

SP1 - COOPERATION

SSH7

GRANT AGREEMENT NR 217311

SCIENTIFIC INDICATORS OF CONFIDENCE IN JUSTICE: TOOLS FOR POLICY ASSESSMENT

<u>Work Package 4:</u>	Development of scientific survey-based indicators of public confidence in justice for policy assessment
<u>Task 4.1:</u>	Question design and development
<u>Deliverable 4.1-:</u>	Question Design Report

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EXECUTIVE SUMMARY

The research project JUSTIS (Scientific Indicators of Confidence in JUSTIS: Tools for Policy Assessment), which is funded primarily by the European Commission from the 7th Framework Programme for Research, is designed to provide EU institutions and Member States with new indicators for assessing public confidence in justice.

The objectives of WP4 were to develop survey-based level 1 and level 2 indicators of public confidence in criminal justice, as defined in Section 1.1 of the application, and in line with the broad specification produced by WP3. The primary indicators (level 1) are to be a small number of lead indicators which cover the most important elements of confidence and insecurity. The secondary indicators (level 2) support the primary indicators and go into more detail on the various dimensions of the issue. Both level 1 and level 2 indicators will be survey-based. Initially it was expected that indicators would cover the following:

- a) agency-specific measures of confidence in the criminal justice system (e.g. policing, courts, prisons, sentencing);
- b) fear of crime (the extent to which citizens express concern or worry about victimisation of themselves or their family members);
- c) contact with the criminal justice system (such as encounters with police officers; magistrates; prison officers and probation officers).

As expected, these elements were all included in our work, and take the form of a number of survey questions for use at both national and supranational level in social scientific surveys and which can be employed as indicators of public confidence in the criminal justice system – and, as such, used to assess policies.

Task 4.1: Question design and development

This task was translate the concepts developed in WP3 into specific survey questions. These questions, which “operationalise” the theoretical foundations

of the JUSTIS project, will allow for the construction of scales. This work was aided by the award of module space in the European Social Survey. Questions were developed and tested using the technique of 'cognitive interviewing', in which interviewees will be asked about their understanding of the question, and asked to describe their thought processes as they answer to the survey question. Initially this was planned to take place in just the UK, but we extended this work to Finland, Bulgaria and Italy.

1. Collation of Existing Measures of the Fear of Crime, Contact with the CJS and Confidence in the CJS.

This involved us collating examples of these survey questions from 'flagship' surveys (such as the British Crime Survey, the European Social Survey and such like) in those EU countries which have relevant surveys. We will also collate relevant survey questions from academic and ad hoc surveys where possible.

2. Reviewing 'Best Practice' in Survey Question Design

Alongside the collation of materials we reviewed of best practice in survey question design. This review developed a set of parameters against which existing question were assessed.

3. Reviewing These Existing Measures.

This stage of the work involved reviewing the collated questions to ensure face validity and expert validity (i.e. do the questions appear to be about the topic(s) under consideration). Following discussions with partners in the project, it was decided to treat the three sets of questions listed above on page 1, separately. Those questions which dealt with agency-specific measures of confidence in the criminal justice system (e.g. policing, courts, prisons, sentencing) were to be taken into cognitive interviews (as planned). Those items on the fear of crime were not to be taken into cognitive interviews since team members had recently completed long and sustained work on these items (published as a book by Oxford Univ. Press)¹ and others (e.g. Prof. Hough) were acknowledged experts on the measurement of the fear of crime. Finally items dealing with contact with the criminal justice system (such as encounters with police officers; magistrates; prison officers and probation officers) were subject to expert review by colleagues both within and external to the project. These reviews suggested that the questions we had collated and modified were acceptable for use in surveys in most European countries. Experts in the following countries were consulted: Belgium; Bulgaria; Finland; Germany; Greece; Hungary; Ireland; Italy; Lithuania; Norway; Slovenia; Spain and Switzerland.

¹ As Farrall, S., Jackson, J. and Gray, E. (2009) **Social Order and the Fear of Crime in Contemporary Times**, Clarendon Studies in Criminology, Oxford University Press, Oxford.

4. Critiquing the Existing Measures

Closely related to stage 2 was a critique of such measures as can be found. This critique focused on the extent to which the question(s) are worded appropriately and are in line with the best practice in survey design.

5. Designing New Measures of the Fear of Crime, Contact with the CJS and Confidence in the CJS

On the basis of the review of best practice and the existing measures, we undertook minor modifications of items for use in the pilot work.

6. Cognitive Interviewing of the Measures

Cognitive Interviews were undertaken with a small number of people who have completed the new measures. These interviews asked respondents the extent to which they understood the question, found answering these easy and so on.

21 questions were selected for interviews, which were translated by the interviewers prior to being tested (see Appendix A for English questionnaire and probes). The interviews were carried out using standardised probes, which participants were asked after each item, or battery. These probes were developed with the aims of: understanding how certain terms were understood by respondents; determining whether certain concepts and the words used to express them 'worked' across Europe; examining the cognitive processes by which people come from thinking about the question to selecting an answer from the scale. Interviewers were also allowed to use discretionary probes to discover more about issues which may arise during the interview process. The interviews were recorded and then analysed, and errors were coded using a framework developed by De Maio and Landreth (2004), with additional codes developed for issues which arose due to the translation of the question.

Between 16 and 30 interviews were carried out in the four countries in June and July 2009 (total n=94, see Table 1). Each country made efforts to include participants from each age group, although as shown in Table 1 there was variation between countries in terms of the proportion of respondents from different age groups. In Finland and Italy a 50:50 gender split was achieved, in the UK and Bulgaria more women than men were interviewed. In terms of the number and types of errors found in the different countries, this is described in Tables 2-4.

Table 1: Demographic Profile of Respondents

Country	Gender		Age					Total
	Female	Male	16-24	25-40	41-54	55-64	65+	
UK	17	13	4	7	4	9	6	30
Bulgaria	16	12	13	3	3	7	2	28
Finland	8	8	1	4	5	5	1	16
Italy	10	10	4	7	4	2	3	20
Total	51	43	22	21	16	23	12	94

Table 2 Errors per Country

	UK	Bulgaria	Finland	Italy
N of errors	78	262	59	41
% of total errors	17.7	59.5	13.4	9.3
Mean errors per R	2.6	9.36	3.68	2.05

A total of 440 errors were coded by researchers (averaging at 4.58 per participant). By far the greatest number of errors were coded by Bulgaria (262 errors 59.5% of total errors, 9.36 errors per participant), followed by Finland (in terms of errors coded per participant), the UK, then Italy. When this is examined in more detail it appears that rather than questions being markedly more problematic, this could instead be ascribed to the Bulgarian researchers seeing different things as being errors than those from other countries. For example, the Bulgarian researchers tended to code a comprehension error when a respondent only referred to one type of court, or a certain branch of the police, when asked what they based their answer (E.g. comment from Bulgarian team regarding B206 where a comprehension error was coded as the "refers only to two sub-structures within the national police - traffic police and criminal police"). When the UK and other countries encountered similar responses this was not coded as an 'error' rather it was noted as one of a number of legitimate interpretations of the term 'police'. If this study was to be undertaken in a way which required more rigorous quantitative analysis, then there would have to be a more standardised approach to determining what should be coded as an error. In practice we reclassified many of the Bulgarian team's errors following discussion with them.

Table 3 Number of errors coded per country

Number of errors coded	Number of questions affected
1-10	2
11-20	9
21-30	7
31-40	2
41+	1
Mean	20.95

The number of errors coded per question ranged from 6 (Q117) to 47 (Q103), with a mean of 20.95 errors per question. As would be expected given the number of errors coded by Bulgaria, when the number of errors coded per country per question is examined, Bulgaria has always coded the largest number of errors (with the exception of Q110 where 8 errors were coded in both the UK and Bulgaria). The same is true when the percentage of respondents per country who have one or more coded errors is examined. There is only one exception to this; Q 103 which was about the probation service caused problems for 75% of Bulgarian and Italian respondents as this body which runs probation in these countries has a low public profile.

Table 4 types of errors recorded, by country

	Interviewer Difficulties	Comprehension	Retrieval Issues	Judgement	Response Selection	Translation
England and Wales	7	54	3	0	14	(n/a)
Bulgaria	0	166	28	3	52	13
Finland	0	31	3	9	14	2
Italy	0	30	0	11	0	0
N. of errors (%)	7 (2)	281 (64)	34 (8)	23 (5)	80 (18)	15 (3)

The largest number of coded errors were comprehension errors, where the respondent has had difficulty understanding the survey question. The next most common type of error related to 'response selection', where a participant had difficulty choosing which answer to select from a scale. This is similar to (but is not the same as) Judgement errors (where a participant has difficulty in making a numerical estimation).

As well as errors that were seen and coded by the international researchers, there were also some question errors that were only revealed when the questionnaires were back-translated into English. It was discovered that some of the questions were translated in ways which lead them to have somewhat different meanings to when asked in the source language. For example, Q108

asked participants to what extent they thought the police “treat people fairly”. In Finland this was translated as “treat people equally” which leads to a subtly different meaning, as it is possible for the police to treat people equally *unfairly*. Another example of this is found in the Italian questionnaire. In Italy there is one word ‘*tribunali*’ which means both ‘court’ (in the sense of the building - *courthouse*) and ‘judge’. Therefore some of the questions about the courts were answered solely about either the building, or judges. Other translation issues which led to questions being interpreted differently in different countries will be discussed further below, with reference to specific questions.

Through the cognitive interviewing it was discovered that certain questions were more problematic than others. Some questions were very straightforward, and produced few issues which would lead to revisions being needed. Other questions, such as those involving lesser known branches of the CJS did not appear to work in a pan-European context, and may have to be removed from future surveys. More importantly, however, key concepts which the surveys were designed to investigate appeared to be understood in the same way in all the countries. For example, it was important from the survey that ‘fairness’ was understood in the same way in all countries, so a probe was designed to examine respondents understandings of this. From this probe it is apparent that fairness was understood across Europe as “Behave[ing] similarly to all people they come across in the same sort of context”. The idea of trust in the police being essential to social order was also understood across Europe, as demonstrated in Bulgaria where this was understood as “One of the things which explains compliance is trust, which is the foundation on which the police as an institution is based; the lack of trust would entail the breakdown of the whole social order”.

7. Redesign in the Light of the Cognitive Interviews

In the light of the feedback from the pilot interviews, some questions were redrafted. This work took place alongside general design work for the ESS module.

8. Assembling the Batteries

Following the completion of the design and piloting work, we will assemble, for each topic, two batteries of questions. One will be Level 1 indicators and the other the Level 2 indicators.

Our next task (Task 4.2) is to assemble viable survey questions these into sets – or batteries – of questions designed to be imported into national or supra-national surveys. We envisage producing options ranging from the very limited

to the exhaustive, that can be used either in face-to-face or phone surveys. The work has involved the translation of the batteries of questions developed into the EU languages of the partner institutions, the population to be surveyed and other major languages for dissemination purposes. Care will be needed to ensure that the items retain conceptual equivalence across languages.

9. Appendix A

The questions which were being explored are shown in bold (and are numbered for ease of reference from Q101 to Q121). Showcards are summarised for each question. The probes used during the VP interviews are given in italicised capitals.

Q101 Looking at CARD A, how good a job do you think the police are doing?

- 1 = excellent
- 2 = good
- 3 = fair
- 4 = poor
- 5 = very poor

WHAT DO YOU UNDERSTAND BY THE TERM "POLICE" IN Q101? (IS THIS LOCAL, NATIONAL OR SOME OTHER FORM OF POLICE?)

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

Q102 How good a job do you think the courts are doing?

- 1 = excellent
- 2 = good
- 3 = fair
- 4 = poor
- 5 = very poor

WHAT DO YOU UNDERSTAND BY THE TERM "COURT" IN Q102? (IS THIS LOCAL, NATIONAL OR SOME OTHER TYPE OF COURT?)

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

Q103 How good a job do you think the probation service is doing?

- 1 = excellent
- 2 = good
- 3 = fair
- 4 = poor
- 5 = very poor

WHAT DO YOU UNDERSTAND BY THE TERM "PROBATION" IN Q103?

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

Q104 How good a job do you think the prisons are doing?

- 1 = excellent
- 2 = good
- 3 = fair
- 4 = poor
- 5 = very poor

WHAT DO YOU UNDERSTAND BY THE TERM "PRISON" IN Q104?

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

Q105 How good a job do you think the [Crown Prosecution Service], that is the body responsible for making prosecutions, is doing?

- 1 = excellent
- 2 = good
- 3 = fair
- 4 = poor
- 5 = very poor

WHAT DO YOU UNDERSTAND BY THE TERM "[CROWN PROSECUTION SERVICE]" IN Q105?

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

2: YOUR FEELINGS ABOUT THE POLICE

Now I would like to ask you some questions about the police.

Q106 Using CARD B, could you tell me to what extent you think the police deal effectively with public disorder, anti-social behaviour and vandalism?

not at all effective =0 1 2 3 4 5 6 7 8 9 10 = very effective (don't know)

WHAT DID YOU UNDERSTAND BY THE TERM "DEAL EFFECTIVELY"?

WHAT DID THE TERM "PUBLIC DISORDER, ANTI-SOCIAL BEHAVIOUR AND VANDALISM" MEAN TO YOU?

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE TO Q106?

WHAT WOULD THE POLICE HAVE TO BE LIKE FOR THE POLICE TO BE VERY EFFECTIVE?

Looking at CARD C, to what extent do you agree with these statements about the police?

Q107: They treat people with respect.

Q108: They treat people fairly.

1 = strongly agree

2 = tend to agree

3 = neither agree nor disagree

4 = tend to disagree

5 = strongly disagree

WHICH PEOPLE WERE YOU THINKING OF WHEN YOU ANSWERED Q107 AND Q108?

THESE QUESTIONS REFER TO "FAIR" AND "RESPECT". WHAT DO THESE WORDS MEAN TO YOU IN THIS CONTEXT?

HOW EASY WAS IT TO FIND THE ANSWERS YOU WANTED TO GIVE?

Looking at CARD D, to what extent do you agree with this statement about the police?

Q109 They make fair decisions when handling problems.

strongly disagree = 0 1 2 3 4 5 6 7 8 9 10 = strongly agree (don't know)

WHAT DOES THE TERM "FAIR DECISIONS" MEAN TO YOU IN THIS CONTEXT?

WHAT DOES THE TERM "HANDLING PROBLEMS" MEAN TO YOU?

THIS QUESTION USED A SCALE WITH 0-10. THE QUESTION BEFORE USED A 1-5 SCALE WITH LABELS. WHICH DID YOU FIND EASIER TO USE? WHY?

Looking at CARD C, could you tell me the extent to which you agree or disagree with the following statement about the police.

Q110 They enforce the law consistently when dealing with all people.

- 1 = strongly agree
- 2 = tend to agree
- 3 = neither agree nor disagree
- 4 = tend to disagree
- 5 = strongly disagree

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWER TO GIVE?

WHAT DOES THE TERM "ENFORCE THE LAW" MEAN TO YOU?

*WHICH PEOPLE WERE YOU THINKING OF WHEN YOU ANSWERED THIS QUESTION?
PROBE: WAS THIS THE 'AVERAGE CITIZEN' OR 'CRIMINALS'?*

People have different opinions about how important it is to obey police officers. The following questions are concerned with your own feelings about obeying the law. Using CARD E, please tell me if you agree or disagree with each of these statements.

Q111 Generally, I trust the police enough that if they asked me to do something I would do it

Q112 Even if I thought they were wrong, I generally trust police officers enough to accept their decisions

Q113 Even if I did not like the way they treated me, morally I think that we should all obey the police

- 1 = strongly agree
- 2 = somewhat agree
- 3 = somewhat disagree
- 4 = strongly disagree

COULD YOU TELL ME HOW YOU UNDERSTOOD THESE QUESTIONS?

HOW DID YOU DECIDE WHICH ANSWERS TO GIVE?

WHICH TYPE(S) OF POLICE FORCE WERE YOU THINKING OF WHEN YOU ANSWERED THESE QUESTIONS? PROBE: NATIONAL POLICE, LOCAL POLICE, TRAFFIC POLICE, OR SOME OTHER TYPE?

COULD YOU TELL ME A BIT MORE ABOUT WHY YOU FEEL THE WAY YOU DO ABOUT THE POLICE?

HOW EASY WAS IT FOR YOU TO ANSWER THESE QUESTIONS?

Q114 And looking at CARD E again, do you strongly agree, somewhat agree, somewhat disagree or strongly disagree that the police usually act in ways that are consistent with your own ideas about what is right and wrong?

- 1 = strongly agree
- 2 = somewhat agree
- 3 = somewhat disagree
- 4 = strongly disagree

COULD YOU TELL ME WHAT YOU THOUGHT THIS QUESTION WAS ABOUT?

WHAT IS IT TRYING TO FIND OUT FROM YOU?

HOW DID YOU DECIDE WHICH ANSWER TO GIVE?

Q115 Staying with CARD E again, do you strongly agree, somewhat agree, somewhat disagree or strongly disagree that the police make decisions on who to stop and search based on reasonable suspicion, not prejudice?

- 1 = strongly agree
- 2 = somewhat agree
- 3 = somewhat disagree
- 4 = strongly disagree

DO YOU THINK THAT THE POLICE ARE PREJUDICED AGAINST CERTAIN PEOPLE? IF SO, WHICH PEOPLE?

WHICH TYPE(S) OF POLICE FORCE(S) WERE YOU THINKING OF WHEN YOU ANSWERED THIS QUESTION? PROBE: NATIONAL POLICE, LOCAL POLICE, TRAFFIC POLICE, OR SOME OTHER TYPE?

3: YOUR FEELINGS ABOUT THE COURT SYSTEM

Now I would like to ask you some questions about the courts in the UK. Looking at CARD F, how well do you think the courts do each of the following:

Q116 Hand out sentences which fit the crime.

Q117 Process cases quickly and efficiently.

- 1 = not at all effectively
2 = not very effectively
3 = neither effectively nor ineffectively
4 = fairly effectively
5 = very effectively

WHICH TYPE(S) OF COURT(S) WERE YOU THINKING OF WHEN YOU ANSWERED THIS QUESTION? [YOU MAY NEED TO LIST THE TYPES OF COURTS FOR RESPONDENTS]

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWERS TO GIVE?

WHAT WOULD THE COURTS HAVE TO BE LIKE FOR THEM TO BE VERY EFFECTIVE?

Looking at CARD C, could you tell me the extent to which you agree with these statements about the courts?

Q118 The courts treat defendants, victims and witnesses with respect.

Q119 The courts give everyone involved in a court case the chance to have their say.

Q120 The courts make decisions on who to find guilty based on the evidence not prejudice.

Q121 The courts enforce the law consistently when dealing with all groups of people.

- 1 = strongly agree
2 = tend to agree
3 = neither agree nor disagree
4 = tend to disagree
5 = strongly disagree

COULD YOU TELL ME HOW YOU DECIDED WHICH ANSWERS TO GIVE?

WHAT DOES "RESPECT" MEAN IN THE CONTEXT OF Q118?

COULD YOU TELL ME WHAT YOU THOUGHT Q119 WAS ABOUT? WHAT IS IT TRYING TO FIND OUT FROM YOU?

DO YOU THINK THAT THE COURTS ARE PREJUDICED AGAINST CERTAIN PEOPLE? IF SO, WHICH PEOPLE? IF THE COURTS ARE PREJUDICED AGAINST SOME PEOPLE, DO THEY LET THEM OFF TOO LIGHTLY, OR PUNISH THEM TOO HARSHLY?