or not of sentencing guidelines.

A year later, a short set of questions were re-run on a second, omnibus survey. The second survey comprised 9 questions about respondents' perceptions of the CJS, perceptions of sentence severity and sentencing, understanding of sentencing terminology, and sources of information (focusing mainly on the media), about the CJS and sentencing.

The reasons for this were to test whether the wording of some questions made a difference to responses, and to ensure that we had responses from a representative sample of BAME respondents, as it was noticed after the first survey that the BAME sub-sample was skewed towards younger age ranges.

The fieldwork ran between 15-19 March 2019 and used the same online recruitment techniques as the original survey. The sample was composed through quota sampling. Quotas were set for a larger BAME sample size than achieved in the original survey, and weighting applied so that the data were representative of the English and Welsh adult BAME population by age and gender. The data were cross-tabulated and tested for statistical significance ( $p < 0.05$ ). Subsequently, whenever a difference is reported as being significant, this means statistically significant rather than large or marked.

### DISCUSSION GROUPS

Throughout April 2018, researchers from ComRes set up and moderated eight two hour discussion groups each with 6-8 members of the general public in England and Wales, who had not been victims of crime in the 12-18 months preceding the research. Participants were

recruited through an agency using purposive sampling<sup>40</sup>. They were chosen to fit into the categories outlined in the table below, with a roughly equal gender split in each group. Potential participants were excluded if they worked for the CJS or had family or friends in the sector.

The groups were designed so that each was homogenous in some way, to give grounds for common experience that would enable a rapport between group members. Two groups were for BAME participants only; three were for those aged 25-40 in SEG brackets BC1C2; and three were for those aged 41-60 in SEG brackets BC1C2<sup>41</sup>. Each participant was incentivised with a voucher worth £50 to take part.

Discussions were recorded and transcribed, with the transcripts then entered into an analysis framework so that researchers could identify themes across groups and with the in-depth interviews too.

<b>8 x 2 hour Focus Groups (6-8 per group)</b>			
<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>
<i>LONDON</i>	<i>SHEFFIELD</i>	<i>SWANSEA</i>	<i>SWANSEA</i>
BC1C2	BC1C2	BC1C2	BC1C2
Age 25-40	Age 41-60	Age 25-40	Age 41-60
<b>Group 5</b>	<b>Group 6</b>	<b>Group 7</b>	<b>Group 8</b>
<i>LONDON</i>	<i>LIVERPOOL</i>	<i>LIVERPOOL</i>	<i>LONDON</i>
BC1C2	BAME	BC1C2	BAME
Age 41-60	Age 18-60	Age 25-40	Age 18-60

## IN-DEPTH INTERVIEWS

In April 2018, ComRes conducted 12 semi-structured in-depth interviews with victims of crime, each lasting 45 minutes and conducted in person. Interviewees had to have been a victim of crime in the last 18 months and to have reported it to the police to qualify, and were recruited via a recruitment agency using purposive sampling. An equal amount of men and women were interviewed, with a good spread of ages and with a quota of at least 3 of the 12 interviewees being from a BAME background. Recruitment was also on the basis that interviewees did not work for the CJS or had family or friends in the sector. Interviewees were incentivised to participate with a voucher of £65.

<sup>40</sup> Purposive sampling is used to achieve a sample based on particular characteristics of a population that are of interest.

<sup>41</sup> Throughout this report we refer to socioeconomic group or "SEG", with the main SEG categories being AB, C1, C2 and DE. Those in the AB category occupy higher or intermediate professional, managerial or administrative jobs; students or those in clerical or junior managerial, professional or administrative roles fall into the C1 definition. C2 comprises skilled manual workers and D semi- or unskilled manual workers. Those who are not in paid work, are homemakers or carers, are in casual work or are retired fall into the E category.

Discussions were recorded and transcribed, with the transcripts then entered into an analysis framework so that researchers could identify themes across interviews and between interviews and the group discussions.

Location	Gender	Victim of offence
London	Male	Burglary
London	Male	Assault
London	Female	Harassment / Stalking
London	Female	Hate crime
London	Female	Hit and run driving incident
London	Male	Theft / Burglary
Manchester	Female	Criminal damage
Manchester	Female	Harassment
Manchester	Male	Assault
Sheffield	Female	Assault / Burglary
Swansea	Female	Theft / Burglary
Swansea	Female	Theft / Burglary