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Jurors' perceptions, understanding, confidence and satisfaction in the jury system: a study in six courts

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Home Office Online Report 05/04

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Contents

Acknowledgements

Executive summary 5 - 9

1. The background and nature of the study 10 - 15

- Introduction
- The jury system
- Perceptions, understanding, confidence and satisfaction

2. Methodology 15 - 24

- Introduction
- The sample
- Selection of courts
- Housing tenure of the sample
- The social characteristics of the sample
- The questionnaire
- Data analysis

3. Jurors' perceptions 25 - 34

- Introduction
- Responses to receiving the jury summons
- Applications for deferral
- Previous court experience
- Knowledge of court process
- Personal confidence
- External influences on perception
- Jurors' perceptions of judges
- Jurors' perceptions of the court personnel
- Jurors' views of media representation
- The extent of perception change
- Summary

4. Jurors' understanding 35 - 44

- Introduction
- Receiving the summons
- 'You and Your Jury Service'
- Introductory video
- Understanding of the court's proceedings
- Difficult aspects of the court's proceedings
- Note taking, asking questions and legal points of law
- Addressing the problems of understanding
- Summary

5. Jurors' confidence 45 - 55

- Introduction
- Positive influences on juror confidence
- Negative influences on juror confidence
- Complexity and ambivalence
- Summary

6. Jurors' satisfaction 56 - 67

- Introduction
- Pre-trial process
- Courtroom facilities

General facilities
 Intimidation in the courtroom
 Stress
 Delays and court organisation
 Inconvenience
 Negative aspects of jury service
 Positive aspects of jury service
 Reaction to a summons in the future
 The significance of jury trials
 Social solidarity
 Summary

7. Conclusions and recommendations 68 -

Internal processes
 External processes

References

Appendix (Questionnaire) 78

List of tables

Table 2.1	Distribution of respondents by court
Table 2.2	Non-responses and undeliverable summons in the London group of Crown Courts, April – June 2002
Table 2.3	Housing tenure of the sample in comparison with data from the ODPM (London area only)
Table 2.4	Age percentages in comparison with the Census 2001 data (London area only)
Table 2.5	Occupational data in comparison with the Labour Force Survey (London area only)
Table 2.6	Highest qualification held in comparison with the DFES from the Labour Force Survey (London area only)
Table 3.1	Reaction to receiving the jury summons
Table 3.2	Reasons for deferral
Table 3.3	Percentages of jurors serving 11 days or more of jury service, according to occupation
Table 3.4	Previous court experience and attitude towards summons
Table 3.5	Knowledge of the court process
Table 3.6	Main external influences on perception
Table 3.7	Extent of change in jurors' perceptions of the jury system
Table 4.1	The level of understanding reported by jurors by education
Table 4.2	The level of understanding reported by jurors by occupation
Table 4.3	Aspects of the trial that were difficult to understand
Table 5.1	Change in confidence in the court system following jury service
Table 5.2	Factors promoting confidence
Table 5.3	Confidence and sentence awareness
Table 6.1	Factors causing intimidation or discomfort
Table 6.2	Negative aspects of jury service
Table 6.3	Positive aspects of jury service
Table 6.4	The significance of juries to our system of justice

Executive summary

This research arose out of the growing concerns about public confidence in the criminal justice system. In the original proposal the aim had been to examine the changes in confidence amongst those who come into direct contact with the court system – defendants, witnesses, victims and jurors. The rationale was that the research would provide a more ‘grounded’ approach by focusing on those sections of the population who had direct experience and involvement in the court process. The findings of the research were envisaged to provide an extension to and qualification of the findings of more general studies such as the British Crime Survey.

After some consultation, however, it was decided to focus the research on jurors since this group were emerging as the subject of possible reforms and the influential *Review of the Criminal Courts of England and Wales* (2001) carried out by Lord Justice Auld had suggested a number of radical revisions of the jury system, which had stimulated public interest and debate.

Having decided to focus on jurors it was necessary to gain agreement and co-operation from the Lord Chancellor’s Department (as then was – now the Department for Constitutional Affairs). In order to secure this agreement it was necessary to make absolutely certain that the research did not contravene Section 8 of the Contempt of Court Act (1981). This meant that the questionnaire had to be carefully worded and respondents repeatedly reminded that they were not allowed to discuss cases or their deliberations in the jury room.

During our preliminary research it became clear that ‘confidence’ could not be considered in isolation and that it was inextricably bound up with jurors’ perceptions and attitudes towards jury service; their understanding of the information and the evidence they received and their satisfaction with the process in general.

The structure of the report

The structure of the report reflects the analytic structure that underpinned the research and consequently there are four central sections on:

1. Perceptions
2. Understanding
3. Confidence
4. Satisfaction

While these aspects of the juror’s experience are for the sake of clarity treated as if they are four distinct processes, they necessarily overlap and are inter-related. In the conclusion to the report we draw together some recurring themes and issues. In particular, we examine the ways in which the research throws new light on our understanding of the jury system and discuss the ways in which our findings relate to previous research, current issues and future research possibilities.

Objectives of the study

The study incorporated a number of different objectives. Being one of the few studies which has ever been carried out in this country, that looks explicitly at jurors’ experiences, the aim was to examine a number of different aspects of the jury system including:

- Aspects of the selection process.
- The willingness of those selected to participate in jury service.
- Perceptions of court personnel.
- Jurors’ views and attitudes towards the media.
- The quality and quantity of information that jurors receive.

- Jurors' understanding of information, procedures and evidence.
- Identifying those aspects of the trial jurors found difficult to comprehend.
- The main factors which both enhance and undermine jurors' confidence in the court and jury system.
- Jurors' satisfaction with court facilities and services.
- Jurors' experience of intimidation and stress.
- Their general satisfaction with the experience of engaging in jury service.

To examine these various aspects of jury service a combination of quantitative and qualitative methods were employed to uncover the diversity of attitudes as well as the tensions, ambiguities and at times the contradictory views different jurors held. In all, 361 jurors, drawn from six courts, were interviewed. Of these, 261 interviews were conducted over the telephone and the remainder were conducted on a face-to-face basis on the court premises following jurors' completion of service.

The survey was based largely in the Greater London region, which includes a mix of both urban and suburban areas. Norwich Crown Court was also included to add a 'rural' dimension to the study. The courts selected for the research were: Southwark, Central Criminal Court (Old Bailey), Wood Green, Blackfriars, Snaresbrook and Norwich. The research took place between October 2001 and October 2002.

Previous research has shown that only one in three of those selected actually participate in jury service. The composition of the sample was examined (excluding Norwich) and compared to the distribution in the general population in the greater London area. It was found that women were over-represented; professionals and managers were slightly under-represented, while administrative and secretarial workers were over-represented. Those classified as 'economically inactive' were substantially under-represented. Home-owners and those aged 30 and over were over-represented while younger jurors were under-represented. Minority ethnic groups were broadly in line with expectations, though there was a slight under-representation of particular minority ethnic groups and a slight over-representation of others.

The key findings are summarised under the headings 'Perceptions', 'Understanding', 'Confidence' and 'Satisfaction'.

Perceptions

It was evident that jurors' confidence in jury trials would be influenced by the attitudes and awareness of the court process as well as any previous experience of being jurors they may have had. The main findings concerning their attitudes and perceptions were:

- Half of those included in the survey who received a jury summons claimed to be 'enthusiastic' or 'very enthusiastic', while just under a third of respondents claimed to be 'reluctant' or 'very reluctant'.
- Among the main reasons for being reluctant to engage in jury service were work or domestic pressures.
- For those who were enthusiastic the main reasons were that it would be an interesting or valuable experience or that it was a moral duty that had to be undertaken.
- The inconvenience of undertaking jury service at the allocated time prompted just over a third (36%) to apply for deferral, excusal or exemption.
- A number of jurors felt that the selection process was tilted towards 'poorer workers' and away from the rich and powerful.
- Imbalances in representation of different occupational groups were found on the longer trials (lasting eleven or more days). Those describing themselves as skilled manual workers and unskilled workers were more likely to serve on the longer trials, while professionals and skilled non-manual workers were under-represented.

- Many jurors had previous court experience as witnesses (13%), defendants (8%), victims (4%) and about one in five (19%) had served as a juror on a previous occasion.
- Over 40 per cent of respondents claimed that they had a good knowledge of the court process before their current involvement as a juror.
- The majority (65%) of respondents felt confident about taking on their role as a juror.
- While over half of the jurors interviewed said that the media had been influential in shaping their perceptions of the jury system, most jurors expressed a healthy scepticism toward the media.
- There was an unexpected appreciation of the work of judges in managing, organising and summing up cases.
- Similarly the court staff were seen as being helpful and were regarded as performing their role in a very professional manner.
- Just under two-thirds of those engaging in jury service had a more positive view of the jury trial system after completing their service than they did before.
- The main factors associated with this positive change were the professionalism of the judge and court staff and how jurors were treated.

Understanding

Jurors are given information in a number of forms at different stages of the process. Jurors were asked how much they understood and invited to comment on any particular difficulties they experienced in understanding matters such as the information they received before their arrival, the induction video and the evidence in court and the judges summing up. It was found that:

- The vast majority of jurors found the summons and the leaflet 'You and Your Jury Service' straightforward and informative.
- Similarly, the induction video was found to be useful and generally informative except that some jurors complained that they could not see the television properly or hear the commentary.
- The main limitation of the video was that it did not give them much guidance about note-taking or asking questions during the trial nor about the decision-making process in the jury room.
- The main impediment to understanding proceedings was the use of legal terminology.
- Some jurors expressed confusion in relation to discussion of 'points of law' and the requirement for the jury to leave the courtroom while these were discussed.
- It was felt that evidence is not always presented in the clearest ways and that maps, diagrams, photographs and other visual aids were under-used in courts.
- In a number of cases there were problems with accents or spoken English which created problems in understanding the evidence.
- In four per cent of cases, jurors claimed that they could not hear the evidence properly.
- The use of translators was seen to cause difficulties with evidence not being presented as clearly as possible.
- Some jurors were confused about whether or not they should be taking notes; of those who did take notes they were sometimes critical of others who did not. A small number had difficulty taking notes during the trial.
- There was confusion regarding whether it was appropriate to ask questions during the trial.
- In general, many jurors felt that engaging in jury service had been a good learning experience and had taught them about the operation of the criminal court system and had broadened their understanding of other people.
- For some 15 jurors the experience of serving as a juror had served as a deterrent against engaging in crime since they were now more aware of the consequences.
- The vast majority of jurors considered jury trials to be an important part of the criminal justice system, and over two-fifths of these indicated that this was because of the diversity of the jury and its ability to access evidence from different perspectives.

Confidence

Previous research on confidence in the criminal justice system has identified a number of factors which contributed in various ways to public confidence. These include the perceived 'fairness' of the process, the adherence to due process and the efficiency and professionalism of the court staff. These factors were examined in relation to jurors and it was also sought to identify those factors which reduced jurors' confidence. Overall, it was found that:

- Amongst those who had not performed jury service in the past, over two-fifths (43%) left jury service with a higher level of confidence in the court system than before their service. One-fifth left with a lower level of confidence.
- Those who had visited a court in the past, either as victims or witnesses were more likely to leave with a higher level of confidence following their service.
- Black minority ethnic groups were more likely to leave with a higher level of confidence than their white counterparts and Asian minority ethnic groups with the same level of confidence.
- The most important factors or conditions that had a positive influence on juror confidence were:
 - The diversity of people found on juries
 - Perceptions of fairness
 - Professionalism, organisation and competence
 - Information and transparency
 - Juror and staff commitment
 - Due process
- The most important factors or conditions that had a negative influence on juror confidence were:
 - Poor preparation of cases or poor quality of evidence
 - The inclusion of trivial or minor cases
- Jurors commonly indicated more than one factor that affected their confidence and it was common to find factors that both generated and undermined confidence, creating tensions and ambiguities in jurors' experiences.
- Those who expressed strong support for jury trials often had qualifications to make, and those who reported lower levels of confidence often recognised the qualities and strengths of this mode of trial.
- The multifaceted nature of jurors' experience raises important methodological questions and issues for policy-makers.

Satisfaction

The satisfaction of jurors was assessed on two separate levels. On one side their satisfaction with the services and facilities provided in the court was assessed; while on the other the wider and less tangible aspects of satisfaction were examined. It was found that:

- Satisfaction with the information provided before jurors arrived at court and during induction was high.
- The majority of jurors said that they were satisfied with the courtroom facilities, but others complained about the heating, air conditioning and the comfort of seating for jurors.
- Two hundred and seventy-five jurors made suggestions to improve one or more of the court's general amenities and facilities. A third of jurors (33%) complained about the service and quality of food available in the canteen, 14 per cent argued for more facilities to alleviate boredom, 14 per cent felt improvements to the general accommodation was necessary, and 13 per cent felt there needed to be separate areas for smokers and non-smokers, and three per cent complained about parking facilities.

- Just over one third of jurors (36%) reported that they felt intimidated or very uncomfortable in the courtroom and the main causes were the prospect of meeting the defendant or his or her family on the street or coming out of court.
- Women were more than twice as likely as men to feel very uncomfortable or intimidated at the prospect of meeting families of the accused going to and from the courtroom.
- Some jurors experienced stress as a consequence of doing their service. The main sources of stress were found to be mainly associated with worry about reaching the 'wrong' verdict (19%), or feeling under pressure to reach a verdict (5%) as well as work-related and domestic responsibilities. Nearly one fifth of all jurors and 47 per cent of women reported being greatly inconvenienced because of their jury service.
- One factor which distracted from jury satisfaction was the delays and the waiting around.
- One in five jurors also expressed dissatisfaction at what they saw as wasting public money either through cases being dismissed or by being involved in what they considered to be minor or trivial cases.
- Despite the reported negative aspects of jury service, the positive aspects outweighed these.
- The most positive aspects of engaging in jury service were found to be having a greater understanding of the criminal court trial (58%), a feeling of having performed an important civic duty (41%) while 22 per cent found it personally fulfilling.
- Significantly, over half (55%) said that they would be happy to do jury service again, while 19 per cent said they 'wouldn't mind' doing it again.
- Twenty-one of the 28 black Caribbean jurors, ten out of eleven jurors describing themselves as 'mixed race', and all those of 'Bangladeshi' origin said that they would be happy to undertake jury service again.
- The vast majority of respondents (over 95%) considered juries very important, essential, quite important or necessary in our system of justice.
- Participating in jury service appears to produce a remarkable level of social solidarity amongst jurors while enhancing their sense of citizenship.

1. The background and nature of the study

Introduction

This research project arose in response to two related developments. On one side, there has been a growing interest and discussion about the jury system and its role and composition. On the other, there has been a growing concern about what is perceived as a 'crisis in confidence' in the criminal justice system. The combination of these two concerns prompted an investigation into the operation of the jury system that would simultaneously consider how the experience of being a juror affected levels of confidence. It was recognised at an early stage of formulating this research project that confidence would be affected by the perceptions and expectations of those involved and by the intelligibility and understanding of the process.

It has been widely reported in research literature that a proportion of those who visit courts as defendants, victims or witnesses find the procedures difficult to follow and at times perplexing (Findlay, 2001; Hones, 1998). There have been a number of cases reported in recent years in which the verdicts and outcomes of trials are seen to be inappropriate or inconsistent and these reports can affect confidence (Dyer, 2001).

However, rather than focus on the debates taking place in the media or on public opinion surveys which attempt to gauge the views of the general public, a key element of this research is that it is based on jurors' direct experience and involvement in the jury system. It therefore provides a more 'grounded' approach that examines the ways this experience influences attitudes, perceptions and confidence. With approximately 200,000 people participating in jury service each year the impact that this experience has on jurors has potentially far-reaching implications for levels of confidence in the criminal justice system as a whole.

The jury system

Although only one per cent of criminal cases culminate in a crown court trial, the jury trial is widely seen as a cornerstone of the criminal justice system (Auld Report, 2001). For many it embodies the traditional right of offenders to be tried by their peers, while at the same time encouraging active citizenship and social responsibility.

The modern jury system was established at the end of the 18th century and during the 19th century was recognised as part of the establishment of a modern criminal justice system (Blake, 1988). Since that time, the jury system has continued to operate in England and Wales largely unchanged. However, in recent years the jury has become the object of public and political debate. Issues have been raised about the representativeness of juries, their composition, approach in certain types of cases, 'reliability' of verdicts, rationality of juror deliberations and issues of bias among jurors (Geddes, 2002).

These debates have been informed to some extent by the limited research carried out to date in the UK. Research undertaken by Baldwin and McConville (1979) examined the operation of 370 trials in Birmingham and made some assessment of the performance of the jury by seeking the opinion of judges and the police. It raised issues about the rate of convictions and the reliability of jurors' decisions.

Subsequent research carried out by Zander and Henderson for the Royal Commission on Criminal Justice (1993) explored a wider range of issues including jurors' understanding of evidence and procedures and investigated their experience of the jury system. Overall, Zander and Henderson's findings were much more positive than those of Baldwin and

McConville (1979); they found jurors to be much more competent, balanced and motivated than the previous study suggested.

Although these and other studies have stimulated some discussion concerning the role and significance of the jury system, the publication of the 'Criminal Courts Review' by Lord Justice Auld (2001) has heightened discussion in the present period and forced a radical rethink of the role of the jury system in this country. Lord Justice Auld's wide-ranging review made a number of recommendations for the re-organisation and functioning of the court process and jury system. Drawing on a survey of international research, Lord Justice Auld made a number of suggestions concerning the re-organisation of the jury system and its function within the court process. His main recommendations include:

- Ensuring selection and participation in jury service involves a more representative cross-section of the population.
- Greater ethnic minority representation in cases in which 'race' is considered to be important.
- Limiting the number of cases to be heard by juries by reducing the number of 'triable either way' cases in which defendants can elect a jury trial.
- That complex and fraud cases be tried by a judge alone.
- That Section 8 of the Contempt of Court Act is amended to allow investigation into alleged improprieties during jurors' deliberations.

In general, Lord Justice Auld's recommendations have been well received. However, the suggestion of changing the racial composition in certain cases has been rejected in the government's response to the Auld report (Home Office, 2002), as has the suggested restrictions on the defendant's right to elect a jury trial in 'triable either way' cases. The call for widening the representativeness of juries, however, has found favour and there are plans for a more rigorous enforcement of the jury summons. The Home Office is considering the status of Section 8 of the Contempt of Court Act, which prohibits discussion or investigation into jurors' deliberations. The recommendation that a judge alone tries complex and serious fraud cases has been accepted in the interests of 'justice', but not the use of 'expert' panels.

On a more mundane and practical level, Auld's recommendation that the initial information provided to jurors and the operation of the Central Summoning Bureau has either been implemented or is under review by government departments. Consideration is also being given to shortening the period of jury service, while suggested improvements in court facilities and jurors' allowances have been accepted in principle. On a number of key issues regarding the operation of the jury system, the situation is still 'under review'. It is the intention that our research will throw further light on these issues and provide a useful reference point for a more informed discussion.

Reference is made in the 'Criminal Courts Review' to Section 8 of the Contempt of Court Act (1981) whereby it is illegal to discuss deliberations in the jury room. Consequently, research in the UK has historically been limited by its inability to investigate the decision-making process of jurors. Policy-makers and academics have therefore turned their attention to research on juror deliberations carried out in other countries.

One study that has become a major point of reference was carried out in New Zealand during 1998, which found that some '70 jurors in 26 cases changed their mind during deliberation from their initial view' (Young, Cameron and Tinsley, 1999: 50). Because of the similarities between the judicial system in New Zealand and England and Wales, interested parties have looked to this research for analysis of the intricacies of decision-making by jurors given the current restrictions on investigating these processes in this country. In the course of formulating this research, the New Zealand study has been drawn upon in order to make some comparisons.

Perceptions, understanding, confidence and satisfaction

The second strand of interests that informed our research was the confidence of jurors in the jury system and their related perceptions, understanding and ultimately their satisfaction with the system.

Perceptions

It was clear from the outset that the impact of undertaking jury service would be a function of the perceptions and attitudes individuals had of the trial process. It was also evident that these perceptions would be mediated by prior involvement in the trial process as juror, defendant, victim witness or observer in court.

One of the main aims of the research was to examine how previous experience had influenced perceptions and how individuals responded to being summonsed to participate in jury service. Previous research in Scotland suggests that there were three general types of response among those receiving a jury summons. At one extreme, people registered feelings of annoyance and inconvenience and at the other end of the spectrum there were those that felt it would be interesting and were excited about the prospect of taking part. There was also a third category who were neither particularly excited or annoyed, but instead, engaged in jury service with a degree of resignation and saw it as a civic duty which needed to be undertaken (Stead *et al.*, 1997).

The research was concerned with examining the range of responses among a sample of English jurors and with mapping out how perceptions and attitudes changed as a consequence of their service. The study also aimed to investigate how accurate or otherwise jurors' perceptions were of the operation of the court process and of the jury system. Research based on British Crime Survey data suggests that there is widespread public ignorance about crime and criminal justice and that there is considerable scepticism regarding sentencing practices (Hough and Roberts, 1998). Studies of this type have suggested that there is a need to supply the public with better information. This research also reported that judges are seen to be out of touch with what ordinary people think; four out of five respondents held the view that courts are too lenient in dealing with offenders (Mattison and Mirrlees-Black, 2000).

A further objective of the study, therefore, was to examine these and other related claims. In particular, the research was concerned with investigating how these views held up against the experience of being directly involved with the court process, particularly since other research has suggested that the more details of the case people have, the more they tend to agree with the type of sentence imposed (Doob and Roberts, 1988). Other research has suggested that there are significant differences in attitudes among different social classes, different ethnic groups and between men and women (Brillon, 1988). Our research was designed to investigate these differences and to identify variations in attitudes and perceptions among different social groups.

Understanding

Measuring levels of understanding is notoriously difficult. Consequently, in the course of the study, jurors' assessments of their own understanding were mainly relied upon in relation to the various aspects of the process. Analysing understanding in this way, however, is open to a number of limitations. The first is that jurors may claim to understand things they do not fully comprehend. Secondly, there is always a tendency for respondents to claim greater levels of understanding than they actually have in order to make themselves appear competent and to avoid embarrassment. Additionally, there are related issues of retention, recall and interpretation that are equally difficult to quantify. Given these qualifications, the research considered different aspects of understanding: the understanding of evidence, court processes and procedures, legal and technical terminology and interpreting instructions and statements from the judge.

Jurors are exposed to a combination of visual and aural information and some assessment was made of their ability to assess information given to them in these different forms. Thus in order to identify those aspects of the trial jurors found particularly difficult to follow, their understanding at different stages of the trial process was examined. Also explored was the extent to which levels of understanding varied between individual jurors and different groups of jurors.

The question of juror understanding has been posed in relation to the perceived difficulty of following certain types of cases, particularly fraud cases. The use of technical, specialist and legal terminology is seen to create problems for jurors in terms of both understanding and assessing the evidence (Home Office, 1998). American research has suggested that in some of the most serious cases jurors understanding of key aspects of the case, particularly sentencing instructions, can be limited (Frank and Applegate, 1998).

Other research from New Zealand suggests that the way in which evidence is presented and levels of interest and concentration that jurors are able to maintain are critical factors. Most 'complex' cases, including fraud cases, it is argued, can be presented in an intelligible way and even the most complex trials can be summarised in relatively straightforward and concise terms (Findlay, 2001). At the same time it has been suggested that the difficulties in comprehension arise not so much in relation to the understanding of technical matters but arise from conceptual difficulties and understanding the meaning of key terms such as 'beyond reasonable doubt' (Darbyshire, Maughan and Stewart, 2001).

Thus, it has been suggested that understanding evidence is not only a matter of understanding the facts of the case. Rather than simply internalise discrete pieces of information it has been suggested that jurors develop their own investigative frameworks in order to make sense of diverse and often conflicting data.

...Jurors from the outset of the trial are generally constructing versions of the incidents or "stories" to make sense of the evidence they are hearing. They constantly search for a narrative or a "frame" which fits their experience of the world; and they are selectively assimilating and interpreting evidence as the trial process to fit with the frame they have created (Young, Cameron and Tinsley, 1999: 24).

However, the ability of jurors to construct a 'story' or a 'frame' in which to interpret events will be dependent upon the quality of the information available and its mode of presentation. This may vary at different stages of the process and it may also be the case that some jurors find some forms of information easier to comprehend than others. For this reason the research investigated juror understanding at key stages of the process and examined the relative ease or difficulty jurors had understanding written, aural and visual evidence.

At the same it is evident that for some jurors, English is a second language, while others may have low educational qualifications. The research examined the impact, where relevant, of these factors upon their understanding. There are also related issues of concentration and disruption as well as the audibility of witnesses and the comfort of jurors, which may influence their ability to comprehend the information presented and to understand proceedings.

Confidence

There has been a growing concern in recent years that confidence in the operation of the criminal justice system is declining and consequently a series of research studies has attempted to assess changing levels of confidence among the general public, victims and witnesses (Hough and Roberts, 1998; Whitehead, 2001).¹

One influential study published by the Institute of Public Policy Research found that a significant percentage of people said that they would not report an assault and other serious

¹ Increasing public confidence in the criminal justice system is now a key government objective.

crimes partly because of fears of retribution, but also because of lack of confidence in the outcome (Spencer and Stern, 2001).

Research carried out by the Home Office, based on British Crime Survey (2000) data, found that less than half (46%) of respondents were confident that the criminal justice system is effective in bringing people who commit crime to justice, whereas a third said they were confident that it deals with cases promptly and efficiently. Only a quarter were confident that the criminal justice system meets the needs of victims (Mirrlees-Black, 2001). Overall, the research noted that levels of confidence had fallen over previous years. Interestingly, there were significant variations in confidence levels. Those aged 16 to 24 and those over 75 experienced the highest levels of confidence, women were slightly more confident than men, while those who were classified as 'unskilled' or as having 'no qualifications' were generally more confident in the operation of the criminal justice system. Surprisingly, ethnic minorities were found to be more confident than white people about the ability of the criminal justice system to bring people to justice, but were less confident that the rights of individuals are respected, or about the criminal justice system's ability to treat fairly people accused of committing crime.

Related research assessing the confidence of witnesses found that just over half of those interviewed had confidence in the ability of the criminal justice system to bring people to justice, meet the needs of victims and deal with cases promptly and efficiently. Over 50 per cent, however, were confident that the system respects the rights of the accused and treats them fairly (Whitehead, 2001). Significantly, witness confidence in the criminal justice system was found to be associated with their overall level of satisfaction.

Lord Justice Auld's suggestions regarding cases in which 'race' may be a component was based on American research evidence suggesting that inequalities can arise in such cases. Information based on the experience in this country is limited in this respect. Consequently there have been calls for the collection of more systematic ethnic data and particularly the more detailed investigation of the selection and involvement of different minority ethnic groups in the court system (Candy and Stone, 2001; Barclay and Mhlanga, 2000).

In relation to jurors, Zander and Henderson suggested in 1993 that nearly half of jurors thought it was a 'good' and a third thought that it was a 'very good' system. This study, however, operated with largely undifferentiated and broad measures of confidence. In a more detailed study of confidence, Southgate and Grosvenor (Home Office, 2000) examined the issue by establishing a number of focus groups. In the course of their investigations, it transpired that the degree of confidence each group had in the operation of the criminal justice system was influenced by a combination of factors including: fairness, the adherence to due process and the realisation of justice. These terms in themselves are complex and have been the object of academic analysis, but from the responses given in Southgate and Grosvenor's study 'fairness' implies a perceived balance between offenders' and victims' interests, openness and transparency and freedom from intimidation. This is linked to the pursuit of due process in which procedures are consistent and equitable and all parties are treated in a respectful and efficient manner.

By 'justice', the participants in the study meant that the guilty are convicted, that the innocent go free and that the rights of those involved are respected. These criteria are similar to those developed in the British Crime Survey (Mirrlees-Black, 2001; Whitehead, 2001). Thus, in examining confidence, the research investigated these dimensions of confidence and assessed the relative influence of these different processes.

Satisfaction

It became aware in the course of the research that there was another dimension of jurors' experience that connected with their understanding, perceptions and confidence and this was their satisfaction with the process. The notion of satisfaction relates predominantly to the facilities, services and treatment of jurors on one hand and the more general and less tangible response to the overall experience of participating in jury service, on the other.

Much previous research has quite rightly focused attention on the facilities, services and support available to those who are summoned to participate in jury service (Court Service User Satisfaction Survey, Wave 1, 2001). Apart from the disruption to peoples' lives and the difficulties that may be encountered in relation to people's domestic and work situation, the practicalities of being confined in a limited space for days and weeks can have a significant impact on the experience of being a juror. It may also affect people's ability to concentrate and can influence their motivation.

In Zander and Henderson's Crown Court Study (1993) over half of respondents said that they would have liked more legroom in the jury box, more comfortable seating, better refreshment facilities and separate smoking areas. These were all considered 'quite' or 'very' important for making the experience of being a juror more tolerable and comfortable.

Court Services have examined the degree of satisfaction experienced through a series of satisfaction surveys. Based on a self-completion questionnaire they found that a high proportion of jurors were satisfied with the information supplied when they started jury service and with the services and assistance provided by court staff. They were much less positive, however, about the delays experienced, the catering arrangements and about the recreational facilities (Court Service User Satisfaction Survey, Wave 1 & 2, 2001).

National research on satisfaction among witnesses has also found high levels of satisfaction with court staff. Levels of overall satisfaction with court staff were found to be strongly related to the verdict, amount of information given to witnesses, feelings of intimidation (both personal and by the process), facilities at court and waiting times (Whitehead, 2001: viii).

On the more general level, the notion of satisfaction relates to the 'feel good' factor of jury service. Jurors were asked about their overall satisfaction and whether they would welcome participating in jury service again in the future. The research examined the degree to which jurors found the experience 'interesting and rewarding'. In particular, it focused on the social dimensions of the experience, and looked at the bonding of jurors and the impact that engaging in jury service had on their sense of social solidarity and responsibility.

Ultimately, the significance of the jury system is not limited to findings of guilt or innocence, the weighing of evidence, or even the deliberations in the jury room. There is another important, but largely neglected, dimension of the experience, which may have important implications for social cohesion and notions of citizenship. The degree of satisfaction, which those who participate in jury service realise, is directly connected to the court process, but may also have implications that go far beyond this arena.

2. Methodology

Introduction

The aim of the research was to examine jurors' experience of the criminal justice system and in particular, to examine their perceptions, understanding, confidence and satisfaction in the criminal justice system. While previous research has tried to gauge 'public opinion' through the analysis of national survey data (Mirrlees-Black *et al.*, 1996, 2001; Hough and Roberts, 1999), this project aimed to extend this knowledge to provide a more 'grounded' and detailed form of enquiry.

In order to achieve this objective it was important that the questions posed to jurors were not too general, or lacking in context, as has been the case with much public opinion research, especially in the field of criminal justice (see Turner *et al.*, 1997). The instruments needed to be more specific and nuanced to uncover the extent to which opinions are constructed and changed. For, as Norris (1999) has noted, the forms of support expressed in public opinion surveys are not all of the same piece and it is important to disentangle their different components. That is, it was essential that the data collection methods could recognise the nature of the complexities of people's responses; for example, it was needed to distinguish between support for the principles of the criminal justice system, the operation of specific agencies and the performance of particular individuals (Herbst, 1998).

The central research task was to examine the assessments jurors made of their engagement with a central component of the criminal justice system: the Crown Court trial. The key question that guided the research was whether direct involvement as a juror tended to increase or decrease people's confidence in the jury system. The research also examined the quality and nature of information jurors received and how they were treated. Their views were sought on the ways in which the processes they had experienced could be improved. Experiences associated with these factors, which one included under the broad heading of 'satisfaction', were to have an important bearing upon their confidence. However, it was also wanted to explore how jurors 'engaged' with the criminal justice system. The questionnaire, therefore, included questions that would facilitate an examination of the knowledge and preconceptions that jurors brought to court; how they were modified in the process of carrying out their duties; and how this affected their overall confidence in the criminal justice process. Similarly, a range of personal factors, such as motivation to serve as a juror, as well as jurors' age, educational and social backgrounds, including ethnicity and gender, together with their geographic location, were also explored to establish whether different social groups brought, and left with, different perceptions, confidence and levels of satisfaction. The questionnaire is discussed further below (see also Appendix).

The sample

There was no readily available sampling frame available; concerns about data protection prohibited the use of juror summons lists. In order to overcome this problem the researchers attended juror-empanelling sessions on consecutive Monday mornings in six Crown Courts in order to solicit the involvement of potential jurors. At the meetings, those summonsed were informed about the nature of the research and their involvement, should they wish to participate. New or potential jurors were provided with this information in written form, along with a form that they were asked to complete granting consent to be interviewed and providing details about where they could be contacted. A great deal of co-operation from courts' staff was received, some of whom offered to provide this information to latecomers.

Apart from those who were contacted through the juror-empanelling sessions on Monday mornings, potential respondents were also contacted in the courts themselves following their service. This situation provided the opportunity to conduct a further 100 face-to-face interviews at Southwark Crown Court.

Selection of courts

The six courts that were chosen were Southwark, Blackfriars, Wood Green, The Central Criminal Court (Old Bailey), Snaresbrook and Norwich. Although the courts selected were geographically limited they did include a selection of urban, suburban and rural locations. The research team had anticipated that an initially larger sample would be needed in order to achieve our target of between 350 and 400 respondents. Through the sampling method described earlier, a total of 469 contacts were made (during September and October 2001) of which 361 jurors were interviewed in total. The total number of jurors who potentially could have been approached for interview was not recorded, although it was estimated to be in the region of 600. Given that, we do not know for certain how representative those who initially consented to be interviewed were of all the eligible jurors at the study courts. Table 2.1 indicates the distribution of respondents by court.

The major reason why respondents were not interviewed was because they were unable to be contacted; they were unavailable or too busy to be interviewed. The research team attempted to contact potential respondents a maximum of five times before deleting them from the list. In addition, some jurors had been excused from service. In a small number of cases this was because of illness or other personal reasons. There was also a small but significant minority who did not actually sit on a jury although they turned up for jury service. Since the study required that participants had experience of the courtroom, these respondents were no longer able to help with the study.

Table 2.1: Distribution of respondents by court²

Court	Number interviewed	Not interviewed
Southwark	180	21
Blackfriars	31	1
Wood Green	34	16
Old Bailey	33	45
Snaresbrook	49	19
Norwich	34	6
Total	361	108

There are two principle filters which influence the selection of those who undertake jury service from the eligible population. First, those jurors summonsed by the Central Summonsing Bureau may, for a number of reasons, fail to respond to the summons, or the summons may be undeliverable. Second, those receiving a summons may apply and receive an excusal or a deferral. They may be exempt from service, disqualified or excused.

Members of the public are selected by the Central Summoning Bureau using a computer programme that randomly selects potential jurors from the Electoral Roll framed by the postcode areas included in the catchment area of each court. As a consequence, those who do not find themselves on the Electoral Roll, either because they are not eligible,³ or because of other circumstances (residential moves, for example), will of course not be called for jury service. Thus, in areas where the population is particularly mobile, because there is a higher than average density of rented accommodation for example, there is a greater likelihood of summons not reaching their intended recipients.

² For the purpose of this report all percentages have been rounded up to the nearest whole number.

³ Note that if someone is not eligible for register, they are unlikely to be eligible for jury service.

The London group of Crown Courts has a higher than average rate of non-response to summonses issued or summonses which are 'undeliverable', according to the Central Summoning Bureau's figures. Nationally, nine per cent of summonses fail to result in a response and over five per cent are undeliverable, though for each of the courts in our study higher rates were observed.

Table 2.2: Non-responses and undeliverable summons in the London group of Crown Courts April – June 2002⁴

Court	Non-response %	Undeliverable %	Both %
Harrow	8	6	14
Croydon	9	4	13
Woolwich	9	5	14
Kingston upon Thames	9	6	15
Central Criminal Court	10	6	16
Snaresbrook	11	5	16
Isleworth	12	5	17
Inner London	14	5	19
Southwark	16	8	24
Wood Green	16	6	22
Blackfriars	16	7	23
Middlesex	19	7	26
Total	13	6	19
National	9	5	14

Of course, each of the courts has different catchment areas from which jurors are drawn and each has different geographic and social characteristics, which may influence the likelihood of a summoned juror receiving his or her summons and the likelihood of a positive response to it. Housing market stability is clearly a key factor here, since those areas containing the most mobile populations are likely to suffer from higher rates of non-response. However, it is also evident that further research is needed on this topic. It is also worth noting that the Central Criminal Court, which draws its jurors from a wider area across the region, needs to be treated as a special case in this respect.

The research carried out by Jennifer Airs and Angela Shaw (1999) on jury excusal and deferral found that a significant proportion of the population does not appear on the Electoral Roll, which is the sole database from which jurors are selected. Non-registration was found to be highest for those aged 20 to 24 years of age (21%), those who had moved address in the year before the Census (28%), ethnic minorities (black 24%, Indian sub-continent 15% and others 15%); and those living in privately rented accommodation (38%). Registration was found to be highest for those over 30, those who had not moved house, white people, and owner-occupiers. These patterns of registration and non-registration tend to be compounded since young people are more likely to move frequently and live in rented accommodation.

From those who responded to the jury summons some 13 per cent were ineligible, disqualified or excused, seven per cent failed to turn up on the day, or had their summons returned as 'undeliverable' (8%), while 38 per cent were excused. The main reasons for excusal were medical grounds (40%), the care of young people and children (20%), claims that applicants are essential workers, or for financial reasons (20%). Thus of the summonses sent out only 34 per cent were actually available for jury service, half of whom deferred to a later date (Airs and Shaw, 1999).

⁴ Source: Jury Summoning Bureau (2002).

Thus the combination of non-registration on the Electoral Roll and the high proportion of people who were excused, disqualified or ineligible means those involved in jury service are a skewed population in which the young, mobile, female carers, the elderly infirmed, ethnic minorities and those living in privately rented accommodation were likely to have a relatively low level of representation. On the other side, less-mobile, middle-aged, home-owners who were less likely to apply for an excusal because of financial or work reasons were more likely to be included among those who turned up at court for jury service.

Housing tenure of the sample

In the sample, two-thirds of jurors owned their own home, while just over one in five were accommodated in rental (social and private) accommodation, as Table 2.3 indicates. While these findings may not seem particularly surprising when mapped against the national average, it is clear that when regional trends are compared the jurors in our sample were more likely to be owner-occupiers (excluding the 14% of jurors drawn from Norwich). Housing tenure data from the London region (though not the South East as a whole) would lead us to expect many more jurors to be drawn from the private and social rented sectors, including registered social landlords. The available data from the London region suggests the following pattern of housing tenure: owner-occupation (58%), privately rented (16%), rented from registered social landlords (9%) and from local authorities (17%).⁴

Table 2.3: Housing tenure of the sample in comparison with data from the ODPM (London area only)

Housing situation	Our sample %	ODPM 2001 statistics %
Own home or shared ownership	68	58
Rent privately	9	16
Rent from housing association	3	9
Rent from local council	11	17
With parents or friends	9	-
Total	100	100

Source: ODPM 2001

Though our data is not strictly comparable it indicates a situation where jurors are drawn from the most stable housing types. While there are a number of factors that influence housing tenure choices (age, status and stage in the life cycle of householders for example) these findings illustrate the need to examine further the mechanisms by which a more representative jury could be drawn, not least because other social groups, particularly the less affluent, are less likely to be found in owner-occupied accommodation. In this context, it is also worth noting that over half of our respondents (52%) said they lived in what they described as an 'urban area' or an 'inner-area'. One hundred and forty-six jurors (40%) said they resided in a 'suburban area' and eight per cent came from rural locations.

The social characteristics of the sample

Ethnicity

The sample had the following ethnic composition in the London area only: white groups accounted for 74 per cent; black Caribbean nine per cent, black African six per cent, black 'other' two per cent, Indian, four per cent, Pakistani 0.3 per cent, Bangladeshi one per cent, and Chinese people made up 0.3 per cent of the sample. People who considered themselves to be 'mixed race' made up three per cent of our respondents, while those who did not consider themselves to belong to any of these groups made up one per cent of the sample.

⁴ Table 109 Dwelling Stock by Tenure and Region from 1991 (2001 figures).
<http://housing.odpm.gov.uk/statistics/live/dwellingstock/dwst2-rxls>

While these categories are always going to have their limitations, it was considered useful (for comparative purposes) to employ the categories used in British Crime Surveys.

It is clear that the ethnic make-up of our sample is broadly in line with what could be expected compared with population of the Greater London area. The 2001 Census showed that white groups accounted for 71 per cent of the population of Greater London, black Caribbean made up five per cent, black Africans five per cent, black 'other' one per cent, Indian people accounted for six per cent, and Pakistanis made up two per cent. Bangladeshis comprised two per cent of the population of the region, and Chinese people one per cent.⁵ It is also worth noting that in our sample, 295 jurors, representing 82 per cent, were born in the UK and 336 (93%) said that English was their first language.

Gender

Women made up 58 per cent of our sample and men 42 per cent, despite women more frequently requesting deferral, excusal and exemption. This pattern was very similar to that found in the New Zealand study where 59 per cent of jurors were women and 41 per cent of respondents were men in their sample of 312 jurors (Young *et al.*, 1999: 3). In contrast, the Crown Court Study (Zander and Henderson, 1993), which included a much larger sample, of 8,338 jurors, had more men than women. Their figures were 53 per cent and 47 per cent respectively. What is not clear is whether the gender imbalance is a function of processes occurring at the summoning stage, or whether more men than women are granted excusal, deferral exemption or are otherwise ineligible, or whether this is a consequence of sampling procedure. Equally, a combination of factors may be at work that need to be examined as part of a separate study.

Age

The sample also very closely matched that in the New Zealand study as far as jurors' ages were concerned. The study included slightly fewer jurors aged between 20 and 29 (15%) and of those aged 60 or over (8%), but like Young *et al.* It was found that those aged 40 to 49 were the largest group in the sample, making up 28 per cent (compared with 26% in Young *et al.*, 1999: 3). Those aged 30 to 39 made up the second largest group, accounting for 27 per cent, and jurors between the ages 50 to 59 made up just over one fifth of the sample (20%). Again, this broadly reflects the findings of the New Zealand study. It was not possible to make direct comparisons with the Crown Court Study or the Court User Satisfaction Survey because each uses different age categories. Nevertheless, the trends are similar; jurors tend to be drawn from the middle-age ranges.

Table 2.4: Age percentages in comparison with the Census 2001 data (London area only)⁷

Age group	Our sample %	Census 2001 data %
20 - 29	15	26
30 - 39	28	28
40 - 49	29	20
50 - 59	20	16
60 +	9	11
Total	101	101

Economic activity and employment

In England and Wales jury service is optional for those aged over 65 and it can, in this context, be expected that older people are under-represented. Indeed, the age distribution of jurors can also explain the relatively high rates of economic activity amongst jurors found in many studies, including those mentioned above, when compared with the general population. Three hundred and seven jurors (85%) in our sample were employed. The rest of the sample

⁵ Office for National Statistics 2001: KS06 Ethnic group.

⁷ Percentages have been rounded up to one decimal place.

(who responded to this question) was made up of retired people (7%), people who were unemployed (3%), students (2%), and homemakers (3%).

It was wanted to be able to make some comments about jurors' perceptions, understanding and confidence in relation to social class background. The occupational make-up of our sample, compared with London region data is summarised in the following table. It should be noted that interviewees reported their occupation (briefly) and their responses interpreted for analysis. These data show that many groups were represented broadly in line with expectations, although those in administrative and secretarial occupations were considerably over-represented, economically inactive jurors were greatly under-represented, and the percentage of those in professional occupations were slightly fewer than would be expected from a comparison with the Labour Force Survey.

Table 2.5: Occupational data in comparison with the Labour Force Survey (London area only)

Occupational classification	Our sample for the London area only %	Labour Force Survey August 2002 for London area ⁸ %
Managers and senior officials	11	13
Professional occupations	7	11
Associate professional and technical occupations	14	13
Admin and secretarial occupations	28	11
Skilled trades occupations	8	6
Personal service occupations	6	5
Sales and customer service occupations	5	5
Process and plant machine operators	2	4
Elementary occupations ⁹	5	8
Economically inactive ¹⁰	14	24
Total	100	100

Recent labour market statistics for the UK as a whole suggest an overall employment rate of 75 per cent and levels of economic activity at 79 per cent.¹¹ The figures for London are slightly lower as far as both employment (71%) and economic activity are concerned (76%),¹² though the South East has much higher rates on both counts and, given the age structure of the sample (and indeed that of similar studies), higher than average rates of employment/economic activity¹³ would be expected in the sample.

⁸ The Labour Force Survey data is based on the working population of London (aged 16 and above).

⁹ Elementary occupations include street vendors and related workers, domestic and related helpers (e.g. domestic helpers and cleaners), messengers, porters and doorkeepers and rubbish collectors.

¹⁰ The economically inactive percentage represents those jurors that were unemployed, homemakers, either students or retired people. For the purpose of this report, the categories have been collapsed into five categories, Professional, Managerial, Skilled non-manual, Skilled manual and Unskilled.

¹¹ Labour Force Survey, Labour Market Statistics: September 2002. <http://www.statistics.gov.uk/pdffdir/lmsuk0902.pdf>

¹² Labour Force Survey, Labour Market Statistics: September 2002: London. <http://www.statistics.gov.uk/lmslond0902.pdf>

¹³ Labour Force Survey, Labour Market Statistics: September 2002. <http://www.statistics.gov.uk/pdffdir/lmsuk0902.pdf> Table 12 Economic Activity by Age.

Income

The distribution of income groups participating in jury service nationally is indicated in the Court User Satisfaction Surveys. Wave 3 (2002) showed the following income distribution in its national sample of jurors: those earning up to £10,000 per annum made up 14 per cent of the sample, over a quarter (27%) earned between £10,000 and £19,999, more than a third (33%) earned between £20,000 and £34,999 per year and 15 per cent earned in the region of £35,000 to £49,999. Eleven per cent earned over £50,000.¹⁴ These figures need to be treated with some caution because of the very low response rate achieved in the Court Users Survey (31%). However, it is very likely that jurors are drawn from the higher income groups, not least because of the age profile of most jurors.

However, according to the Inland Revenue, twice as many people earn under £10,000 (29%), compared with the Court Satisfaction Survey (14%). Only four per cent of the national population earn £50,000 or above compared with the 11 per cent in the same category, according to the Court Satisfaction Survey.¹⁵

Education

Finally, as far as the sample is concerned, it is worth noting that 84 per cent (302 jurors) had some form of educational qualification. About a quarter (25%) held qualifications to GCSE (or 'O' level) standard, while more than a fifth (22%) had been educated to degree level (or equivalent). This appears to be higher than those found in the Young *et al.*, (1999) study, though direct comparisons cannot be made because the questions asked of respondents were different. Likewise, Zander and Henderson's (1993) questionnaire asked jurors about the age at which they finished full-time education and consequently it is not possible to compare their findings with those here. In a context where 'lifelong education' is promoted, people take all kinds of study packages on a part-time, as well as full-time basis (whether for their enjoyment or as part of their professional development) it seemed more appropriate once it had been established that the respondent possessed educational qualifications to ask, 'What is your highest qualification?'

Table 2.6: Highest qualification held in comparison with the DFES from the Labour Force Survey in the London area only.

Qualification held	Our sample in the London area %	Department for Education and Skills from the Labour Force Survey ¹⁶ %
No qualifications	14	14
G.C.S.E, A level, NVQ or guilds or alternative	51	42
Degree or above	33	25
Other ¹⁷	2	19
Total	100	100

The questionnaire

A variety of questions were asked in the initial stages of the questionnaire to provide the background details described above. More detailed questions on the social and demographic characteristics of respondents could have been included, but it was wished to avoid making the questionnaire too complex or too long (see Appendix). While this research benefited from

¹⁴ Court Service User, Satisfaction Survey 2001: Wave 2. Prepared by D.L. Chan for the court service.

¹⁵ Earned Income for England and Wales – Inland Revenue, 1999 – 2000.

http://www.inlandrevenue.gov.uk/stats/income_distribution/pi_t06_1.htm

¹⁶ Labour Force Survey: Spring 2002.

¹⁷ Other qualifications include CSE below grade 1, GCSE below grade C, BTEC or SCOTVEC Certificates, SCOTVEC modules, RSA other, City and Guilds other, YT / YTP Certificate, Other qualification.

the use of trained interviewers who could offer clarification if necessary, keeping the questionnaire to a reasonable length was important to encourage jurors' participation in the study, especially those being interviewed over the telephone and to allow interviewees to elaborate their responses, where appropriate.

Respondents were then asked questions designed to uncover the kind of knowledge that jurors brought to court and to discover where that knowledge emanated from. A series of questions concerned with the nature of their jury service, their dispositions toward it and the utility of the information they received prior to undertaking their service were asked. This was followed by a series of both closed response and open-ended questions about jurors' feelings, experiences and understanding of the actual processes they had been faced with while carrying out their duties in the courtroom. Respondents were asked to reflect upon their service and to comment upon the positive and negative aspects of carrying out their duties, their level of involvement, perceptions of the trial and its outcomes and to comment on the criminal justice process. In this section of the questionnaire, the concern was to explore the extent to which jurors' ideas and impressions about criminal courts, and their understanding and confidence, had changed as a consequence of their engagement with this aspect of the criminal justice system.

The importance of including questions that could generate data reflecting the ambiguities in, and the complexities of, respondents' answers are clear in some of the findings discussed in this report. The qualitative data illustrated the inappropriateness of some survey methodologies that have used restricted (such as simple yes/no) options in surveys of public opinion. A number of writers have urged researchers and policy-makers to exercise caution when drawing upon the data used in opinion surveys, particularly where these are concerned with trying to assess public sentencing preferences and attitudes towards punishment (Durham, 1993).

In the real world people have attitudes and opinions which are very often ambiguous, tension-ridden and at times contradictory. The research methodology needs to accommodate this diversity, rather than attempt to reduce these complex attitudes into a number of pre-selected 'boxes' or treat them as one dimensional and entirely consistent viewpoints. The failure to develop such a methodology will result not only in reducing the richness of the attitudes held by the public, but is in danger of distorting and restricting the nature of public opinion. In order to try to overcome these difficulties the methodology used here places a greater emphasis on the qualitative information and as far as possible aims to let jurors speak for themselves. Consequently, there is a greater use of quotations from respondents in this report than is normally the case, but it is felt that this is necessary to bring out not only the range and level of responses, but also to convey the tone, intensity and depth of responses. The quotations that are used throughout the report are selected in relation to three main criteria. First, if a statement reflects a view that is typically held by a significant number of jurors; second, where a statement helps to explain or clarify a particular point; third, where a statement or series of statements demonstrate tensions and ambiguities.

Sixty questions were asked in the course of interviews lasting about 40 minutes. One hundred interviews were conducted on a face-to-face basis at Southwark Crown Court, on the day jurors were released from service. In this context respondents were often pleased to discuss their experience and perceptions and were prepared to elaborate freely where appropriate. The remainder (261) were conducted over the telephone. These interviews, though useful, had more of a tendency to result in less freely elaborated responses and sometimes faced the risk of respondents' other commitments frustrating more developed discussions. Most telephone interviews took place in the first few weeks and months following service. The main fieldwork period was between October 2001 and January 2002. All interviews were tape-recorded for easy transcription and analysis.

The questionnaire went through a number of drafts before the final version was administered to respondents. The primary obstacle, as with most studies looking at jurors and juries (see Zander and Henderson, 1993), was to avoid the possibility of breaching Section 8 of the Contempt of Court Act (1981). Section 8 makes it an offence to obtain, disclose, or solicit any

particulars or statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any legal proceedings. Discussions about actual cases or what was said or done either by respondents or their fellow jurors in the jury room were strictly prohibited. The design of the questionnaire benefited from the assistance of colleagues and legal advisors working in the Lord Chancellor's Department (as then was – now the Department for Constitutional Affairs), the Home Office and the Senior Presiding Circuit Judge.

In order to ensure that Section 8 was not breached in the course of this research, jurors were informed about the importance of avoiding discussions straying into areas where a possible breach might occur by using a fairly lengthy interview prompt at the beginning of the interview (see Appendix). They were advised that the questionnaire being used was devised to avoid these problems and that the questions had been approved by the relevant departments. Interviewer prompts to remind respondents about this warning were placed at various points throughout the interview/questionnaire and interviewees were informed when they could not elaborate in response to specific questions.

The quality of the questions asked, of course, will influence the reliability of the results. Furthermore, where questions of 'understanding' are concerned, there is the danger that what people said does not necessarily indicate what they really understood; respondents could have been reluctant to acknowledge that their knowledge was limited, for example. However, mechanisms were put in place in this study to limit problems of reliability as far as possible. First, the questionnaire was circulated for comment at its various draft stages to the people and departments indicated above. Second, respondents were from time to time asked more than one question in an attempt to explore the same particular issue (or the same question was asked in a different way), particularly regarding the key research questions, which focused upon their understanding, perceptions, confidence and satisfaction. In this way, the findings could be assessed for their internal consistency. Third, the basic background questions at the beginning of the questionnaire, together with the use of trained interviewers, were useful for placing respondents at ease.

In the Crown Court Study (Zander and Henderson, 1993) several jurors were asked about the same case which, in some senses, provided a check on the validity and reliability of their findings. (In this study, this checking mechanism was not available to us, nor was it required to address our research questions.) However, Zander and Henderson found that there were considerable disparities in the accounts of some participants. Indeed, in 34 of the cases they studied two people claimed to be the jury foreman! The important point is that these problems are encountered in most social science research and, as such, researchers are confronted with the task of doing their best to ensure that their methods minimise as far as possible problems associated with the reliability and validity of their findings.

Data analysis

The survey collected data of both a quantitative and qualitative nature, which was necessary to reflect the 'extensive' and 'intensive' nature of opinion formation. Since it was wished to map socio-demographic and other variables against those concerned with confidence in the criminal justice system, for example, it was important to use more than one type of data analysis method. As such, the research team employed the protocols common to most quantitative research in social science. Relationships between variables were analysed using SPSS 10.0 and N-Vivo (NUDIST) employed to analyse the qualitative data and to facilitate interfaces with statistical data. Data was 'indexed', 'charted' and 'mapped' (Ritchie and Spencer, 1994) by the research team to explore the key themes this research was concerned with, to identify associations and to facilitate the development of explanations for the patterns generated by the data; a peer-checking system operated throughout.

It was anticipated that the research strategy outlined above provides a more nuanced account of jurors' attitudes and experiences involving a combination of both quantitative and qualitative data.

3. Jurors' perception

Introduction

Research based on British Crime Survey data suggests that there is a widespread public ignorance about crime and criminal justice and that there is considerable scepticism regarding sentencing practices (Hough and Roberts, 1998). Studies of this type have suggested that there is a need to supply the public with better information. This research also reported that judges are seen to be out of touch with what ordinary people think, while four out of five respondents were of the view that courts are too lenient in dealing with offenders (Mattison and Mirrlees-Black, 2000).

The research, based on the direct experience of jurors, was designed in part to examine these findings. However, since only one in three people who receive a summons actually participates in jury service, and given that the sample was also self-selecting, it was the case that those who were included in the survey were more likely to have a more positive attitude towards jury service, in particular, and towards the criminal justice system in general.

In order to explore the attitudes and perceptions of those who had taken part in jury service, respondents were asked to reflect on their attitude towards being summonsed for jury service. They were also asked about their perceptions of the trial process, key personnel and, in particular, how these perceptions changed, as a result of engaging in jury service.

Responses to receiving the jury summons

In line with previous research, the survey found that there was a range of reactions towards jury summons, from the very enthusiastic at one end of the spectrum, to the very reluctant at the other (Stead *et al.*, 1997). Significantly, just over half claimed to be 'enthusiastic' or 'very enthusiastic' about receiving their summons and just over 30 per cent were 'reluctant' or 'very reluctant' about participating in jury service.

Table 3.1: Reaction to receiving the jury summons

Reaction	Number of jurors	%
Very enthusiastic	30	8
Enthusiastic	152	42
Indifferent	67	19
Reluctant	75	21
Very reluctant	37	10
Total	361	100

In many cases, those who expressed reluctance did so not because they were reticent about carrying out their jury service in principle, but because of domestic or employment constraints. A number of those who expressed reservations about engaging in jury service on the dates given in the summons referred to personal and social difficulties affecting their availability. As one juror put it:

I was surprised because I never received one before. I was reluctant due to two things: My father was dying at the time and we were very uncertain about what would happen. Also, I had a job and I was concerned about a number of things I was working on. I was enthusiastic to do my jury service but there could have been a better time in my life due to my circumstances, professional commitments and family (Interview 53, Southwark).

This ambivalent response was fairly common among those expressing reservations about engaging in jury service. One of the main concerns respondents expressed was to do with their work situation. People who had recently changed jobs, had a precarious employment situation, or were under pressure at work were understandably reluctant to take time off. Thus as one male interviewee stated:

When I received the summons I was employed approximately six months ago and three months ago I became self-employed. It wasn't something I didn't want to do but it wasn't the best time. I would have preferred to choose the date myself (Interview 77, Southwark).

In some cases, responsibilities at work were seen to be formidable and there was an expectation by some jurors that they would have to try to keep their work routines going while doing jury service. Thus:

As I'm a senior technician, the whole of my department fell down around its ears and I ended up with a lot of work afterwards, putting it all back together again (Interview 566, Snaresbrook).

For some, family pressures and domestic responsibilities made the prospect of being away from home for a considerable period of time difficult to accept. For others, their reservations stemmed from difficulties associated with changing their routine, from perceived problems of travel and from the general interruption of their daily lives. As one 55 year-old woman explained:

It changed my routine. I had to cancel things I usually do. I couldn't see my dog as much and it was a very tiring experience as I'm only used to going out once a week (Interview 401, Norwich).

There were a few jurors who were reluctant because of the responsibility involved and some questioned their ability to make the type of judgments required. There were a small number of respondents who did not feel they were emotionally prepared to take on the daunting task of sitting in judgment on their peers.

Approximately one in five respondents were neither particularly enthusiastic nor reluctant to engage in jury service and stated that 'they wouldn't mind' or 'it didn't bother them' or that 'had to be done'. There was little difference between men and women, different ethnic groups or between respondents from different age groups about the prospect of engaging in jury service, but those with higher educational qualifications were found to be more enthusiastic (53%), than those without (36%). However, jurors of professional status were found to be the most reluctant of the different occupational groups.

The most common reaction among those who were enthusiastic was that it would be an interesting and a 'valuable experience' and they perceived it as a 'moral duty' to society, which must be done.

Yes, I was inconvenienced due to time off work, but it's a valuable duty, which is part of our national identity (Interview 212, Southwark).

However, even those who were positive about engaging in jury service had reservations about being involved in long cases. Again, jurors were concerned about the interruption to their lives and the potentially detrimental consequences for their domestic relations and work situation if they were called away for a long period of time.

In sum, reactions to receiving a jury summons were very mixed and ranged from enthusiasm on one hand to reluctance on the other. Among those who were reluctant, however, it was often not because they did not feel that jury service was important, or that they did not want to perform their civic duty, but because they had concerns about the possible impact on their

employment prospects and their domestic lives. Because of the difficulties some people envisaged in trying to fit jury service into their normal lives, many applied for a deferral.

Applications for deferral

Of the 361 respondents in the survey, 130 applied for deferral. Three interviewees had also applied to be excused, but had been refused. Airs and Shaw's (1999) study has shown that the most common reasons for requesting a deferral are work (39%) or holiday commitments (35%), while pressing medical issues such as hospital appointments accounted for five per cent. Airs and Shaw found that half of the jurors who were selected for jury service applied for a deferral to a later date, with ten per cent of these eventually being excused. In the study the main reasons given for applying for a deferral were for work, holiday, medical and childcare commitments.

Table 3.2: Reasons for deferral

Reasons for deferral	Number of jurors	%
Work-related	59	45
Holiday	34	26
Medical	9	7
Childcare	14	11
Other	14	11
Total	130	100

Work-related issues dominated reasons for deferrals (45%). Jurors who had not long started new jobs, who were committed to their employment due to staff shortages, or were experiencing busy periods in their workplace, commonly applied for deferrals.

Yes I applied for a deferral because work is very busy and the company actually asked if I could be released or deferred. I got a deferral. They asked me to come in during June or July which is very busy for us and I had to ask them to defer it until now (Interview 47, Southwark).

Just over a quarter (26%) of those who applied for deferrals claimed that jury service interfered with a holiday of some sort. Jurors who had the responsibility of caring for either children or partners, because of illness, made up eleven per cent of jurors applying for deferrals. Jurors stating personal reasons for deferrals (11%) spoke mostly of special events in their lives or the passing away of a friend or relative. A small percentage of jurors had hospital appointments or operations (7%).

Some jurors complained that the more affluent and powerful groups were less likely to serve on longer trials. As one juror put it:

I feel the middle class and educated people opt out and you fill up with working class people who really suffer financially and have a hard time with their employers (Interview 183, Southwark).

Jurors were also concerned about those who were summonsed, but did not participate in jury service and found some way to exempt themselves. There was a feeling among some jurors that not only was the jury selected disproportionately from certain sections of the community, but that a second process of selection occurred for longer trials, with the better-off jurors excusing themselves. Thus as one juror who was involved in a longer trial suggested:

It's the poor workers who were selected for the long case and the more professional workers wriggled out of it (Interview 280, Old Bailey).

Twelve per cent of the sample (43 jurors) served eleven days or more. While the numbers involved in the longer trials are relatively small, and it is therefore difficult to draw strong conclusions, the data suggests that there was an imbalance as far as the representativeness of some groups was concerned. Those describing themselves as skilled manual workers were more likely to serve for longer than ten days: 23 per cent of skilled manual workers in the sample served eleven days or more, though they made up only ten per cent of the total sample. Fifteen per cent of unskilled workers served on trials lasting eleven days or more, but made up just nine per cent of the sample. On the other hand, only six per cent of the professionals served longer than ten days. Yet, this group made up approximately a fifth of the sample. Skilled non-manual workers were under-represented in the longer trials; 13 per cent served eleven days or more, yet they made up 35 per cent of the sample. The representation of managers was broadly in line with expectations, as Table 3.3 indicates:

Table 3.3: Percentages of jurors serving 11 days or more of jury service, according to occupation.

Occupational type	Number of jurors in the sample	Percentage of jurors in the sample	Number of jurors serving 11 days or more	Percentage of jurors serving 11 days or more
Professional	70	19	4	6
Managerial	41	11	5	12
Skilled manual	35	10	8	23
Skilled non-manual	127	35	16	13
Unskilled	33	9	5	15
Not employed	54	15	5	9
Non response	1	-	-	
All	361	100	43	12

Although people who were not in employment were under-represented in the longer trials, the data suggested that people who have retired from employment were more likely to serve for longer periods (16% of retired people undertaking jury service sat for eleven days or more, which was more than double their representation in the sample as a whole). The findings therefore suggest the need for further research to examine the representation of different groups serving as jurors on trials lasting longer than the usual ten days.

Previous court experience

It was to be expected that an individual's response to receiving a jury summons would be influenced by any prior involvement in the court process as a witness, victim, defendant, juror or observer. Among the sample, just under half (49%) had previous experience of the court process, with approximately one in five (19%) of these having served as a juror on a previous occasion.

There was some variation in the responses to receiving a jury summons from those who had previously been witnesses, defendants, jurors, victims or observers as Table 3.4 indicates. The 27 respondents who had been defendants in the past expressed the most positive response to receiving a summons.

Table 3.4: Previous court experience and attitude towards summons

Types of previous experience	Attitude towards receiving summons							
	%	No.	Positive		Neutral		Negative	
			%	No.	%	No.	%	No.
Witness	13	47	43	20	26	12	32	15
Defendant	8	27	67	18	22	6	11	3
Juror	19	69	46	32	28	19	26	18
Victim	4	13	46	6	23	3	31	4
Observer	10	36	44	16	25	9	31	11

It would appear that those who had been witnesses in court, victims or observers on a previous occasion were most likely to have a slightly more negative reaction to their jury summons. In the case of witnesses this may be, as Whitehead (2001) has suggested, because one in four people who have been witnesses were not satisfied with their overall experience, while the willingness to be a witness again was strongly linked to feelings of intimidation. One woman in our sample compared her experience of being a witness in court to being a juror and significantly assessed the two experiences in relation to intimidation:

I don't feel as intimidated (as when I was a witness). During jury service they make you feel important and confident (Interview 122, Blackfriars).

In general, however, approximately half of those with previous involvement in the court process had a positive response to receiving a jury summons. Surprisingly, those that had been defendants (67%) were the most likely to have a positive attitude towards receiving a summons. Most of these defendants, it should be noted, indicated that their offences were 'minor' and in many cases had occurred when they were younger.

Knowledge of the court process

Related to the jurors' previous experience was their perceived knowledge of the court process. Although it was the case that only a small percentage claimed to have a 'very good' knowledge of the court process prior to their current involvement as a juror. The sample was fairly equally divided between those who considered that they had a 'good' knowledge and those who felt that their knowledge of the court process was 'poor'.

Table 3.5: Knowledge of the court process

Level of knowledge	Number of jurors	%
Very good	21	6
Good	143	40
Poor	145	40
None	50	13
Non-response	2	1
Total	361	100

There were slight variations between men and women, minority ethnic groups, those with different educational qualifications and those in different age groups. Thus a higher percentage of men (52%), than women (41%) claimed that they had a 'good' or a 'very good knowledge' of the court process. There was little difference between jurors from different ethnic groups in terms of prior knowledge. Not surprisingly, jurors over the age of 60 years were most likely to have the most knowledge about the criminal court process (56%), while those with no qualifications were found to have less knowledge compared with those with qualifications. Some 55 per cent of managers claimed they had a 'good' or a 'very good knowledge' of the operation of the court. Consequently, they tended to be more confident in relation to their role as a juror than other groups.

Personal confidence

Respondents were asked how confident they felt about engaging in jury service. As indicated above, there were a few who felt reticent about making such important decisions and were in some cases not emotionally prepared to take on this task. However, nearly two-thirds (65%) of the sample stated they felt confident in taking on the role of juror prior to their involvement in jury service. The degree of confidence was linked in many cases to their educational and work experience. Thus, a white male aged 51 who was educated to Masters level and employed as a Civil Servant said:

I felt very confident through my knowledge of the criminal justice system, my role as a Civil Servant, remaining impartial and making a judgement is what I do everyday at work, though in practice it was more difficult than I'd thought (Interview 269, Old Bailey).

However, other jurors who did not have this type of background did not necessarily lack confidence. Many respondents felt that they had good common sense and were able to make rational decisions based on the evidence.

Whatever degree of confidence respondents expressed in relation to engaging in jury service, there was very little evidence of cynicism in the responses of those interviewed. Jurors may have had some anxieties about engaging in jury service, but the overwhelming majority indicated that they felt positive about performing this role and virtually all took their civic responsibility seriously.

External influences on perception

Respondents were asked about which factors they felt were most influential in shaping their view of the court system. Interviewees were given a range of options and asked to identify which had the most influence on their perception. Jurors often felt that there were a number of influences that influenced their perception of the court system. Not surprisingly, the media was found to play a large part in people's perceptions of jury service and the criminal court system. It is clear that the media and television in particular is a major source of information and plays a key role in shaping people's attitudes and perceptions. As Table 3.6 indicates:

Table 3.6: Main external influences on perception

Influence	Number of jurors	%
Media – TV news	199	55
– Drama/soap	178	49
- Newspapers	177	49
Friends	65	18
Own experience	59	16
Films	51	14
Family	42	12
Educational system	32	9

Jurors were influenced by a variety of media; including television, news, dramas, soaps, as well as newspapers. In some interviews, respondents made specific reference to television programmes such as Kavanagh QC and The Bill as well as towards particular newspapers they thought had shaped their perceptions.

Just under a third of jurors said that their friends and family had been influential in shaping their perceptions of the court process. One 40 year-old man explains:

As I've done this before and knew what was required of me and some of my family and friends are police officers and I've heard stories from both sides. I have some criminal friends as well (Interview 153, Southwark).

Interestingly, the education system appears to have played a relatively minor part in shaping perceptions.

Jurors' perceptions of judges

In contrast to those decontextualised studies which claim that judges are 'out of touch' with the views of the general public or that do not do a good job, our research found an overwhelming degree of support for the work judges carry out in managing and summarising cases. It was clear that the vast majority of respondents were extremely impressed with the way judges performed. For many, the judge was 'pivotal' in directing proceedings and making sure that cases proceeded in an organised way. One typical comment:

The Judge is marvellous and really puts his heart and soul into it and explained everything to us, never left us in the dark and gives you the confidence of making the decision (Interview 208, Southwark).

Judges were praised particularly for their perceived professionalism, the consideration they showed, particularly to jurors, their ability to summarise and clarify information and their impartiality.

In another interview, a 64 year-old male from London stated:

The lady judge in the way she conducted the case brought a huge amount of care and understanding, very clear, was absolutely fantastic and elevated my confidence in the system (Interview 271, Old Bailey).

There was widespread recognition that managing cases, keeping abreast of the evidence and keeping a firm hand on proceedings is far from an easy task. While it was evident that judges were drawn from privileged social groups and were seen to make mistakes and in one case of getting the facts wrong, they gained considerable acclamation as a result of their competence and commitment. As one male juror stated:

They are all educated gentlemen in the room. They are experienced as well as you feel that everyone knows their own role in the courtroom and it is straight down the line. There is a hierarchy in the court. The judge he puts everything into perspective (Interview 3, Southwark).

It was evident that in the course of the interviews many jurors were pleasantly surprised by the way judges had performed and in some cases the perceptions they had of judges before engaging in jury service were transformed. This finding reinforces the extremely positive finding concerning jurors' views of judges reported in the Crown Court Study (Zander and Henderson 1993).

Jurors' perceptions of the court personnel

Jurors' perceptions of other court personnel were also extremely positive. Some 97 per cent said that they found the court staff to be professional, approachable and helpful. A number of comments were made about how friendly court staff were and how good they were at putting jurors at ease.

The personnel in the courtroom itself were important, as they were perceived as the 'ambassadors' for the court, providing information, guidance and support. A typical comment on the court personnel:

(The Ushers) were very good as they took time out to be helpful; their knowledge was very good and a lot of them were very into being there in the justice system and very positive about their roles (Interview 252, Old Bailey).

Jurors' views of media representation

Although it was evident that the media is influential in shaping jurors' perceptions of the court process and the jury system jurors do not, by and large, operate with uncritical conceptions of media representations. On the contrary, the vast majority of respondents expressed scepticism towards how the media, in general, depicted the court process and reported specific cases. A number of respondents commented that the reality of engaging in a court case was a long way from popular media depictions and there was a widely held view that the media was highly selective. In one typical response a juror stated:

It (jury service) does give you an insight into how cases are dealt with in reality and it is very different compared with TV (Interview 9, Southwark).

In a similar vein, another respondent stated that:

The legal system is old fashioned and inefficient but I have a clearer idea of the reality rather than the fiction. The real legal profession are not as fickle or as entertaining as they are on TV (Interview 84, Southwark).

For some respondents, media representations were not only at odds with the reality of the court process, but were seen to either sensationalise stories or exaggerate certain aspects of cases. Jurors took particular offence at the denigration of judges and the ways in which they are sometimes represented in the mass media.

Some respondents felt that the media not only sensationalised cases, but also often presented distorted or one-sided accounts. There was a consensus that the media should be kept away from the courtroom and that witnesses, defendants and victims should be protected as far as possible from unwanted media attention. Overall, jurors were sceptical about media coverage of cases and expressed the view that 'you have to make your own decisions' and felt collectively that 'everything in the papers should not be believed'.

The extent of perception change

In order to examine the changes in jurors' perceptions of the jury system, respondents were asked about whether their general attitudes had changed during the course of completing jury service.

Table 3.7: Extent of change in jurors' perceptions of the jury system

Perception change	Number of jurors	%
Positive	227	63
Neutral	102	28
Negative	30	8
No response	2	1
Total	361	100

One of the key findings of the research was that nearly two thirds (63%) of jurors completed jury service with a more positive view of the process. As would be expected, the vast majority of those who had previously served as jurors stated that their perception had generally stayed the same. Jurors who had previously been witnesses and victims were most likely to report that their perceptions had changed positively.

Jurors who had initially stated that they were 'enthusiastic' about engaging in jury service were also most likely to express a positive perception of the process. However, significantly, just over half of jurors who stated that they were reluctant, for whatever reasons, to undertake jury service initially, ended up with a positive attitude towards the jury system. Interestingly, 85 of the 130 jurors who had applied for a deferral held positive perceptions of the system as a consequence of their service. For those who experienced a positive change in attitude, the main influences were the professionalism of the key personnel involved and in many cases the conscientiousness and commitment of judges and court staff. Jurors were particularly impressed with the way in which cases were managed and how they and defendants were treated. For those who expressed negative and critical views on the court or the jury system, their responses were largely shaped by delays, the trivial nature of cases they heard and the standard of court facilities. It should be noted, however, that few negative comments were made, about the jury system itself and where such comments were made they were more to do with the selection of cases and the ways in which they were presented in court.

Some jurors were not impressed by the court rituals, dress and procedures and were critical of jurors who were not seen to take their duties seriously. One 43 year-old self-employed marketing manager who served in Blackfriars Crown Court said:

It confirmed some of my suspicions that the court process is theatrical in the extreme, fairly antiquated and deliberately obscure. Although it is not an impediment to justice being done, it does seem that there is an awful lot of pomp, ceremony and delay which is not explained to you. The experience of the trials was not actually bad but the second trial was very laboured and the outcome of the trial rested on the performance of the barristers involved (Interview 110, Blackfriars).

A number of jurors expressed a mixture of both positive and negative responses after completing jury service. There were aspects of the process they found irritating and frustrating and there were procedures that some jurors felt could be improved. However, the overwhelming response of those interviewed was positive with many expressing considerable praise for how cases were run, how they were treated and the general professionalism of the judges and court staff.

Although the experience of engaging in jury service was subject to certain reservations, for the majority of jurors it was seen as a positive experience. Amongst different groups different degrees of change were noted. While there was little difference between male and female jurors, respondents over 60 years of age reported the highest level of positive change (69%), compared with those aged 20-29 who reported the lowest level of positive change (58%). Some 64 per cent of white jurors reported that they had a positive perception of the jury system after completing their duties compared with 60 per cent of black respondents and 50 per cent of the Asian group. Not surprisingly, those who had served as jurors in the past were less likely to report significant changes in their perceptions. Among many of those who had not previously served as jurors, their perceptions and attitudes changed markedly and for the majority this change was positive. Although at one level the court process and jury process were two distinct entities in the system, for the majority of jurors they are two sides of the same coin with the perception of one blending into the perception of the other. A well run and well organised trial was widely seen as an essential component which allowed jurors to feel comfortable and confident about engaging in this important decision-making process.

Although jurors were reminded throughout the interview that they were not allowed to discuss their deliberations in the jury room and that this would be illegal under Section 8 of the Contempt of Court Act, a small but significant minority (8 respondents) made reference to concerns about how decisions had been arrived at in the jury room. These experiences clearly influenced their perceptions of the jury system and some felt frustrated because they

were unaware of mechanisms available to bring these matters to the attention of the authorities.

In many cases jurors were inconvenienced because of work commitments and personal obligations; however, they still tended to see jury service as a positive experience. Similarly, there were complaints of boredom and hanging around for long periods, waiting to be called. Some people also complained about loss of earnings and the pressure that doing jury service had placed on their work situation. In some cases jurors reported that they were keeping up with the pressures of work by working in the evenings after finishing their jury service.

For those who had been jurors on a previous occasion the general view was that things had improved, particularly in relation to the organisation of cases, the information provided and the professionalism of those involved. Reflecting on the experience of being a juror, one 53 year-old who had appeared in court previously as a defendant stated:

It was good to receive some first hand insight into the court system and I have mixed feelings. On the one hand it's the best system we've got and I am concerned that the Home Secretary is trying to cut down the number of trials by jury cases, which I feel is a bad thing. To some extent I feel that it is a combatant system as a lot of people say 'guilty' and a lot say 'not guilty'. It depends upon the quality of the barristers, such as someone who can make you laugh, or that the defendant is very good (Interview 164, Southwark).

Generally, there was an endorsement of the adversarial system, considerable support of the judge and the court staff and above all there was overwhelming support for the jury system among the 361 jurors who were interviewed.

Summary

Among those who received a summons to undertake jury service there was clearly a mixed response. Most of those who had a positive response to participating in jury service felt that it would be an interesting experience that offered a unique opportunity to carry out an important civic duty. For many, their interest in engaging in jury service was tempered by a number of constraints mostly associated with work and domestic commitments. For some, the potential loss of earnings was an important consideration, as was a general view that engaging in jury service would disrupt their lives. These responses were themselves mediated by prior involvement in the court process either as victims, witnesses, defendants or jurors. Interestingly, those who had been defendants in their previous visits to court expressed the most positive responses to engaging in jury service, probably from a desire to see the process from the other side, as it were

.In the vast majority of cases, the perceptions of those taking part in jury service were deeply influenced by the way in which judges and court personnel carried out their duties. Clearly, the professionalism and organisation of both judges and court staff impressed many jurors who were pleased with the help and support they received.

The support given to jurors clearly affected their personal level of confidence and the experience of engaging in jury service allowed them to distance themselves critically from popular media representations of the court process, which they saw as having a tendency to sensationalise and in some cases to provide a distorted and one-sided account of events.

Respondents' perceptions of the jury system was in part influenced by how seriously other jurors were seen to perform their roles. The few that were seen not to take jury service seriously enough were seen as failing in their social responsibilities. There was also some resentment against those who were seen to have applied for exemptions or deferrals on spurious grounds. Jurors in our sample repeatedly emphasised that juries should be drawn from a broad cross-section of the population and were particularly concerned that some social groups (professionals, for example) were able to 'get off' jury service, particularly those involving periods longer than the usual ten days service.

4. Jurors' understanding

Introduction

Jurors receive information in a number of different forms at different stages of the process. This information is of the written, aural and visual variety. During the interviews, jurors were asked about their understanding of the information they received to determine whether there were particular materials they found difficult to comprehend. Beginning with the summons, followed by the leaflet 'You and Your Jury Service' and the introductory video, jurors were asked how useful and intelligible these sources of information were.

Jurors were also asked about the opportunities they were given in the course of the trial to ask questions and to seek clarification. They were asked a series of questions about their understanding of the court's proceedings to identify those aspects they had difficulty comprehending. An assessment was also made of the wider processes of understanding and learning and the extent to which the experience of being a juror enhanced their understanding of the criminal justice process, in general, and the court process in particular.

Receiving the summons

The jury summons is sent out by post and contains information about types of people who are exempt from jury service, the difference between deferrals and excusals, the length of jury service (ten working days) and warns potential jurors about possible fines should they not reply to the summons. It also informs jurors about disability issues and asks them to respond within seven days to the Central Summoning Bureau. Nine out of ten respondents reported that the information they received with the summons was helpful and clearly written. A typical comment was:

(I found it) very helpful. They explained what I needed to bring, how long I would be under the jury, what times I had to be here and that if you were late you were in contempt of court (Interview 38, Southwark).

'You and Your Jury Service'

This leaflet is 14 pages long and is given to jurors once confirmation has been received for attendance. It contains information on Section 8 and the Contempt of Court Act, provides a guide to affirmations and various roles in the courtroom, and takes jurors through the procedure of jury service. The vast majority of respondents (82%) said it was clearly written and helpful. For example, a 26 year-old sales representative stated:

It was quite helpful. Basically you had a map on the back explaining where you had to go. It pinpointed who the individual people were within the court, so when I went to court I knew exactly who was who. Yes, it was very informative (Interview 46, Southwark).

There were very few negative points made about the leaflet (three per cent of the sample) and one juror felt that it might have been useful if key legal terms were included and clearly defined in the pamphlet so that it could be referred to, if necessary, during the trial.

Introductory video

Comments made in relation to the video shown during the induction of jurors on the morning of first arrival were largely positive. The video, which lasts approximately 30 minutes, takes jurors through the trial process and explains what will be required of them and what to do and

what not to do. The vast majority of respondents said that they found it informative and well presented; the only criticisms were that it was difficult to see or hear in some courts because of the noise of people moving about. There was a request for more television sets to be distributed around the rooms so that everyone could see and hear the video properly. Two critical comments of the video concerned the fact that it repeated some of the information contained in the leaflet and some jurors, while regarding the video as being helpful, felt that it should explain more. For example:

The video was good and the presentation was excellent both by the people who presented and the video itself. I do feel though that they should give you more reasons why you are not being called as you may sit there for the whole two weeks and do nothing it would help if they informed people of the reasons why the case doesn't go ahead (Interview 105, Blackfriars).

Although it was widely felt that the video provided a good introduction and was informative, some jurors felt that it provided little guidance about what was likely to occur in the jury room. Thus:

It was quite useful for the procedure but what you are not prepared for are the procedures in the jury room, such as selecting a foreman, deliberation and how to go through the case. The two juries I was on were very different in terms of the make up of them and as nobody has done any research into what goes on behind the closed door there was no guidance at all (Interview 281, Old Bailey).

The courts' staff answered most of the questions that arose in relation to the summons, leaflet and video, satisfactorily. Many questions concerned claiming expenses and organising childcare. Some jurors said they would have liked a brief tour of the courtroom before their actual jury service began to familiarise themselves with the surroundings, although this was common practice at Norwich Crown Court.

The court staff were widely commended for the help and information they provided for jurors and for the assistance they routinely offered. Jurors were asked how helpful the court staff had been in dealing with any queries and some 97 per cent said they were very helpful.

Understanding of the court's proceedings

Jurors were asked about their understanding of the court's proceedings in general. The majority of respondents said they understood most of the proceedings, while over two-fifths (43%) felt they understood all the proceedings. Some six per cent understood half of the proceedings while around two per cent said they understood less than half of the proceedings.

Variations were reported in the level of understanding between people with different educational qualifications. However, these variations were slight, with the vast majority of respondents claiming to understand all or most of the proceedings. Some 14 per cent of jurors with no educational qualifications, however, said that they understood about half of the proceedings, compared with five per cent of those with educational qualifications.

Table 4.1: The level of understanding reported by jurors by education

Understanding level	No qualification		G.C.S.E, 'A' level, NVQ, Guilds		Degree or above		Other	
	%	No.	%	No.	%	No.	%	No.
All	32	18	41	74	50	57	50	4
Most	53	30	50	90	45	51	50	4
Half	14	8	6	11	4	4	-	
Less than half	1	1	3	5	1	1	-	
Barely	-		-		-		-	
Total	100	57	100	180	100	113	100	8

Levels of understanding also varied amongst different occupational groups with professional and managerial groups claiming higher levels of understanding than other groups. However, the percentage claiming to understand most or all of the proceedings was generally high at between 80 – 90 per cent across all groups. The level of understanding generally increased with age with 95 per cent of those in the 50 – 59 age group claiming to understand most or all of the proceedings, compared with 89 per cent in the 20 – 30 age group who reported understanding most or all of the proceedings.

Table 4.2: The level of understanding reported by jurors by occupation¹⁸

Understanding level	Profess %	Manager %	Skill- manual %	Skill non- manual %	Unskilled %	Not employed* %
All	49	54	32	37	42	47
Most	44	44	59	54	46	43
Half	6	2	9	6	9	9
Less than half	1	-	-	4	3	-
Barely	-	-	-	-	-	-
Total	100	100	100	101	100	99

*The 'not employed' column includes those unemployed, retired, students or homemakers.

Difficult aspects of the court's proceedings

In order to identify more specifically those aspects of proceedings that jurors found difficult to understand, respondents were given a list of possible options and were asked to identify those that posed problems. It appeared that respondents often indicated more than one aspect of the trial process that they found difficult to understand.

Table 4.3: Aspects of the trial that were difficult to understand

Aspects difficult to understand	Number of responses
The legal terminology	43
Legal or factual information	16
Technical evidence	15
Information on the nature of the charges	12
The order of proceedings, the opening statements and address	8
Summing up	7
Use of exhibits, physical evidence, visual aids etc. (maps/photos)	4
Evidence	5
Total	110

It was evident from the responses that the general level of understanding of proceedings was high. There were, however, 43 jurors who raised problems regarding the use of certain legal terms. As one female human resources manager from Norfolk explained:

They should have explained more legal terminology. There was confusion at the end and we had to go back for this to be explained (Interview 420, Norwich).

Another juror said that certain legal terms had been explained, but felt that further clarification was needed:

Members of the jury were finding it difficult to understand some of the English being used in court and the interpretation of that legal terminology. It was

¹⁸ Percentages have been rounded up to one decimal place

explained to them, but they were uncomfortable with it (Interview 173 Southwark).

A number of jurors made reference specifically to the term 'beyond reasonable doubt' which they found confusing. As one 48 year-old female graduate stated:

Something I have learned is that it is much more difficult than I would have thought to prove someone guilty and what I didn't realise is that "beyond reasonable doubt" and being "absolutely sure" were two different things...and there are things such "inadmissible evidence" which I did not understand and this made me realise how complex the law is (Interview 33, Southwark).

For those who were not entirely clear about the meaning of certain legal terms there was the opportunity at a later stage to clarify their meaning. As one African Caribbean woman aged 37 stated:

When you're a juror who's just a member of the public you have to take in a huge consumption of legal terminology, which to some of them went over their heads but some could help others by explaining the legal terminology, which is the whole point of being able to sit down and deliberate. Within any criminal case it's easy to get lost in the procedure (Interview 537, Southwark).

It was interesting to note the significance given to the process of deliberation as a point at which terminology could be clarified in conjunction with the discussion of evidence and deciding on the verdict.

In some longer and more complex cases there was a gradual learning curve among jurors; aspects of the proceedings became clearer as the case proceeded. As one 47 year-old juror in London stated:

Due to the type of case it was hard to grasp and it took me a couple of weeks getting to know the people, the code names and paperwork as it was a complex case which took a couple of weeks before everything could be pieced together (Interview 280, Old Bailey).

Problems with detailed legal and technical information were reported by 31 jurors altogether, particularly in relation to points of law and the definition of the charges presented. One juror stated that:

Yes, there was a point of law and this goes back to the definitions and terms. There was a definition of a charge and I wanted to know exactly what that entailed. It was covered in the judge's summing up but I wanted some confirmation. Unfortunately, I didn't get the confirmation (Interview 19, Southwark).

In a similar vein one 50 year-old local government officer said:

They kept saying "points of law" and we had to keep leaving but if we had remained for some time it would have resulted in us having a clearer understanding when we went out to deliberate, because we had to go in again to ask the judge while deliberating what were the particular points of law we were arguing about and after you come out you lose the flow (Interview 40, Southwark).

Apart from the problems associated with points of law, some jurors experienced difficulties understanding certain technical information.

There were a number of critical comments made about the quality and consistency of the evidence brought by the police and lawyers in certain cases. In particular, there were cases where the evidence was presented in visual and graphic forms in order to clarify the situation

in which the crime had taken place. However, not all jurors were satisfied with the use of visual aids. One 54 year-old juror, a schools advisor, commented:

Certainly, we felt during one trial that the quality of the prosecution's case was severely impaired by the non-production of diagrams to show where particular people were during a sequence of events. I couldn't understand why some simple visual aids weren't provided so that witnesses could identify where they were, because the witnesses were not particularly strong people. One was illiterate and trying to follow their testimony was difficult and frankly I felt that the presentation of evidence was very unprofessional and incomplete. It's something all of us felt strongly about and it was both the presentation of the evidence by the prosecution in this particular case and also the extremely slipshod way the police presented their evidence. Officers were produced who had no knowledge of the case. Officers were produced who mumbled and officers were produced who didn't seem to be following proceedings. The police officers were told to speak up by the judge (Interview 53, Southwark).

Although the number of jurors who made comments of this type were relatively few, there is no doubt that when evidence was presented badly, or when prosecution and defence counsel or the police were not seen to be fully engaged, they were deeply perturbed. It not only undermined their sense of fairness and due process but the credibility of the trial process in general.

There was little variation among those with different educational backgrounds in their reported understanding of legal and technical information, but there was a noticeable difference between different occupational groups with manual and unskilled workers reporting some difficulties understanding this information. Some 15 jurors made reference to problems understanding technical evidence. This was not so much to do with the complexity of evidence, but because it was difficult to hear (four jurors) or the evidence was presented in confusing manner (three jurors). One 45 year-old man said:

The tactics of the defendant and witnesses were confusing and we didn't know whether or not it was a huge con. There were problems with accents, as some of the witnesses couldn't speak good English (Interview 527, Snaresbrook).

There were a number of cases where there were problems understanding the accounts of those giving evidence; some witnesses and defendants lacked clarity of expression. Problems were also reported regarding the use of translators and in 15 cases jurors claimed that they simply could not hear the evidence clearly.

One juror remarked that he found the whispering between the translator and defendant 'off putting' while another juror pointed out that:

There were other certain difficulties involved in the fact that two trials involved translators. I believe that the translators were court appointed but it seemed that on occasion they strayed from the procedure of translating the question and answer into a discussion with the person that they were translating for and would tend to confuse the evidence with discussion, and therefore, the evidence was not presented as clearly as it could have been (Interview 128, Blackfriars).

Some jurors made reference to other people on their jury who they believed had difficulty in understanding and assessing the information presented to them. In some cases this was because they could not speak English very well. Some respondents felt that their fellow jurors were not intelligent enough to understand the case fully. One juror suggested that before being accepted for jury service, people should have to pass a reasoning test. This particular respondent suggested that being a juror was:

Useful in terms of learning more about the legal system and personally useful in terms of the nature of deliberations.... a number of jurors in the room afterwards, choosing ideas and making sure your arguments are waterproof and the running up to your conclusions (Interview 107, Blackfriars).

Difficulties were also reported with the use of exhibits, particularly maps and photographs:

A flaw within the case was that there were no medical photographs produced (Interview 420, Norwich).

The majority of respondents were impressed with the summing up of the case by the judge and although a minority felt that this took too long, many jurors found the judge's summing up had helped them to develop a clearer perspective on the evidence presented. Typically:

The judge throughout the trial was absolutely on the ball, picking up on certain points all the time if there were discrepancies and he did interrupt a lot and his summing up was extremely helpful and pertinent (Interview 124, Blackfriars).

Note-taking, asking questions and legal points of law

Three other issues materialised in the course of the interviews. First, the role of note-taking; second, the possibility of asking questions during the trial in order to clarify statements, or to ask for additional information; and third, the exclusion of the jury from the courtroom while points of law were discussed. The latter required the jury to leave the courtroom while legal discussions could take place.

A small number of jurors (7) commented on the difficulty of taking notes during the trial. Problems were raised about the difficulties of keeping up with evidence while taking notes and some jurors who were not experienced in note-taking, complained that they 'had a problem knowing what to write down, and how much to write down'.

A significant percentage of our sample (67%) reported that they wanted to ask questions at certain points during the trial in order to clarify the evidence, or to request more information. The procedures for asking questions appeared to vary in the different courts and while in some courts jurors were allowed to write questions down on slips of paper and pass them to the ushers, many felt uncomfortable about this procedure because they were concerned that it may hold up the trial unnecessarily. One juror explained:

It didn't seem to be part of the juror's role. We were just there to listen. To ask a question, you felt, would be an interruption (Interview 71, Southwark).

Rather than ask questions during the course of the trial one juror suggested that questions could be presented towards the end of the trial:

There were more questions I wanted to know the answers to and you could hand them over to the court usher who'll pass them to the judge which could be useful, but it would take more time... It would be nice if you could break just before the end of the trial for outstanding questions to give a clearer picture to assist towards the verdict (Interview 249, Wood Green).

Only half of those wishing to ask questions felt that they could. Men (52%) felt slightly more able to ask questions in the courtroom than women (47%). In some courts, jurors felt they were actively discouraged from asking questions during the trial and consequently said nothing in the hope that the particular point would be clarified in the course of proceedings and that other relevant information would emerge before the completion of the trial. A number of jurors felt 'it wasn't their place to ask questions' and it would be embarrassing, particularly since the question might be read out in court. Typically, one woman at Southwark Crown Court, when asked if she felt able to ask questions replied:

No, as you didn't wish to interrupt proceedings or draw attention to yourself. If you write down the question you may feel embarrassed attracting the usher's attention (Interview 144, Southwark).

In some instances jurors were told they could not ask certain questions:

At one point we asked a question and were told that questions weren't allowed, although we felt it was crucial (Interview 535, Snaresbrook).

The most disconcerting aspect of the trial and the activity which confused and annoyed jurors was being asked to leave the court while legal points were being discussed. One 39 year-old white male said:

Some of the procedures and the way they went about things were difficult to understand, as they'd file out twelve jurors every time there was a legal point (Interview 433, Norwich).

Jurors found such interruptions difficult to comprehend and wondered why they could not be party to these discussions and felt that if complex points of law were presented they could be summarised and explained by the judge. There was a feeling that there was another level of discussion going on from which they were excluded.

Some jurors said that they would have at least liked an explanation of why it was necessary for them to leave the court and a statement of the significance of what was discussed in their absence. For the majority, however, their removal from court was seen as unnecessary and unwelcome and they wanted to listen to discussions of points of law, preferably with a summary of their meaning and significance by the judge at the end.

One 40 year-old local government officer, felt perplexed about what jurors were allowed to do in court. In the case he was involved in:

One of the jurors asked a question and because of that question they asked they had to stop the case. Nobody knew why this happened and we were told that if we had any queries we could raise the question with the judge, but none of us was really sure of the legal position of the case and nobody knew what we were allowed to ask (Interview 111, Blackfriars).

Addressing the problems of understanding

Jurors were asked if there was anything that would have helped them to understand the trial or the evidence better. Just over 20 per cent of jurors felt that a fuller explanation of legal terms would have helped their understanding. More specifically, a number of jurors (16%) said that they would have liked a plain English summary of the legal charges, preferably at the beginning of the trial. Some jurors felt that there was an unnecessary reliance on jargon and particular legal terms. One 33 year-old female technical co-ordinator said:

I think the use of plain English is very useful for anyone. They use a lot of jargon unnecessarily because it's a way of keeping people in their place and I think it's quite an old-fashioned way of doing that in a way and I find that with nursing and doctors and within the law that's difficult for them and if they haven't got anything to hide just be open and honest about it. I think a good explanation of legal terms would be useful (Interview 50, Southwark).

A number of jurors (53) suggested that it would be helpful to have a clear statement of the facts agreed on at the start of the trial, while others would have liked a list of witnesses with their details and the order in which they would be called.

It was evident that many respondents found jury service to be a positive learning experience. Slightly in excess of two hundred jurors reported that they had learnt a great deal about the court process and had gained a 'greater understanding of how the system works'. Jurors made reference to the insights they gained about the operation of the court and how participating in jury service had 'opened their eyes'. Many had felt that they had been on a 'steep learning curve' and had come to appreciate the different dimensions of the criminal justice process.

Other jurors commented that they had learned not to take things at face value and that there are often at least two sides to the story. Some were surprised by the ways in which they were swayed by the presentations of the prosecution and defence counsel and were then faced with the task of weighing up the evidence and coming to a decision. For the most part, there was clear realisation that the different legal representatives were trying to present the facts in the most advantageous way in order to prove their case and jurors were sensitive to methods employed by the opposing sides to persuade them. Some jurors felt that this experience had improved their ability to listen and examine evidence in general and develop more considered opinions. Jurors who formed opinions early in the trial were seen as being rash and irresponsible and many felt that reaching a verdict was a difficult and at times a stressful process.

Some jurors indicated that meeting other jurors had been an interesting and informative process in itself. Meeting people from other walks of life with different occupations and outlooks was regarded as being one of the most positive aspects of the experience. Generally, jurors reported understanding more about human nature and it was suggested that participating in jury service had been an 'important social learning experience' and a 'useful life skill'. One 22 year-old woman concluded that:

It was a very worthwhile experience and you feel part of the justice system in a positive way. It was an opportunity to meet a bunch of diverse people who you would not meet in ordinary life (Interview 109, Blackfriars).

A considerable emphasis was placed on the diversity of jurors and the benefit of having a number of different points of view, which presented a challenge and a learning experience. One of the most positive statements made regarding the experience of being a juror came from a 43 year-old woman:

It's a big learning experience as I've learnt about crimes I never knew existed and that judges and barristers are human beings who can be nice people. I've also learnt that so many people can gather together to make a jury and be good friends for a length of time and it made me regain my confidence in the human race (Interview 36, Southwark).

Few jurors felt quite as strongly as this about the experience, but there was a widespread feeling that the process of learning and understanding went far wider than the specific cases that they heard and that being a juror had given them a unique life experience which broadened their perspective.

For a handful of jurors (nine respondents, none of which had been defendants previously) the experience of being in court served as a deterrent to engage in crime and had underlined for them the implications of getting into trouble in the future. One female juror, when asked what she had learned from the experience of sitting on a jury replied:

Not to get into trouble, as I wouldn't wish to be in the dock. You will never forget your experience of jury service and I will never forget the defendant, but it's the fairest system we have (Interview 40, Southwark).

Similarly, one juror pointed out that if they were ever a victim of crime in the future they would make sure that they gathered the evidence carefully, as they had experience of how cases could be lost as a result of insufficient evidence.

One of the recurring themes which went through the discussions of juror understanding and competence was the relative advantages of having cases heard by a judge or a magistrate on their own, without recourse to a jury. Only nine jurors favoured this option and felt that only trained professionals who had the capacity to fully understand the evidence and arrive at a sound verdict should hear cases. For example:

You could say: why bother having a jury and permit the judge to decide. Although the judge is in a better position to give a verdict, as on the jury, we have people who don't know anything about the law along with those who don't wish to be there, accordingly, do not participate. Some jurors feel very intimidated and wish they weren't there and I believe that the jury is not the best system (Interview 533, Snaresbrook).

Another small minority of respondents felt professional jurors should be put in place since they might have a better understanding than the layperson. As a student serving in Snaresbrook court explains:

Once I was there I felt there was a call to hire professional jurors, as there were certain jurors who said things which shocked me. It's a complicated procedure with reading out charges, some of which are very complicated. Some jurors are arriving at a view without understanding the information, whereas, professional jurors would have understood what was going on and would know points to select which are more relevant to reaching a verdict. A group of professional jurors employed for a maximum of three years would prevent their role becoming habitual with reaching verdicts (Interview 518, Snaresbrook).

This, however, was very much a minority opinion and most of those interviewed felt that the diversity of the jury and the ability to assess evidence from different perspectives was a more appropriate and reliable way to come to a verdict. Repeatedly, throughout the interviews, respondents stressed that the jury system, with all its imperfections, was the fairest way to decide on the outcome of a case. One juror from Norfolk explained:

I came away feeling that the jury system is well worthwhile, although there are a lot of individuals who don't wish to be involved, but it's a very valuable system, or have something similar, so that it's not all left to the professionals. It was a positive experience although I wasn't in agreement with all the decisions the jury made, but when I look at it objectively and not subjectively I feel that a good job was done (Interview 410, Norwich).

Consequently, a juror from London stated:

The jury is critical due to the diversity of the opinions of twelve randomly selected people. If you can reach a unanimous verdict then you really have reached the correct decision. I think juries are fair. I'm sure they make mistakes, but this is through the evidence presented to them. I wouldn't wish to see the jury system replaced with anything else (Interview 86, Southwark).

Summary

In general, jurors reported that they had a high level of understanding. At each stage of the trial process they said that the information provided to them was normally well presented and reasonably intelligible. At every stage of the process, beginning with the summons through to the introductory leaflet and induction video, enough information was provided to enable jurors to engage in their task. It is also evident that where there is confusion and misunderstanding,

jurors were able to seek clarification and assistance from the court staff, the judge, or in some cases, fellow jurors.

The majority of jurors take this task seriously and concentrate on the evidence presented and consider it thoughtfully, being more than aware that the prosecution and defence counsels will try to sway them in one direction or the other.

In the course of the interviews there were a number of factors that adversely affected levels of understanding. Some of these points were technical, such as the placement of television sets during the showing of the introductory video. Some jurors were unable to hear the evidence, or to understand the evidence of witnesses and victims because of language difficulties. The main issue which was raised was confusion over the use of certain legal terms jurors would like to have had clarified in the course of the trial. It was suggested that it would be useful to outline a number of key legal terms on the introductory leaflet (or in a separate publication). Jurors were also particularly disconcerted by their exclusion from the court while points of law were being discussed. This procedure made them feel that they were missing out on important information and it was not always clear to them why they were being asked to leave the court. There were other points raised about the difficulty of asking questions during the trial and of note-taking.

Overall, however, there was a good level of understanding across different social groups and for many, the participation in jury service had taught them a great deal, not only about the court procedures and the jury system, but also about human behaviour. A significant number of jurors remarked on the uniqueness of the experience of working together with a diverse group of people from different walks of life. For many, the diversity of the jury and the richness of the experience outweighed any advantage which might accrue from having trials adjudicated by a professional judge.

5. Jurors' confidence

Introduction

Determining the nature of confidence in the jury system was originally the main focus of this study. It became apparent, however, in the course of the research that confidence was bound up with the attitudes and understanding that individuals developed in the course of their jury service. Previous experience, if any, of being a juror, also influenced confidence in the system. In the course of the analysis, however, it became necessary to distinguish between 'increasing' confidence in the system as a result of engaging in jury service and having confidence in the system overall.

In order to gauge how the experience of being a juror had affected their confidence in the jury system respondents were asked the following question: 'Do you feel that your level of confidence in the court system is higher, the same, or lower as a result of being a juror? Please explain.' As expected, among the 20 per cent of respondents who had carried out jury service on a previous occasion, little overall change was reported in their level of confidence. Therefore, this group was omitted from the analysis. Among the remaining respondents, 43 per cent reported a higher level of confidence while 38 per cent said it remained about the same and 20 per cent said that their confidence in the jury system had diminished.

Table 5.1: Change in confidence in the court system following jury service¹⁹

Change in jurors' confidence in the court system after service	% of jurors
Higher	43
No change	38
Lower	20
Total	101

Note: Percentages do not always add up to 100 due to rounding

Although these findings show a generally positive response, it should be noted that a 'lower' level of confidence does not necessarily mean that confidence was 'low'. In some cases, people may have initially had a very high level of confidence in the jury system, which decreased as a result of engaging in jury service. Similarly, those who had a high (or low) level of confidence to begin with and who left with the same degree of confidence, would show no overall change. In these cases, it is of utmost importance to examine qualitative data that illustrate how particular aspects of jurors' experiences affected their confidence and their assessment of jury trials. Moreover, what is clear is that the overwhelming majority of jurors maintained the belief that the system of jury trials was important; only four per cent of our sample as a whole felt that juries were not an important part of the criminal justice system.

In our study, 47 per cent of those who had been witnesses, 62 per cent of those who had been victims and 44 per cent of those who had observed in court before their jury service had a higher degree of confidence in the court system following jury service. This compared to 43 per cent of the general population of jurors as a whole. This probably reflects a situation where witnesses and victims were more likely to enter their service with a lower level of confidence. As the British Crime Survey has suggested, victims tend to have relatively low levels of confidence in the criminal justice system (Mirrlees-Black, 2001). In addition, the Witness Satisfaction Survey found that a quarter of witnesses were dissatisfied overall, whilst almost 40 per cent said that they would not want to be a witness again (Whitehead, 2001).

One of the interesting and unexpected findings of the British Crime Survey was that black and Asian minority ethnic groups were more likely to have confidence that the criminal justice

¹⁹ Percentages have been rounded up to one decimal place

system is effective in bringing offenders to justice, dealing with cases efficiently and meeting the needs of victims, than their white counterparts. However, the research also suggested that black groups were less likely to have confidence that the criminal justice system respects the rights of accused people and treats them fairly. Catriona Mirrlees-Black (2001) notes that anxiety is directed more towards the police than other aspects of the system. The findings suggest that black minority ethnic groups were more likely to leave their jury service with a higher level of confidence (50%, compared to 43% for all jurors). Asian minority ethnic groups were found to leave with a similar level of confidence to white groups. It may be the case, however, that black minority groups are more likely to enter their service with a lower level of confidence and this may in part account for the tendency to report a higher level of confidence following jury service.

Jurors were asked to identify those factors that influenced their confidence in an open-ended question. Some jurors referred to both positive and negative factors and despite these apparent tensions and what may appear to be inconsistencies in their responses, a number of key factors emerged. In Table 5.2 are listed the responses which were put forward by those interviewed and the positive factors have been listed in order of significance.

Table 5.2: Factors promoting confidence

Factors promoting confidence	Number of jurors
Justice through diversity	131
Fairness	79
Professionalism and organisation	77
Information and transparency	76
Juror and staff commitment	75
Due process (consistency, rule following, respecting rights and so on)	50

By far the most positive factor identified was 'justice through diversity' with approximately one in three jurors considering this to be the most important factor affecting confidence. Other factors which were considered significant were the perceived 'fairness' of the process, the professionalism of the staff, the quality and quantity of the information provided and the level of juror and staff commitment. Reference was made by some 50 jurors to 'playing by the rules' and respecting the rights of defendants in relation to promoting confidence. Where these factors were absent, confidence was undermined or reduced. In addition three other factors were identified which tended to have negative impact on confidence. These were poorly prepared and presented cases, the inclusion of 'trivial' or 'minor' cases by the Crown Court, and inefficiencies.

Positive influences on juror confidence

Justice through diversity

Many jurors made reference to the 'democratic' element associated with jury trials and how this was a key factor that generated confidence, often through the fairness it represented. The importance of being 'tried by your peers' and the belief that 'twelve heads are better than one' were comments that were made frequently. Moreover, the *nature* of the make-up of the jury was also seen as a pivotal factor generating confidence.

The apparent randomness of jury selection and the inclusion, in principal, of all sections of the community was seen as important in establishing impartiality while giving the decision-making process a sense of balance. There was a strongly held belief that bringing people together from different social and economic backgrounds was the best way to generate a viable and equitable system. The two following quotations represent these views:

The twelve of us from different backgrounds, with different views discuss details together and we reach decisions and I can understand why we have a jury system and it works (Interview 14, Southwark).

Important because they're everyday people from different races and backgrounds and you can't get any fairer than this (Interview 82, Southwark).

A great deal of emphasis was placed by respondents on the need for a broad spectrum of viewpoints to be included in the jury. This was seen to be a necessary component for overcoming individual prejudices and bias. In this context, the views of those who were more 'streetwise' were just as important as 'educated' people who may have little experience of the aspirations and motivations of the majority of defendants who appear in Crown Court. Two further typical quotations reflect these views:

Very significant, as you can't just have one person's view on the case as different people are needed with different readings into cases.... You do need twelve people to serve upon a jury system, which is a fair system as having just one very highly educated person making the decision would not be fair. Therefore, you need a good mixture of different people in all fairness to reach a decision (Interview 123, Blackfriars).

Very important, as there are people coming from a whole range of backgrounds with different outlooks, some are more educated and some are more streetwise and have different upbringings so you can come up with a fair trial (Interview 64, Southwark).

The diversity of the jury was widely celebrated. In contrast, however, where diversity was less evident, jurors' confidence was undermined. For example, one juror reported that her confidence was lower after serving on a jury:

Because of actually being there and being in a jury. I thought there would be a broader base of people to decide, rather than a jury with the same base of people (Interview 151, Southwark).

Thus in cases in which it was felt that the jury was not representative of the community as a whole, reservations about the benefits of jury trials arose. Where the composition of the jury was seen as being skewed the safeguards which were widely attributed with jury trials were seen as being eroded. It was evident in many of the interviews which were carried out that the emphasis on justice through diversity was closely bound up with conceptions of fairness.

Fairness

Many respondents said their confidence had been enhanced because of the 'fairness' of the process they had experienced and their belief in the value of the jury system was increased as a consequence. 'Fairness' manifested itself in a number of ways in jurors' accounts. It was related to the manner in which evidence was presented and the diversity of opinion in the court and amongst jurors. It was also seen as being linked to honesty and the openness of those involved in the trial process. The notion of fairness was linked in the minds of some jurors to taking the time to ensure that defendants received a proper hearing and making the effort to listen carefully to the available evidence. As one juror put it:

I'm quite confident that the defendants receive a fair trial and that enough time was given to bring across any important points or evidence. I wasn't sure before I came on how much time would be spent and the amount of time allowing the defence counsel to voice their argument (Interview 19, Southwark).

For other jurors the fairness of the process was a function of the candidness and honesty which was evident. Thus:

The candidness in which we were able to approach it, my belief in the justice system was enhanced and you will be tried fairly, indeed you are tried fairly by a jury. There would be a lot of innocent people tried unfairly and the wrong decision reached if it wasn't for the jury. There are no professional jurors and people are thrown into the melting pot from all different backgrounds and everyone has their own opinion. You're receiving honesty, which you wouldn't get if it were prosecution against defence. It would not be fair to have full-time jurors as they would have a trained eye (Interview 30, Southwark).

For other jurors, fairness meant keeping an open mind and the absence of bias and discrimination. The significance of the judge and jury and the absence of any signs of corruption were also seen to be important.

If I were ever in a situation, which came to a trial, I would wish to be tried by a jury. I've kept an open-mind throughout and everyone should be tried equally and it would be very sad if we didn't have juries (Interview 30, Southwark).

I would say that the jury trial system is one of the most difficult systems to corrupt and that is one of the real strengths and it is important that it is the everyday person who judges his peers (Interview 128, Blackfriars).

Professionalism, organisation and competence

The role of the judge was found to be a key component in influencing confidence, but the professionalism of defence and prosecution counsel was also important. Professionalism was reflected in the extent to which conduct seemed fair, procedures and evidence were well explained and the trial ran smoothly. The following three interviewees reported higher levels of confidence and they attributed this to the performance and professionalism of the judge:

I never had much confidence in the system beforehand and after what I've seen now it's higher. The judge that we had, as he was very fair in all angles and that boosted my confidence (Interview 154, Southwark).

Now I know what's going on, I'm more confident. The attention to detail and the judge impressed me more than anyone, as she seemed to be on top of everything, have everything under control and put people in line (Interview 168, Southwark).

An attempt was made by the judge to explain things carefully to us; the barristers' steps were very logical; the amount of time one was in the witness box each day was an obvious attempt being made to make sure that we weren't overloaded and things weren't too difficult for us (Interview 224, Wood Green).

The following quotation combines the importance of taking time, allowing defendants to present their cases properly and the role of the judge in facilitating these processes:

It's quite an amazing system when you watch it in action and the cases I was on were not that major, but the amount of time and effort and hearing that someone is actually in this country allowed to be proven innocent or guilty for a crime makes me feel that if I'm going to be convicted of something that I would have a fair trial. The judges were amazing, so intelligent and the amount of simulation of the information; you've got a very mixed degree of intelligence on the jury bench and no one could have walked out of there not understanding what was said as the judge is like one of the jurors when summing up and it's impressive (Interview 112, Blackfriars).

Most jurors noted that there were problems associated with jury trials and made reference to one or more negative aspects associated with their service, but the professionalism of court personnel and the other qualities associated with the jury system could ameliorate these. The following quotation is illustrative of a juror who reported that her confidence was now:

Higher, as they deal with matters very professionally, the judge, the barristers, ushers etc. I'm not entirely happy with this system as I feel it's a waste of time and money (Interview 504, Snaresbrook).

Thus even in situations in which individuals are sceptical about the overall value of the process, they are willing to acknowledge that the judge and other court personnel can positively influence their confidence.

Information and transparency

The quality of the information and explanations jurors received from court personnel, particularly the judge, was a key element generating confidence. Where jurors felt that they were not kept well informed there were negative implications for jurors' levels of confidence.

While judges were the most influential in this process, the way that barristers provided information and answers to questions was significant too:

Some of my preconceptions of the court system were wrong and now I've discovered the real court system. Surprisingly the judges and the like are a lot friendlier than I anticipated. If we asked questions the barristers really went out of their way to answer them (Interview 425, Norwich).

When you arrive they're willing to explain everything. It depends upon the professional legal people and the jury as to whether or not justice is done. They explain a lot more than they used to, which builds up your confidence and they do a better job than they used to (Interview 418, Norwich).

Regarding transparency:

You see people doing their job, how the judge explains everything to the jury and prepares to answer questions, which you return to the court to hear and they're explained in front of everyone (Interview 519, Snaresbrook).

Consequently, and as seen in the previous chapter, many jurors left the court with a greater degree of understanding of the criminal justice process. In turn, this was to have a bearing on their confidence. The quantitative data also suggested that where jurors had rated the most positive feature of their service to be greater understanding of the criminal court trial, or a positive learning experience, they were likely to have a slightly higher level of confidence than others. A juror from Snaresbrook who reported an increased level of confidence put it thus:

As I now know how the system works and have a greater understanding. The whole procedure and what to expect gives me a better understanding of the legal system (Interview 529, Snaresbrook).

As much as good quality information and explanations from the judge and other court personnel was likely to enhance confidence, poor quality information and inadequate explanations for particular procedures, for example, affected jurors' confidence and sometimes left feelings of bewilderment. One juror whose confidence was decreased by what he perceived to be a 'baffling' feature of the court process said that:

There was a character referred to in the evidence and I was curious to know why this person wasn't called or not allowed to give evidence, but again, we weren't allowed to know, which was baffling (Interview 510, Snaresbrook).

Although, as has been indicated above, the general level of information given in Crown Courts is good, there does seem to be some variation between courts. Jurors, as has been seen, generally felt reticent about asking questions during the trial and there is little time and space available within the structure of the day which allows jurors to ask questions, or to seek clarification of procedures.

Commitment of court personnel and fellow jurors

The level of commitment jurors perceived to emanate from counsel, the judge and fellow jurors in particular was a key component that generated confidence and where it seemed superficial, or lacking, confidence was undermined.

I think the presentation of various components, actually the defence to appreciate and judge themselves and their trial and the way they carry out their role, how much you believe they're doing a good job that makes a difference. Or, if you think I'm not really into this counsel, such as they're only half committed to it, you lose confidence in the court system then (Interview 50, Southwark).

Regarding other jurors whose confidence was increased:

I've seen the care that's taken by jury and that the system seems to be pretty fair. I was impressed by the way we all kept an open-mind about matters (Interview 166, Southwark).

I was impressed by the fact that most of the people I was involved with on the jury took it seriously and their role importantly (Interview 230, Wood Green).

While many respondents said that the commitment of other jurors impressed them and enhanced their confidence, it was clear that the opposite was the case in the experience of some 33 jurors. Concerns about breaches of Section 8 of the Contempt of Court Act (1981) prevented the explanation of this aspect in detail, but a significant percentage of jurors made allusions to what they considered to be inappropriate attitudes and behaviour of other jurors.

(My confidence is) Lower, partly because I wasn't happy with the behaviour of other jurors (Interview 183, Southwark).

The same, due to working with other jurors. They didn't take their role as seriously as they should have (Interview 178, Southwark).

One common response to the perceived inadequacies of fellow jurors was to advocate some form of test for selecting jurors or to only include qualified people. Alternatively, it was suggested that the judge alone should be allowed to reach a verdict.

Due process

Notions of 'fairness' and the competent organisation of trials were found to be integral to due process. Jurors, on the whole, wanted to see that the rights of defendants were respected and sufficient time is allowed for the arguments and evidence to be presented to the court. The following quotations illustrate due process aspects of the trial *process* and their impact upon confidence. The strict adherence to, and consistent application of, rules and procedures also contributed to confidence.

It opens your mind to the way justice is dealt with and at the end of the day you're not influenced by anyone, you're directed by the judge with certain aspects and it showed me that it was very consistent (Interview 30, Southwark).

A juror at Norwich Crown Court said:

The trial felt fair as I felt that everyone was playing by the rules meaning one would reach the correct answer.

She continued:

The judge was good and gave everyone a fair crack at presenting evidence together with their case and kept the momentum of the trial running when people were getting bogged down in technicalities and the summing up was very good. He explained what we should be considering and our role. We as a jury took it very seriously (Interview 404, Norwich).

These quotations illustrate not only the importance of fairness, but also the significance of a trial that is 'played by the rules' and runs smoothly. Another Norwich juror put it thus:

It's a very good system where everything runs smoothly and justice will be done... it's a fair system whereby everyone can have their say. The judges were very good (Interview 417, Norwich).

The importance of impartiality is another key characteristic of due process and is reflected in the following quotation.

The jury system was new to me and it clarified quite a lot. I was impressed with the independence of the court from the police and the way that individual juries functioned. I appreciated the process more and felt that the rights given to the defence were very well worked through (Interview 224, Wood Green).

Thus it can be seen that a number of factors combine and overlap to produce a sense of fairness, balance, respect for the rights of defendants and that these factors serve individually and collectively to increase confidence in the jury system. There were, however, a number of countervailing processes that undermined or at least qualified levels of confidence.

Negative influences on juror confidence

Poorly prepared cases/poor quality of evidence

Some 53 jurors referred to the poor preparation of cases, the quality of the evidence gathered before a case reached court and how evidence was presented in court as factors influencing their confidence in the criminal justice system.

In connection with one of the trials we were discharged having wasted a day, the court's time and the time of everyone involved with the case.... The case had been brought forward which virtually had no evidence and seemed to be a very low grade case in which there was no evidence to lay before the court (Interview 128, Blackfriars).

This juror sat on other trials and as a consequence his confidence was not unduly damaged. Indeed, he left the court with a higher level of confidence which he attributed to the care and attention with which people approached the subsequent case. A juror in Southwark briefly summed up the tensions between the factors that promote confidence and those that undermine it, which in this instance related to different aspects of the trial.

I would have great confidence in the judges, mixed feelings about the performance of the counsel and very critical views about the performance of the police evidence (Interview 53, Southwark).

Trivial/minor cases

Comments on trivial and minor cases were made relatively frequently. However, this did not automatically result in lower levels of confidence. Moreover, in some cases, this was associated with criticisms of pre-trial processes and the agencies responsible, rather than disapproval of the court process itself. As one juror put it:

I feel some of the cases could have been dealt with at a lower level but it's your prerogative to have trial by jury (Interview 17, Southwark).

In another case one juror emphasised the costs involved:

(Juries are) Very important depending on the crime as I feel this system loses a lot of money with just trivial cases (Interview 144, Southwark).

It is important to note that while a number of jurors felt that sitting in on what they considered to be trivial cases was 'a waste of time' others were impressed by the time and effort which the courts put into such cases. Moreover, those who classified their first (or only) case as being 'minor' were slightly more likely to have a higher level of confidence in the court process (51% compared to 43%) and slightly less likely to have a lower one (18% compared to 20%).

Inefficiency

In part, comments relating to inefficiency were linked to the factors discussed above as well as the cost in time and money of bringing a case to trial. However, inefficiency has a number of different dimensions that can impact on jurors' confidence as the following comment illustrates.

The case we actually heard was a waste of the court's time and should never have reached the Crown.... Due to the lack of evidence it should never have reached the Crown. The Crown was prepared to spend so much money on this case, which was thrown out. I wonder how much money they waste! (Interview 233, Wood Green).

Frequent reference was made to the cost of trials and some jurors were quite concerned about what they saw as time and public money being wasted. Linked to the notion of wasting time through delays and the processing of minor cases, was a number of comments about the protracted nature of the process and the feeling that some cases could be processed much more quickly.

Indeed, those who experienced a 'disjointed' first, or only, trial were more likely to leave court with a lower level of confidence. However, as we have seen, jurors are considering a range of factors when they are assessing the conditions that influence their confidence and some are given more weight than others.

Complexity and ambivalence

What is clear from the above discussion is that jurors' responses were complex, often combining the factors that both promoted and undermined their confidence. It also suggests that those who expressed considerable support for the jury system did so with qualifications and those whose confidence was diminished because of jury service (considerably fewer), recognised the qualities and the strengths of jury trials. There were many instances where tensions and ambivalence were evident. This illustrates the significance of a methodology that can uncover layers of meaning and make sense of the mixed views that reflect the varied experience of most jurors. Data collection methods that rely upon simple yes/no responses

and, or, provide little space for jurors to qualify their answers are therefore likely to mislead and misrepresent.

For example, a respondent from Blackfriars made the following comments about the factors that affected her confidence:

They can call jurors with a poor command of the English language, but in favour there was a cross-section of ages. Also, cases being called which shouldn't have been as it's a waste of the taxpayers' money. The way it is organised with the judge, prosecuting counsel and the overall view of it, gives you confidence. The counsel weren't too technical and were understandable. The only thing is when the judge does his summing up; it can be repetitive or go on for quite a long while, but he has to do this (Interview 105, Blackfriars).

For another woman at Southwark Crown Court, the composition of the jury was a factor that diminished confidence. Also, the waiting around has a major effect upon people's attitudes. She explained: 'Until you've done this yourself you don't know, but you can feel resentful as you've wasted that time'. However, other factors enhanced her confidence. In this case:

The professionalism of the judge and barristers, their demeanour and everything as it's difficult when you're coming into a complicated arena they explain things well, especially at the summing up time (Interview 175, Southwark).

This evidence discussed in this chapter also emphasises the importance of researchers and policy-makers being alive to distinctions between outcomes and processes when examining or devising mechanisms to promote confidence. Of course, outcomes (verdicts), and the belief that the right ones were reached, and that 'justice was done' were clearly important for jurors' confidence.

For me the outcomes were the right ones, which is fundamental to why you're there in the first place (Interview 249, Wood Green).

However, in this case, the juror also commented that his confidence was:

*The same as before I went. I had confidence in the legal system that the **process** works and I still feel this but in a different way [emphasis added].*

For most jurors, the factors that jurors identified as being instrumental in raising their confidence were explicitly related to *processes*, as we have shown. Of course, there is interconnectedness between process and outcome, which is associated with the widely held belief that correct and appropriate processes will result in the 'correct decision'. First time jurors, of course, until they serve, are unaware of the nature of the process, or hold views that are influenced by a variety of media, which are often modified in the course of their service. As one juror who reported that his confidence higher was put it:

Higher as I've had first-hand experience of it rather than it just being something to read or see, the same as a bungee jump to actually do it is different (Interview 432, Norwich).

Those who have experienced jury service in the past, as we have seen, are more likely to hold the same degree of confidence. It is also worth noting in this context that those who felt more deeply involved in the trial process were more likely to leave their service with a higher level of confidence, compared to those with lower levels of involvement.

Our overall findings have important implications for research and policy; to focus on providing information about outcomes, so that the public are better informed about such matters as sentencing, or the numbers of people found guilty and sentenced, misses important aspects

associated with *processes*. Few jurors who were aware of the sentence in their case(s) said that it influenced their confidence and jurors were not specifically asked about this aspect. However, respondents were asked about whether they were aware of the sentences passed in the case(s) they were involved in (where relevant), and this data was examined against confidence.

Table 5.3: Confidence and sentence awareness

Aware of sentence passed?	Higher %	The same %	Lower %
Yes	46	37	17
No	41	38	21

This data suggests that the sentence did not have much of an impact upon their confidence. Though there was a tendency for those who were aware of the sentence passed to have slightly higher levels of confidence than those who were not aware of the sentence. Although knowing the sentence passed (where applicable) did not seem to affect jurors' level of confidence, most jurors, when asked, said that they would have liked to have known the sentence passed in those cases in which they were involved.

Summary

The main factors which were held to increase confidence were: fairness, due process, professionalism, competence and organisation, information and transparency as were juror and staff commitment. The overriding consideration was 'diversity' and the widely held belief among jurors that this was the fairest and most reasonable method of reaching a verdict.

For many jurors, the confidence-enhancing aspects of the process were qualified by other considerations such as: sitting on what were considered trivial or poorly presented cases, or where there was a lack of information or transparency, or a lack of juror or staff commitment.

The important analytical and methodological point is that a significant percentage of jurors identified both positive and negative factors that influenced their view of the jury system. It suggests that a clear distinction needs to be made in future research between increasing the 'level' of confidence and 'having' confidence. Confidence is not an either/or category. Jurors, as we have seen, are able to identify and weigh up a range of competing factors such that they embody tensions and ambiguities. It is therefore important that future research on confidence is designed in such a way that it is able to capture these different dimensions. Having noted this important methodological consideration, it should be emphasised that on the basis of this analysis, participation in the jury system is conducive to enhancing public confidence in the jury system.

It was evident that a significant percentage (43%) of those who participated in jury service for the first time left with a higher degree of confidence. Significantly, only 20 per cent left with a lower degree of confidence. This did not mean that they did not have confidence in the jury system in general, but that certain aspects of their experience have decreased their level of confidence.

Interestingly, those who had been victims or witnesses were more likely to leave with a higher level of confidence following jury service. This may be because these groups entered jury service with a lower level of confidence in the criminal justice system in general. In line with the findings of the British Crime Survey, it was found that black minority ethnic groups were more likely to complete their jury service with a higher level of confidence than their white counterparts, while Asian minority ethnic groups left with a similar level of confidence.

These findings add a new dimension to existing research on confidence in the criminal justice system as far as jurors are concerned. Catriona Mirrlees-Black (2001: 4), using data from the 2000 BCS, for example, found that the 'Experience of the court system, as a witness, juror or

spectator, is also predictive of lower confidence, particularly in respect of the system's efficiency'. Efficiency was important in this study, but other factors strongly affected jurors' dispositions and confidence in the criminal justice system. This study supports the albeit limited evidence that jurors tended to be less critical of the criminal justice system. A similar conclusion was found in Southgate and Grosvenor's (2000) qualitative study²⁰ and they emphasised that the standard of juror care, particularly from court staff, lawyers and judges, was influential in increasing confidence.

²⁰ Southgate, P. and Grosvenor, T. 'Confidence in the Criminal Justice System: A Qualitative Study' Summary paper prepared for a seminar held at the Home Office, London on 4th July 2000.

6. Jurors' satisfaction

Introduction

In this section, jurors' satisfaction with the services and facilities provided by the court is examined. This section begins by looking at their assessments of services and amenities and then goes on to consider the broader experiences associated with serving as a juror. Attention is drawn to the importance of distinguishing between 'satisfaction' and 'being satisfied'; it facilitates a broader interpretation that allows consideration of a range of factors that generated a *sense of satisfaction*. Jurors' satisfaction with services and amenities, such as the level of service offered in the canteen or restaurant and the responsiveness of court staff undoubtedly has an impact on the extent to which jurors found their experience to be positive. However, the findings from this study show that a range of other factors both contributed towards and/or undermined jurors' sense of satisfaction. To a large extent, feelings of satisfaction are clearly linked to their perceptions, understanding and confidence in the court process and the jury system. How information and evidence is presented, the perceived fairness of trials, the professionalism of the court's staff and the commitment of other jurors, all contributed in different ways to the overall satisfaction of jurors.

Overall, the research found that the main sources of satisfaction were a product of the interactive process that jurors are involved in (individually and collectively) in this unique social setting. Their treatment by others (judges and other key personnel) and the extent to which jurors felt that they had carried out their civic duty (and the importance they attached to it) had a major impact on levels of satisfaction. However, because this is an interactive and complex process, a range of outcomes for the individual juror is possible. Importantly, jurors can leave court feeling that aspects of their service were unsatisfactory, either on a mundane or profound level, but still maintain an overall sense of satisfaction. This study, therefore, contributes towards understanding jurors' satisfaction in ways that tend not to be explored in other surveys, such as the Court Users' Satisfaction Surveys, for example.

Jurors were asked to comment on the courtroom facilities that were available. For the most part, our findings reinforce those of the Court Users' Satisfaction Surveys, which found that jurors were less than satisfied with the facilities, particularly in relation to the canteen, parking and rest areas. Although these may appear to be relatively trivial issues in relation to the overall experience, it is the case that poor quality facilities can significantly affect jurors' sense of satisfaction and influence their willingness to undertake jury service again in the future.

Pre-trial processes

As noted in Chapter 4 over 80 per cent of respondents found the information included with the jury summons and the leaflet 'You and Your Jury Service' helpful and this is consistent with previous studies (Young *et al.*, 1999; Zander and Henderson 1993; Court Users' Survey March 2001, November 2001). There was slightly less overall satisfaction with the induction video and although there were only a few comments about the content of it, some jurors found the video hard to hear and suggested that the distribution of television screens could be improved. The limitations of these various sources of information were largely compensated for by the support and information provided by the courts' staff.

Courtroom facilities

As jurors are likely to spend a significant amount of time in the courtroom, as well as periods waiting to be called for, or back to a trial, it is important to examine the quality of the accommodation in both the courtroom and the facilities available while waiting. Dissatisfaction and discomfort may affect a juror's mood or performance (Darbyshire, *et al.*, 2001).

Most jurors (85%) said that the level of facilities and comfort in the courtroom was adequate. A few commented that these were 'very good' or 'nice' and occasionally jurors who had served in other courts on a previous occasion would make comparisons with them. Where there were complaints about facilities they tended to be associated with the temperature of the room, the seating and the availability of refreshments.

The temperature of the room was seen as a problem, either because it was too cold or, less frequently, because it was too hot. In a number of instances, jurors' comments related to malfunctioning heating or air-conditioning systems. Alternatively, the lack of fresh air or heat made jurors feel sleepy or made it difficult to concentrate. The seating was frequently reported to be uncomfortable or cramped and some jurors said they had needed more legroom or they felt 'squashed'.

As might be expected, jurors who served for longer than the usual ten days were more likely to criticise the accommodation in the courtroom. As Young *et al.*, (1999) noted, what is acceptable for a one or two-day trial is unlikely to be so for one lasting several weeks:

Very cold because of the air conditioning, the length of the case and uncomfortable seats (Interview 272, Old Bailey, served 15 days).

Cold and uncomfortable seats (Interview 254, Old Bailey, served 15 days).

No, as more legroom is required (Interview 253, Old Bailey, served 39 days).

In this context, it is worth remembering that retired people were found to be more likely to serve longer than the usual two-week period compared with other age groups in the sample and that the level of discomfort may affect older jurors disproportionately.

We did not ask jurors to comment upon the standard of facilities available to them in the deliberation room, but it was clear that many jurors would have liked to remark upon the standard of accommodation and other facilities in that setting.

General facilities

Jurors were asked to comment upon the overall facilities and services available to them. Their responses suggest that although the majority of jurors felt the amenities on offer, in general, were 'acceptable' or 'adequate', the meanings associated with these terms are subject to some interpretation; many jurors (275) made suggestions to improve one or more of the court's facilities. The reasons behind these suggestions indicated that most wished to qualify their answer. Approximately a quarter of respondents regarded the general facilities to be poor, or below standard. For those enduring long delays before being called to a trial, between trials, or during one, it is likely that the amenities were regarded more disparagingly.

When asked about the amenities they would like to see improved or made available the most common references were made to canteen services (33%), facilities to alleviate boredom (14%), improvements in general accommodation (14%), separate areas for smokers and non-smokers (13%), and parking facilities (3%).

Canteens were widely regarded as being expensive and poor value for money; the allowance jurors receive for food and refreshments was frequently reported to be inadequate. Jurors wished to see greater variety and better quality food being made available, particularly for vegetarians and those desiring 'healthier' food. Many jurors remarked that the canteen closed in the early afternoon (sometimes as early as 2:00pm or 2:30pm) and a few mentioned that there had been occasions when there was no food left. Longer opening times were common suggestions, while others advised that lunchtimes should be staged so that the queues could be managed, or that vending machines should be installed.

Comments were made about the lack of facilities available to alleviate boredom such as televisions sets, or a separate viewing area. Some jurors observed that there were televisions present, but complained that they were rarely switched on. There were some negative comments concerning the availability of magazines and newspapers (to borrow or buy), books to read, games to play (such as cards or pool), videos to watch, and so on. A few jurors suggested that Internet facilities, work areas and places where mobile phones could be freely used, would also be welcome.

In a number of courts, jurors made reference to the need for improvement to the general accommodation in the assembly room. A fair proportion of jurors reported that the seating was uncomfortable, the room was cramped, and that the ventilation and/or lighting was inadequate. Some said that it was difficult to relax in the room and that there was a general need to smarten up the waiting area. There were a few references made towards the need to improve cleanliness and modernise the toilets.

There was also a call for separate areas for smokers and non-smokers. In part, the large numbers of comments on this matter related to the problem of poor ventilation in the assembly room. However, the problem of smoke drifting into the non-smoking areas produced a relatively high number of comments and, as such, this issue warrants separate comment. Non-smokers were unhappy about the inadequate nature of the screens dividing the smoking and non-smoking sections, where they were present. Some smokers remarked that the space afforded to them was too small. Both groups felt that there should be a separate room for smokers.

Many jurors attending the courts in the city centre tended not to expect parking facilities and instead travelled to court using public transport, though some would have welcomed the availability of parking spaces.

Intimidation in the courtroom

The New Zealand Law Commission Study (Young *et al.*, 1999) found that jurors on eleven cases felt uncomfortable about coming into contact with families *en route* to or from the courtroom. Some indicated that they were worried about meeting them on the street. Being under the gaze of the accused, or their families, or indeed counsel, also made a small number of jurors feel uncomfortable, or resulted in feelings of intimidation. In four cases in that study, jurors felt scared or intimidated after the case had concluded. As these factors are likely to affect the perceptions, confidence and satisfaction of jurors, a series of questions concerned with intimidation and discomfort and the positive and negative aspects of their experiences as jurors was asked.

Jurors in the study were asked whether or not they felt 'very uncomfortable, or intimidated' or not, in the courtroom and over one third of jurors replied that they were (36%). These jurors were presented with a list of factors that may cause these feelings from which they could select all that applied in their experience, based on the New Zealand Study. The results show that more than one factor influenced these feelings, but the main sources of intimidation or discomfort came from the prospect of meeting the accused on the street (17% of the sample), and/or their families as they came into and left the court (14%), and/or the gaze of the accused in the courtroom (11%), as the following table indicates.

Table 6.1: Factors causing intimidation or discomfort

Intimidation or uncomfortable feeling	Number of jurors	%
The prospect of meeting the accused on the street	62	17
The prospect of meeting the families of the accused coming into and out of court	49	14
The stares of the accused	39	11
Stares from the public gallery	35	10

The general 'atmosphere' in the court	27	8
The manner of prosecuting or defending counsel	22	6
By any of the witnesses	50	6

Overall, older jurors appeared to be less likely to feel intimidated or uncomfortable; only 13 per cent of jurors aged 60 or over felt this way. In contrast, approximately half of the jurors in the 20-29 age group (51%) said they felt uncomfortable or intimidated. Asian minority ethnic groups were also more likely to feel intimidated than white, black or other groups; 56 per cent compared to around a third of jurors in other majority or minority ethnic group categories.

The following section examines each key source of intimidation and discomfort where a demographic profile is evident, or indicative.

- Just over one in ten of those in the 20–29 age group reported being intimidated by the general atmosphere in the courtroom; older jurors (those aged 60 years and above) were the least uncomfortable in this setting. Asian minority ethnic groups were also more likely to feel uncomfortable or intimidated, though the numbers are too small to draw strong conclusions.
- Slightly more men (9%) than women (4%) reported feeling very uncomfortable or intimidated by the manner of counsel for the defence and/or prosecution. Asian minority ethnic groups were also more likely to report these feelings.
- Women jurors were more likely to feel intimidated or very uncomfortable as a consequence of stares from the accused, or from the public gallery compared with their male counterparts. Younger jurors (those aged 20–29) and those of 'Asian' origin were also more likely to feel uncomfortable because of these factors, but again small numbers qualify the strength of these findings.
- Women were more than twice as likely as men to feel very uncomfortable or intimidated at the prospect of meeting families of the accused *en route* to and from the courtroom. Around 18 per cent of women in the sample were worried about this possibility. Jurors in the middle age ranges, 40–49, were also more likely to be concerned about meeting families of the accused; approximately one in five expressed concerns in this regard. Older jurors (aged 60 or above) were the least concerned: only three per cent of jurors in this age category said the prospect was a source of discomfort or intimidation.
- A fifth of women jurors reported that they were intimidated or very uncomfortable about meeting the accused on the street (20%). Just over 13 per cent of men shared this view. Younger jurors (20-29 years) and Asian jurors were more likely to be concerned, though the numbers are relatively small and it is difficult to draw firm conclusions. Again, older jurors (those aged 60 or above) were the least likely to be worried about this possibility.

Three further points are noteworthy. First, over half of jurors (56%) who reported feeling intimidated or very uncomfortable had no prior contact with the court system before their service. Second, just over half (54%) of those jurors who had previously been victims in court said that they felt intimidated or very uncomfortable, while over half of jurors (52%) who had been defendants in the past also expressed these feelings. However, the numbers concerned are relatively small (40 jurors in total); and as such it is difficult to draw firm conclusions. Third, jurors indicated that they experienced forms of anxiety and discomfort in the courtroom when answering other questions during the interview which are germane to the current discussion; these included the fact that the defendant knew their names and the practice of standing up to give or hear the verdict. Other aspects of discomfort are discussed later.

Stress

Factors generating discomfort or feelings of intimidation can result in jurors feeling emotionally unprepared or stressed. The New Zealand Study also found that jurors' stress was related to these factors; but by far the greatest source of stress was associated with the

gravity of the task with which jurors were faced. In particular, making a decision about someone's life and worries about making a 'wrong decision' (Young *et al.*, 1999). In this study, this aspect also ranked highly as one of the most negative aspects of jurors' experiences, with nearly one in five expressing these concerns. A few reported difficulties with sleeping or that their service had, as one juror put it, 'affected me for a number of days' (Old Bailey 254). It is unfortunate that this respondent also reported that she had encountered the defendant outside of the court and felt uncomfortable or intimidated by the atmosphere in the courtroom. However, it is not insignificant to note that this juror commented that 'the court system is relatively good', which indicates something about the complex responses jurors have toward their experience.

Indeed, the multifaceted nature of jurors' responses is illustrated further by an Old Bailey juror who had served on a long case (over seven weeks). He reported that: 'There were a few of us who didn't sleep for four days as you're considering the verdict'. This juror also made the following comments: He was enthusiastic about receiving his summons (he had been a juror before and had enjoyed the experience); his confidence in the system had remained the same following this period of service; everyone should 'have a turn' serving as a juror at least in part because it is a 'worthwhile experience' (Old Bailey, Interview 253).

There have been many discussions about juror stress and its management in American literature. The National Centre for State Courts' study (1998) found that approximately a third of those reporting for service as jurors experienced some stress. Not surprisingly, in this context, those involved in the trials of capital offences had much higher rates of stress. Similarly, jurors involved in long trials and those involved in cases where the evidence was particularly disturbing were more likely to report stress. The study found that: 'jurors confront numerous sources of stress at every stage of jury duty, even in routine trials' (1998: 1), and that stress manifested itself in a number of guises, 'including increased anxiety and frustration, disrupted eating and sleeping routines, nausea, depression and anger and hostility' (1998: 2). The New Zealand Study found that the evidence presented during the trial produced stress for some jurors. In a small number of cases jurors commented that they were reminded about their own experiences in the past or because they were confronted with disturbing images. In our study, only a small number of jurors (5% of the sample) reported that being emotionally unprepared for distressing aspects of the case was the most negative aspect of their experience as a juror. A significant number of jurors felt that the case(s) they were involved in were not 'serious', which may explain why juror stress did not feature so highly in their overall assessment.

Should jurors feel upset after the trial, they are advised to see the Jury Manager or the Customer Services Manager at the court. However, they are reminded that although they will receive as much help as possible they 'will not be able to discuss the case'. Counselling services are not normally provided by the court, rather jurors who feel distressed are advised to contact their General Practitioner.²¹

These findings suggest that pressure to reach a verdict was also a source of stress for a small number of jurors (5%). The authors of the New Zealand Study reported that those jurors who reported stress in this context were often those holding minority views or those who had not reached a decision. The source of this pressure in the main came from the court, other jurors and their own desire to reach a verdict. This study was not able to explore stress experienced in the jury room, though the New Zealand Study found that coping with the extensive nature of deliberations, other jurors' behaviour, and discussions that were challenging by the nature of their content (such as sexual abuse cases) were significant sources of stress for some jurors. Twelve per cent of jurors in the study said that the behaviour of others was one of the most negative aspects of their overall experience. Furthermore, as indicated (above), when commenting upon the utility of the information they received before, and on arrival at court, some jurors commented that the information they had

²¹ Juror Online: <http://www.juror.cjsonline.org/>

received about their overall role was useful, but it did not include sufficient information about the deliberation stage of the proceedings.

The ways in which jury service disrupts the daily routines of work and family life is an important source of juror stress. Nearly one fifth of all jurors and 18 per cent of women reported being greatly inconvenienced because of their service. Concerns about wasting time away from work and/or financial losses were sources of stress for many respondents. Some faced pressure from their employers to take action to avoid serving as a juror and a few believed that their job may no longer be available following their service. A number of employees spoke about the need to carry out their normal work as well as jury duties, which was not only personally demanding but also affected their social and family lives. For a number of jurors and professional people in particular, this lasted for significant amounts of time beyond their service, until the backlog of work that had accumulated in their absence had been cleared.

Self-employed people frequently had to carry on working in the evenings and at weekends. For this group there were additional pressures associated with proving their earnings (which in some cases was difficult) to obtain some recompense from the court. Nevertheless, considerable amounts of money were lost as a consequence:

It's not fair to self-employed people, such as myself, being a self-employed journalist, I lost £1500 through my jury service. I felt resentful as there were people sitting there who were employed by companies and were being paid their normal salary (Interview 246, Wood Green).

A number of employees, of course, were not paid by their companies and made the same points.

Some jurors who had cared for children or partners and other family members faced the additional responsibility of balancing these tasks with the exigencies of their jury service. Arranging childcare, including taking or organising others to take children to and from school and the financial pressures that arose consequently, were factors producing stress for many women jurors. For jurors who would normally be caring for a sick, elderly or disabled relative or friend, there were worries that sometimes proved to be a distraction to the extent that it prevented them concentrating wholly on the trial.

Those who were already facing considerable personal pressures as a consequence of their service were likely to have been especially frustrated about the delays and waiting around which are often part and parcel of jury service in most jurisdictions. In the next section, some of these issues are considered.

Delays and court organisation

Many jurors expressed feelings of frustration because they were 'wasting time' and/or 'losing money' because of jury service. The majority of complaints were associated with waiting to be called for a trial. The following comments are typical:

My only criticism is the waiting around. For obvious reasons they have to call in so many people in case anyone becomes ill or something, but it seems to be an awful waste as a lot of people are there for an hour and sent home again. I did a lot of waiting before I was called (Interview 148, Southwark).

They had too many waiting jurors, one can understand that you can't time the cases but at least a handful of five or six people that I met spent nine days there without being called. There must be something wrong with their calculations there (Interview 222, Wood Green).

The waiting period between trials was also a source of some annoyance. However, once a trial was under way a high proportion, nearly two-thirds (64%) of jurors stated that the trial they were involved in 'ran smoothly', with little interruption and delay. The other third reported that the trial was disjointed (29%), or that it was a mixture of the two (7%). Of course, since most jurors (58%) were involved in more than one trial it is not surprising to find that jurors' perceptions varied between trials as well as over the course of a particular trial. For some, the waiting periods were pronounced.

The waiting around was the bad part, as you wait for six hours per day and go to the trial for an hour (Interview 151, Southwark).

In this instance, as in many others, different trials were compared:

One ran smoothly but one case you spent half the day walking in and walking out. I didn't understand why we were being sent out all the time and we'd be sent out for another court case to be heard or the judge would have to say something about another court case.

What is significant is that this juror did not understand the reasons why the trial was disrupted or delayed; those that experienced stoppages and were kept fully informed about the reasons for these regarded their experiences much more positively. Moreover, while over three-quarters of jurors (79%) stated that they were told or informed about the reasons they were being asked to leave the courtroom, often associated with points of law, it was clear that more developed explanations were needed. The following quotation is illustrative:

One case went smoothly and one case was disjointed because we were in and out. [Interviewer: Were you aware of the reasons for delays?] Yes, but things should have been explained in fuller detail. When they have these points of law and you're told you have to go out and what they discuss they do without the jury present and I didn't understand why they did this (Interview 148, Southwark).

It is difficult to overstate the importance of this point because when jurors received more thorough explanations, they felt their involvement was valued and that they were treated well by the judge and other personnel, it had a strong bearing upon their overall sense of satisfaction and the extent to which their confidence in the court process was enhanced.

Nevertheless, despite jurors being aware of the reasons, jurors found waiting for trials to start or resume difficult. Those who were in employment and under 60 years of age were found to be more frustrated by delays. Older jurors (those aged over 60) tended to view the waiting as something that was unavoidable and were more accepting as a consequence.

Inconvenience

The ways that daily routines of work and family life are interrupted by jury service was a notable source of juror stress, as we discussed earlier. However, while many jurors were inconvenienced in some way (45%), most regarded the difficulties they faced as tasks to be managed, rather than a source of stress as such.

Nearly one fifth were greatly or deeply inconvenienced by their service but 47 per cent of women were slightly more so compared to their male counterparts (42%). It is not surprising that a significant number of jurors were inconvenienced by disruptions to their childcare routines; over 40 per cent of the sample as a whole were aged between 20 and 39 (the largest group were in their forties). Consequently, it is not unexpected that a third of the sample would apply for a deferral, or that women were slightly more likely to do so.

Over half of the sample (55%) said they were not inconvenienced as a consequence of their duties as a juror. Jurors aged over 50 were least likely to have problems managing their

service. Minority ethnic groups, with the exception of those of Indian origin, were also less likely overall to be inconvenienced.

The major reasons why jury service was problematic were disruptions to work, particularly the financial losses incurred, by being away from work or business and the burden of catching up with work that had accumulated during a juror's absence travelling to court and the general disruption to people's social life.

The most common factors causing inconvenience were associated with employment and caring responsibilities; for those affected, the periods spent waiting around, exacerbated feelings of frustration.

Negative aspects of jury service

There were a number of factors that were regarded as negative, off-putting or causing discomfort or stress, which have been highlighted in earlier sections. However, it is important that these are placed in context so that the complexity of jurors' experiences becomes visible. Respondents were asked to indicate those points and attributes that they regarded as being the most negative and positive respectively, using a list informed by other juror research (Young *et al.*, 1999). The results are summarised in Table 6.2 below, which shows all the options available to respondents.

Table 6.2: Negative aspects of jury service

Negative aspect	Number of jurors	%
The feeling that it was a waste of public money	73	20
Responsibilities involved in being a juror (worry about reaching the 'wrong' verdict)	69	19
Being away from work	57	16
The feeling that it was a waste of time	44	12
Behaviour of other jurors	43	12
Tiring experience	30	8
Poor facilities	22	6
Not being prepared emotionally, for distressing aspects of the case	19	5
It undermined my confidence in the criminal courts	16	5
Feeling under pressure to reach a verdict	19	5
Being unable to concentrate on the proceedings throughout the trial	5	1
Being unable to recall aspects of the proceedings	4	1

Over a fifth of jurors felt that the most negative aspect was the feeling that it was a waste of public money (20%). In some cases, the qualitative data gleaned from other parts of the interview suggests that jurors were concerned about the costs involved because of the waste associated with delays and waiting around, but in others, they were referring to the trial itself. Jurors expressed feelings of frustration when cases brought before them were dismissed, often adding that they should not have reached the court; or where a case was perceived to be relatively minor, that it need not have been heard in a crown court. This point was supported by jurors' responses to questions asking about whether the case(s) they were involved in were considered 'serious', 'medium level' or 'minor', and why, and whether the case(s) warranted hearing in a crown rather than magistrates' court.

The responses to these questions were mixed; many jurors sat on more than one trial. Of those jurors completing their first (or only) trial, 28 per cent regarded the case as 'minor', 23 per cent felt it was 'medium level' and 45 per cent considered it to be 'serious'. A small number found it difficult to make up their minds; a few felt they were not in a position to decide. Thirty-nine per cent of jurors sat on a second case and the results suggest the following picture: 57 per cent regarded the case as being 'minor', 27 per cent 'medium' and 17

per cent regarded it as being 'serious'. Where there was uncertainty in jurors' responses, it was a reflection of a respondent's belief that the case was too serious to be heard before magistrates, but not serious enough to warrant a crown court trial, suggesting some support for the 'middle-tier' District Division courts outlined in Lord Justice Auld's review (2001). Note, however, that those rating the cases as 'minor' did not necessarily leave the court with a lower level of confidence in the criminal justice system (see Chapter 5).

Nearly a fifth of jurors regarded the responsibility associated with being a juror (worry about reaching the 'wrong' verdict) as the most negative aspect of their service. As discussed earlier, this was a source of stress for some jurors in the study. Put another way, however, these findings indicate something about the way jurors approached their tasks: how they regarded their role with a great deal of seriousness and solemnity, which may be read as a more positive finding.

Being away from work, as we have indicated, was the third most common response when asked about the most negative aspects of jury service (16%); the feeling that it was a waste of time was reported by 12 per cent of jurors. A similar proportion reported that the behaviour of other jurors was the most negative aspect. The tiring nature of jury service was ranked as the most negative feature for eight per cent of jurors and poor facilities were highlighted by just over six per cent of respondents as being the most off-putting aspect. This aspect has been discussed elsewhere in this chapter. Nineteen jurors (5%) said that feeling under pressure to reach a verdict was the most negative aspect and five per cent ranked the way that jury service undermined their confidence in the criminal justice system as the most unconstructive part of their service. (The kinds of factors that undermined jurors' confidence were discussed in Chapter 5.) Very few jurors felt that difficulties concentrating through the duration of the trial, or being unable to remember aspects of the proceedings as the key negative aspect (1% and 1% respectively, nine jurors in total).

Positive aspects of jury service

Despite the off-putting aspects of service, the nuisance of disruptions to work and family life, and so on, with very few exceptions, jurors completed their service and left their respective courts remembering at least one positive aspect and most reported more than one positive feature about their experience. The following table summarises how jurors rated those points and attributes of their service that were the most positive and all the options that were available to respondents are displayed (again, jurors were permitted to acknowledge more than one category).

The majority of jurors (58%) said that the most positive aspect of service was that they acquired a greater understanding of what happens in a criminal court trial and that it had been a positive learning experience. In many cases, this also meant that they were able to approach media coverage of crown court trials in a more evaluative fashion, based on their own experiences.

Table 6.3: Positive aspects of jury service

Positive aspect	Number of jurors	%
Have a greater understanding of the criminal trial/positive learning experience	207	58
A feeling that my 'civic duty' had been done	146	41
I met new people	144	40
It was personally fulfilling	79	22
The experience enhanced my confidence in the criminal justice system	62	17
The experience enhanced my self-confidence	30	8
Good facilities	13	4

Over 40 per cent of jurors reported that their most positive aspect was the feeling that a ‘civic duty’ had been done. In response to other questions during the interview, some jurors said that they had responded to, and completed, a moral obligation to society, which resulted in a sense of satisfaction. A similar percentage said the meeting of new people was the highlight of their service.

Over a fifth (22%) said that the experience was fulfilling on a personal level, and 17 per cent said that the most positive aspect of their service was the way it enhanced their confidence in the criminal justice system. Indeed, the data suggests some relationships between these two elements; of those who ranked their personal fulfilment to be the chief positive feature, there was a greater likelihood of their overall confidence increasing because of jury service. (See Chapter 5 for a detailed discussion of the key mechanisms that promoted juror confidence.) Not surprisingly, as discussed above, only four per cent of jurors rated the facilities as being the outstanding feature of their service.

Reaction to a summons in the future

Arguably, a significant indicator of a juror’s disposition towards his or her service can be gleaned from their assessment of their likely reaction towards a future summons. Just over half of respondents were happy to repeat their duty as jurors (55%). One in five (19%) said they ‘wouldn’t mind’, while 11 per cent stated they would not really want to do it again, although some qualified this adding that they would be reluctant, but would do it again because it is a ‘civic duty’. Only 15 per cent would not want to do it at all and would do their best to excuse themselves.

Nearly three quarters (74%) of jurors who were initially enthusiastic to engage in jury service said they were happy to undertake jury service again, while 34 per cent who had previously stated that they were reluctant to undertake jury service said, when interviewed, that they would be happy to attend in the future.

There was no significant difference between men and women in relation to their willingness to do jury service again, but as a whole, people from black and minority ethnic groups were slightly more likely to be willing to repeat jury service compared with their white counterparts (67% and 53% respectively). While the number of jurors from particular minority ethnic groups was small and as a result generalisations are problematic, it was clear that amongst some groups the willingness to repeat jury service was strong. Twenty-one of the 28 black Caribbean jurors, ten out of eleven jurors describing themselves as ‘mixed race’ and all those of ‘Bangladeshi’ origin said that they would be happy to undertake jury service again.

The significance of jury trials

Jurors were asked the following question: ‘On the basis of your experience how significant are juries to our system of justice?’ since it was particularly illuminating and informative as far as understanding the importance they attached to their individual and collective roles.

Table 6.4: The significance of juries to our system of justice

Significance	Number of jurors	%
Yes, very important, essential or integral	224	62
Yes, quite important or do need them	120	33
No, not important	15	4
No response	2	1
Total	361	100

What is clear from Table 6.4 is that the vast majority of jurors (over 95%) considered juries very important, essential, quite important, or necessary. Though this is not to say that they did not recognise problems associated with jury trials as already discussed. What is important

for present purposes is that, in turn, it became clear that having successfully played a part in undertaking an 'important job' and in some cases an exceptionally demanding one, a sense of satisfaction was achieved.

Social solidarity

The role of jury service in promoting social bonding, solidarity and cohesion was an unexpected finding which emerged from the qualitative data and one that has not received the attention of researchers in the UK. Respondents commented on how jury service was like 'starting a new job' and like a 'small community' in court, for example. This had an important bearing upon some jurors' sense of satisfaction. However, it is not just encountering new people that generated these feelings. Rather, it was the important context in which these interactions took place, one where jurors are faced with the weighty task of assessing the evidence which will determine someone else's destiny, that attention should be drawn to here and how this produced feelings of social solidarity with fellow jurors. (In part, surprise at this finding may be the result of many 'jury' studies using 'mock juries' where the burden of responsibility is absent.)

The following quotation is illustrative:

Making a decision as a group and you make a bond with the first set of people you're thrown in with as we all wanted to know who each was. Telephone numbers were given out to keep in touch as friends were made. With the second set it didn't happen but with the first time people they were nervous and in the same boat (Interview 180, Southwark).

Moreover, it is the specific institutional setting of jury service in the Crown Court that gave rise to a number of responses which demonstrated that serving as a juror enhanced a sense of 'national identity' and/or forged a 'sense of citizenship'. For example:

I've been approached after 35 years and this has now made me feel that I've been treated like a British citizen and that I'm far more a British citizen through serving upon the jury system. My father served in the British Army and this is the reason I've settled in this country (Interview 502, Snaresbrook).

These findings suggest the need to consider the importance of involvement in jury service as a factor promoting social cohesion and citizenship. It also suggests the need for further research on the sociological dimensions of jury service in the UK (as well as the efficacy of decisions made by juries) since these aspects were not part of our key research questions, rather they emerged through the investigation of other issues. Moreover, as young people and minority ethnic groups show a greater willingness to repeat their service, the point seems to be made with even greater force since traditionally these groups are regarded as experiencing a greater degree of alienation from the criminal justice system and other state institutions (see Cook 1993).

Summary

In this chapter, the extent to which jurors found the information they received from the court and its staff to be helpful and the quality of the amenities available to jurors during their service were examined. Experiences in the courtroom, the problems encountered and benefits derived from jury service have been discussed. The results show a complex picture in which jurors faced a number of difficulties and found a number of aspects of their service to be problematic to a greater or lesser degree, yet the majority were content to serve again. In some cases, their experiences affected them in profound and unexpected ways.

As in previous research, the survey found that just over a third of jurors felt 'very uncomfortable' or 'intimidated' in the courtroom, which in the main arose from the prospect of

meeting the accused on the street, coming into contact with their families or as a consequence of stares from the accused.

Various degrees of stress were also reported which were a function of the gravity of the task associated with making a decision that will significantly affect someone's life, or because of the disruptive impact jury service had on their work and/or family life. Feelings of stress were often found to be compounded by feelings of frustration because they were 'wasting time' and/or money.

Jurors who commented on the facilities in the court expressed dissatisfaction about the temperature of the room and the seating, in particular. Not surprisingly, those serving for longer than the usual period of service were more dissatisfied. Many jurors were keen to offer recommendations to improve the standard of comfort afforded to jurors. The main suggestions were associated with the quality of food, the closing time of the canteen and facilities to alleviate the boredom associated with waiting.

Despite some particularly negative experiences, many jurors left the court for the last time with positive points to make about their time as a juror. Key among these were the positive learning experience it afforded, meeting new people and the feeling that their civic duty had been done. Nearly three-quarters of jurors said they would be happy or 'wouldn't mind' repeating their duty. Over 95 per cent of respondents considered juries very important, essential, quite important, or necessary to our system of justice. Engagement in this important role played a part in generating a sense of satisfaction.

The sense of social solidarity that arose from participating in jury service was an important factor generating a sense of satisfaction for some jurors. Others found their service enhanced or helped to forge a sense of national identity or citizenship.

7. Conclusions and recommendations

The findings of the research can be divided into two separate but related sections involving internal and external processes. The internal aspects of the jury system involve the processes and procedures that jurors experience in the course of assessing the evidence and deciding on a verdict. The external processes are concerned with the wider social dynamics relating to social inclusion, and social solidarity and citizenship. Each of these dimensions will be examined in turn.

Internal processes

There were a number of internal processes affecting jurors' perceptions, understanding, confidence and satisfaction. Some of the points raised by the respondents included technical and organisational issues, while others referred to procedures and facilities. One of the main internal points that emerged from the interviews was the appreciation of the work of court personnel in general, and judges in particular. In the past, judges have been criticised for being 'out of touch' with the attitudes of the general public, but what emerged from this survey is that those who observe the performance of judges in the crown court are generally impressed. Similarly, the court staff were seen as being very helpful and professional and this contributed to the outcome, with approximately two-thirds of jurors having a more positive view of the court process after completing their jury service.

Recommendations

Introductory videos:

- *The number and location of televisions showing the introductory video should be reviewed in all courts.*

How positively jurors view the court process was influenced by their understanding as well as the quality of information provided by key personnel. In general, the initial information that jurors received in their summons and in the pamphlet 'You and Your Jury Service' was considered clear and informative. The introductory video shown to jurors during induction, was also found to be helpful, although some jurors in some courts suggested that the number, positioning and availability of television sets showing the video could be improved.

Glossary of legal terms:

- *That a glossary of key legal terms should be included in the pamphlet 'You and Your Jury Service' (or in a separate publication) so that jurors can refer to these definitions when required.*

Three general changes were suggested to improve understanding of court procedures and the evidence presented. These involved note-taking, asking questions during the trial and understanding certain legal terms.

Procedures for asking questions:

- *That some guidance should be included in the introductory video about the procedures for asking questions during the trial. It is also recommended that a short period of no more than 15 minutes be set-aside at the end of each day to allow jurors to ask the judge pressing questions.*

Concerns were raised about asking questions during the trial. Jurors were unsure of the kind of circumstances and the ways in which they were allowed to ask questions.

Hearing the testimony clearly:

- *That an usher stand beside the jury on the side furthest away from the defendant and the witness stand and if they at any point in the trial are unable to hear the testimony of any person giving evidence, that they inform the judge.*

There were also problems in some cases of hearing the evidence presented either because of the accent of those giving evidence, or because of the person speaking had a limited command of the English language.²²

Visual aids:

- *That forms of evidence be presented in a more interesting and accessible way and that greater use is made of visual aids including the use of IT equipment.*

For those who participated in jury service for the first time, their confidence increased in 43 per cent of cases, for 38 per cent it remained the same and for 20 per cent it decreased. It should be noted, however, that although the vast majority of jurors expressed support for and confidence in the jury system, their support was not without some qualification. Even among those who stated that their confidence decreased, there was often a clear recognition of the qualities and benefits of trial by jury. Rarely were attitudes one-dimensional or without qualification. It became evident in the course of this investigation that there are considerable differences in 'public attitudes' between studies which are decontextualised and those which are 'grounded'. It is also the case that public attitude surveys which operate with a zero sum conception are likely to miss the richness and variability of public attitudes, or at worst to distort such attitudes by forcing them into either/or dichotomies. Future research on public attitudes and public confidence needs to reflect on these methodological considerations. The reservations, ambiguities and qualifications that respondents express are an important consideration when assessing results of this kind and for developing policy.

The main factors that promoted confidence were the diversity of the jury; a sense of fairness; professionalism; organisation and competence of court personnel, particularly judges; information and transparency; juror and staff commitment; and the adherence to due process. By the same token where these qualities were absent, confidence tended to be adversely affected. The main factors reducing jurors' level of confidence in the court system were poor preparation and poor presentation of cases; the inclusion of trivial or minor cases; lack of information and transparency; lack of juror commitment; and lack of diversity among jurors. Some of these will be returned to, but there are two issues that require immediate attention. The first is the poor preparation and presentation of cases. In some cases the legal representatives appeared unprepared or poorly briefed. A number of jurors also made reference to the poor quality of police evidence in some cases. While it is beyond the remit of this report to engage in discussions of these matters there is a general recommendation that every effort should be made to encourage all parties to prepare and present cases as well as possible. The following recommendations can, however, be suggested.

Requirement to leave court:

- *That jurors be given a full explanation of why they are being asked to leave the court.*

The second factor that tends to undermine confidence is a lack of information and transparency. This occurred on a number of occasions, but jurors complained about being removed from the court while 'points of law' were being discussed in the courtroom, without a proper explanation of why this was necessary. When this occurred, jurors felt excluded from

²² It is a matter for the party calling the witness to decide whether they need an interpreter to interpret their evidence.

the trial process and were given the impression that there were processes affecting the outcome of the trial of which they had no knowledge and involvement.²³

Canteen facilities:

- *That the quality of food available in the canteen be significantly improved and that the times of opening be extended.*

Juror satisfaction at the most immediate level is a function of the quality of services and the amenities that are available. While jurors were generally satisfied with the information provided before they arrived in court and with the induction video, some complained about the heating, air conditioning and the seating arrangements. Tall jurors, in particular, made reference to the limited legroom available to accommodate them in comfort. There were more comments about the courts' general amenities and facilities with one in three jurors complaining about the quality of the food available in the canteen, while some jurors suggested that the canteen should be open in the afternoons.

Amenities in waiting areas:

- *That Internet facilities be provided as well as areas for the use of mobile phones as well as viewing areas showing daytime television. Where possible, areas should be made available for people to work or read in comfort. Books, newspapers and magazines should also be made available to read while waiting.*

A major issue for many jurors was the boredom that resulted as a consequence of waiting around for or between cases. Respondents repeatedly made reference to the lack of amenities available to allow them to spend their waiting time more constructively.

Designated smoking rooms:

- *That clearly designated smoking and non-smoking rooms be available in all courts with proper ventilation.*

There were strong feelings expressed about smoking and non-smoking, particularly by non-smokers.

Intimidation:

- *That measures be put in place to minimise the possibility of jurors either meeting the defendant or his/her family inside the court, or in the street outside.*

There were reports of low-level intimidation and discomfort by a number of jurors, particularly women. The main sources of intimidation arose at the prospect of meeting the accused in the street (17%), or of meeting the family of the accused coming into or out of court (14%). Therefore, a significant number of jurors who experienced discomfort and intimidation because of these factors either remain unaware of the measures to address these problems or are not reassured by them. This would suggest the need for measures to address these problems.

Counselling/support services:

- *That appropriate confidential counselling and support be made more readily available for jurors who are upset, or experience stress as a result of engaging in jury service.*

Some jurors experienced stress as a consequence of engaging in jury service. This was mostly a result of worrying about reaching the wrong verdict, or feeling under pressure to reach a verdict. At present jurors are advised to see the jury bailiff or the court services

²³ Note that it is sometimes necessary for jurors to be sent out on "a point of law" when, for example, incompetent defence counsel is just about to inadvertently introduce his client's character by thoughtless cross-examination of a witness. It is important for the jurors to leave the court without their knowing what the issue is.

manager who will provide as much help as they can, however they are not allowed to discuss cases.

Review of Section 8:

- *That Section 8 of the Contempt of Court Act (1981) is reviewed in order to allow jurors to discuss stressful aspects of cases in confidence, and for legitimate independent research to be undertaken.*

Because of the restrictions of Section 8 of the Contempt of Court Act (1981) jurors experiencing stress are unable to discuss aspects of cases in which they were involved. This is clearly an impediment when dealing with stress-related problems experienced by a small, but significant, number of jurors. In addition, current restrictions provide a barrier to legitimate independent research on the process of jury deliberations.

Reduction of jury service:

- *That the normal duration of jury service be reduced to one week, or one trial, whichever is the longest.*

Overall, despite various qualifications and reservations, over 95 per cent of those interviewed considered juries very important or essential, or quite important, or necessary to our system of justice. Over half of jurors said they would be willing to undertake jury service again and a further 20 per cent said they 'would not mind' participating in jury service in the future. The number of people who were prepared to undertake jury service again is remarkably high given that many respondents made reference to the inconvenience associated with taking ten days or more out of their usual routine. The problems many people experienced re-organising their domestic and work activities for this length of time were reflected in the high level of applications for deferrals and excusals.

If it were the aim to make juries more representative of the community as a whole, it would make sense to reduce the level of inconvenience as much as possible. This could be achieved in three different but inter-related ways. First, the length of time jurors would normally be expected to serve could be reduced significantly. Given the pressure of modern society, dedicating two working weeks or more to jury service is increasingly difficult for many people. It may have been the case ten or twenty years ago that committing two weeks to jury service was manageable, but with the pressures of modern life, finding this amount of time is becoming increasingly difficult, as many of those interviewed stated.

Review of allowances:

- *That the allowances paid to jurors be reviewed with particular consideration being given to regional variations in the cost of living and consideration being given to the possibility of employers making a contribution to the costs involved.*

The second way in which the inconvenience of undertaking jury service could be reduced would be to increase allowances. Many respondents felt that the amounts offered were inadequate and that there were in some cases significant financial costs involved in taking time off work. Since most of our sample were from the London area, where the cost of living is particularly high, many felt that they were subsidising the criminal justice system. Although it is clear that jurors are given an 'allowance' rather than being paid to do jury service, it was widely felt that the £52.63 which is currently paid to jurors is not enough and that the allowance should be significantly increased. Some jurors expressed the view that employers should be asked to pay a contribution to an increased allowance, since they are among the beneficiaries of the jury system.

Care for dependants:

- *That the financial arrangements for providing care for dependants should be reviewed and, where possible, appropriate facilities are provided for dependants close to the court.*

The third way in which inconvenience could be reduced would be to increase and extend allowances and support for those involved in the care of children, or other dependants. Clearly, as with the problems associated with re-arranging work, a general reduction in the normal length of time served from the ten days to five days would significantly reduce the difficulties of re-organising childcare in itself. However, whether jurors serve five or ten days on average, there is a need to consider ways of providing better financial support and where possible to organise the provision of care facilities for those with dependants.

External processes

Apart from the various internal processes that affect jurors' perceptions, understanding, satisfaction and confidence, there are a number of broader processes which are in operation. These external processes involve notions of social inclusion, social responsibility and citizenship. That is, jury service provides a unique experience in modern society in which the promotion and reinforcement of social solidarity takes place. In a society characterised by increasing individualism and fragmentation, participating in jury service provides an opportunity for people to perform a useful civic duty and to fulfil their social responsibilities.

The overwhelming support for jury service, combined with the large percentage of jurors who see the jury system as an 'essential' or 'important' part of the criminal justice system, suggests that this involvement produces positive outcomes in many cases. The fact that approximately 200,000 people perform jury service each year means that as a social process which generates greater understanding and support for the court service, it is exceptional. The conscientiousness with which the vast majority of jurors perform this role and their impatience with jurors who are seen not to be committed to the process or the outcome, indicates the significance jurors attach to this experience.

A number of jurors made explicit statements indicating the ways in which jury service has increased their confidence in the court process and, significantly, there were a greater proportion of black minority ethnic jurors who reported increased confidence. Although some jurors said they would have liked to have known the specific sentence given in the cases in which they were involved, it was the *process* of reaching a verdict which was seen as most important. The relative ambivalence about the sentence given, as well as the comments made by individual jurors, indicated that they were not for the most part driven by a sense of punitiveness or vindictiveness. Rather, they expressed a desire to 'do justice' and some jurors clearly felt that they provide an important point of accountability in the trial process.

Whatever reservations jurors expressed about the jury system, there was overwhelming support for the maximisation of diversity among jurors involving different perspectives, lifestyles and experiences. Such diversity was widely seen as the most important aspect of the jury system and although a few respondents expressed support for trials being heard by a single judge or a professional jury, the vast majority of respondents supported the notion of a representative and diverse group, drawn from various walks of life, deciding the verdict.

Given that jury service for the majority of participants is such a positive and socially valuable experience which promotes social inclusion and a sense of citizenship, the strategic question that arises is: what could be done to overcome some of the limitations that have been mentioned and to increase the social and legal utility of the jury?

Including a broader cross-section of the public:

- *In view of these shortcomings and the fact that those who served as jurors felt resentful towards those who they suspected of avoiding jury service there appears to be a case, as Lord Justice Auld has suggested, for employing other databases besides the Electoral Roll in order to include a broader cross-section of the population.*

The first issue that arises in relation to these questions is the representative nature of the jury. Previous research by Jennifer Aird and Angela Shaw (1999) has shown that only one in three of those summonsed for jury service actually participate and of those who do participate,

almost half apply for deferrals. These findings suggest that those involved in jury service are a selective sample of the community as a whole.

The population receiving a summons is limited to those on the Electoral Roll. Of those on the roll certain groups are ineligible (e.g. those under 18 or over 70), disqualified (e.g. those individuals who have been convicted and served certain sentences) and those excused by right (e.g. those who have served on juries during the preceding two years).²⁴ The Electoral Roll, however, has known deficiencies in relation to either those failing to register or those who regularly move home. Non-registration is highest for those aged 20 – 24; those living in privately rented accommodation; minority ethnic groups; and those who have moved home in the year before the Census.

Our research indicates that of those who are selected, the profiles of persons who eventually participate in jury service are not a representative sample of the available population and that middle-income administrative middle-aged, technical and secretarial workers were over-represented. Homeowners and women are over-represented, while those classified as 'economically inactive' (the retired, unemployed, long-term sick and home workers) are under-represented. A significant proportion of our sample had applied to be excused from participating in jury service. The main reasons given, according to Airs and Shaw (1999) for excusal are medical (40%), care of young children and the elderly (20%) and work-related commitments (20%). There was a feeling among respondents in our survey that certain groups find ways to avoid engaging in jury service.

Reasons for deferral and excusal:

- *That the reasons for deferral and excusal and the methods for enforcing participation be reviewed.*

Although Lord Justice Auld's suggestions for exploring the use of other data sources besides the Electoral Register has been rejected by the government, the evidence presented in this report provides grounds for reconsidering this issue. In the 'information society' extensive data bases are being developed both by private companies and public bodies, and if the aim is to broaden participation these sources of information should be reassessed

It is also evident from the previous research that grounds for excusals are in need of review and may require some tightening up, since some 15 per cent of those summonsed failed to attend on the day, or their summonses were returned 'undelivered'. The development of the Central Summoning Bureau has undoubtedly improved the process for distributing summonses and they have begun to gather data on the returns.

However, there appears to be little follow-up of non-respondents and those who do not turn up for jury service, despite the threat that severe consequences will follow from non-attendance. Most courts apparently do nothing, if they feel they have sufficient jurors available. Consequently, the Bureau staff find they need to call four times as many people as the court requires for jury service in England and Wales and up to six times as many in London, because of the 'no shows', statutory exclusions and excusals or deferrals (Darbyshire *et al.*, 2001).

Despite the fact that some minority ethnic groups were more likely to be excluded from the Electoral Roll, in our sample, minority representation was broadly in line with what would have been expected from the 2001 Census data.

²⁴ There are provisions in the Criminal Justice Bill to abolish (except in the case of mentally disordered persons) the categories of ineligibility for, and excusal as of right from, jury service currently set out in Parts 1 and 3 of Schedule 1 to the Juries Act 1974. This will mean that certain groups of people who currently must not, or need not, do jury service will in future be required to do so unless they can show good reason not to.

Social/occupational status of jurors:

- *That research be undertaken on the social and occupational status of jurors serving on trials lasting for eleven or more days and the ways in which greater representativeness and diversity may be achieved.*

In contrast to some previous surveys an over-representation of women was found in the sample. This over-representation was surprising given that a significant number of women are excused due to the care of dependants and this unequal distribution may suggest that a disproportionate number of men are excused on medical grounds, or for work-related reasons. The over-representation of women may also be a result of the way in which the sample was drawn; women may have been more willing to participate in the research. In terms of different socio-economic groups, managers, senior officials and professionals were slightly under-represented, while those in administrative and secretarial occupations were substantially over-represented. Those classified as 'economically inactive' were significantly under-represented.

In the survey it was found that 36 per cent of those interviewed applied for deferral on the grounds of work commitments (45%), family responsibilities (11%) and (26%) for holidays. Many respondents found that committing themselves to ten days or more was difficult to fit into their normal routines. As suggested above, it is recommended that the period of time served by jurors should be reduced to 'one week' or 'one trial' which would reduce the need to apply for deferral or excusal in some cases. By shortening the period of time involved, more of those summonsed may be able to more easily fit jury service into their busy schedules and this in turn might increase the representativeness of juries.

That said, it is important that the representativeness of jurors on the longer trials (lasting 11 or more days) is also given attention. Twelve per cent of our sample (43 jurors) served eleven days or more and, while these numbers are relatively small, the data suggests that there was a clear imbalance as far as some groups were concerned. Moreover, jurors serving on these trials perceived others as being able to exempt themselves from what was, in effect, a second process of selection. The findings indicate that those describing themselves as skilled manual workers and unskilled workers were more likely to serve on trials lasting eleven days or more. On the other hand, professionals and skilled non-manual workers were indeed under-represented. While people who were not in employment were generally under-represented, those who had retired from employment were more likely to serve for longer periods. These findings suggest the need for further research to examine the representativeness of different groups serving as jurors on trials lasting longer than the usual ten days with a view to making recommendations to improve the diversity and representativeness of jurors in these settings.

Maximising response rates:

- *That research is carried out to identify those areas where the non-response level is particularly high in order to develop a strategy for maximising response rates.*

Whether potential jurors are available to serve on the longer or shorter trials depends in the first instance on the receipt of, and their response to, a summons. This report has shown that the rates of non-response to the jury summons in the Greater London area varied considerably by court. The national average for non-responses is nine per cent according to the Central Summoning Bureau, but in Middlesex it is about 20 per cent, while in Harrow, Croydon and Woolwich it was around the national average. A more differentiated analysis by postcode would be possible and this would give a much more detailed picture of the distribution of non-responses in each area.

Finally, it is anticipated that this survey will stimulate further research studies that can investigate in more detail some of the important issues raised in this study.

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Appendix A

(Questionnaire)
**Jurors' Perceptions, Understanding and Evaluation of the Operation
of the Criminal Justice System**

Interviewer prompt

The aim of this research is to gather information about your experiences and perceptions of the criminal justice system both before and after your call to jury service.

It is important to make one thing clear. It is against the law for me to ask you to tell me some things about the case or cases on which you acted as a jury member. S8 of the Contempt of Court Act 1981 makes it an offence to obtain, disclose, or solicit any particulars of statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in any legal proceedings.

We do **not** want to hear details about the actual case(s) in which you were involved. I must not ask you for details of what you and other jurors discussed or how you voted. I shall not ask you these things, and you must not tell me.

You must **not** tell me about anything you said or did (or which your fellow jurors said or did) in the course of your discussions about the case in the jury room. The questions I am going to ask are specifically designed to avoid this.

The things I am interested in are different. It is fine for you to tell me about aspects of your experiences as a juror other than what we've just mentioned: these may include how you were summoned as a juror, what the facilities at the court were like, what information you were given about your duties as a juror, and so on. Nevertheless, I want you to bear the warning in mind before you answer so that your replies do not inadvertently stray into that discussion stage. If you become worried that an answer you want to give might cover jury discussions, please tell me and I will explain further before you give your answer.

Do you understand?

This research is funded by the Home Office and has been approved by the Lord Chancellor's Department who have given permission for us to discuss these questions in order to consider how to improve the experience of jurors.

No names will be used in our final report. Your *anonymity* will be ensured throughout. Anything you say will be treated in the strictest confidence.

We will ask you a number of specifics but feel free to elaborate where you feel it is appropriate. I will let you know when it is not appropriate to do so.

The questionnaire normally takes 30-40 minutes. We would like to thank you in advance for your co-operation.

Juror's Questionnaire.

Respondent number _____

Contacted through _____ Court

First we would like to ask you some general questions....

1 How would you describe the locality where you live? (circle appropriate response)

- a suburban
 - b urban (inner area)
 - c rural
 - d other (please indicate)
-

2 What is the name of the town/county and local authority where you live?

Town/county _____/_____ local authority_____

3 Which of the following best describes your current housing situation?
(circle relevant response)

- a own home
- b rent privately
- c rent from a housing association
- d rent from the local council
- e shared ownership
- f other _____ (please specify)

Background Details

4 **Age**

How old are you? _____ years

5 Employment

- a employed as (please state occupation) _____
- b a student
- c unemployed (please state last occupation) _____
- d a home-maker
- e retired
- f other: please indicate _____

Education

- 6 Do you have any educational qualifications? yes _____ no _____ (if no go to Q 8)
- 7 What is your highest qualification? _____ (e.g. City and Guilds, NVQs with level, 'A' levels/'O' Levels/ degree)

Sex

- 8 Male _____ Female _____

Ethnicity

- 9 To which of these groups do you consider you belong?
 - a White
 - b Black-Caribbean
 - c Black-African
 - d Black - other black groups
 - e Indian
 - f Pakistani
 - g Bangladeshi
 - h Chinese
 - i Mixed race
 - j None of these

- 10 Is English your first language? Yes/No

- 11 What is your country of origin? _____

Disability

- 12 Do you have a disability?
 - a no
 - b yes Please give brief details _____

Previous experience of the criminal justice system

We would now like to ask some questions about your experience of the criminal justice system before your recent jury service.

Interviewer prompt: re-stress anonymity

- 13 Before your recent jury service have you had any direct contact with the court system either as a witness, defendant, victim, juror or observer? If so please give details.

- 14 How would you describe what you knew about the criminal court process, before you were called for jury service?
- a I knew a lot about the criminal court process
 - b I had a fair understanding of the criminal court process
 - c I didn't have much understanding of the criminal court process
 - d I had no knowledge at all about the criminal court process
- 15 Which of the following do you think has been most influential in shaping your view of the court system?
- a the media – newspapers (local/national). Please indicate which _____
 - b the media – television news Please indicate which _____
 - c the media – television drama/soap opera Please indicate which _____
 - d the media – films
 - e the educational system
 - f friends
 - g family
 - h own experience
 - f other

About your jury service

- 16 How long is it since you completed your (recent) jury service? _____
- 17 How long did it last? _____
- 18 How many trials did you do? _____
- 19 How would you describe your reaction when you received your summons for jury service?
- a very enthusiastic
 - b enthusiastic
 - c indifferent
 - d reluctant
 - e very reluctant
- 20a When you received your summons for this jury service did you apply for a deferral, excusal or exemption?
- a yes
 - b no
- 20b If yes, please give details.
- 21 Before you did your jury service, how confident did you feel that you had sufficient knowledge to undertake your role as a juror?
- 22 Did you find the information you received with your summons helpful? Please comment.

- 23 How useful was the leaflet 'You and your jury service'?
- 24 How useful was the video shown to you shortly after your arrival at court?
- 25 Did you have the opportunity to ask the court's staff questions about issues that were unclear to you before the trial?
- 26 How useful were members of the court's staff in dealing with your queries before the trial started?

About your feelings and experiences of jury service

We would now like to turn to your experience in the courtroom. You must **not** disclose jury room discussion of the specific case(s) in which you were involved.

- 27 Which statement best describes your understanding of the court's proceedings?
- a I understood all of the proceedings
 - b I understood most of the proceedings
 - c I understood about half the proceedings
 - d I understood less than half of the proceedings
 - e I barely understood the proceedings
- 28 Did you find any aspects of the trial difficult to understand?
Yes/no

If yes, please indicate which aspects you found most difficult to understand from the following list:

- a the order of the proceedings
- b the opening statements and material
- c the legal terminology (e.g. 'intent', 'negligence')
- d complex, legal or factual information
- e complex, legal or factual information because there were multiple charges and/or defendants
- f the technical evidence
- g use of exhibits, physical evidence and/or visual representations (e.g. maps or photographs)
- h aspects of the evidence, when it was delivered in an unclear manner
- i aspects of the evidence because of the pace of proceedings
- j it was sometimes difficult to hear what was being said

- k closing material, including summing up and directions to the jury
- l other
- m none

29 Did you think the key terms were adequately explained to you?

30 What, if anything, would have helped you to understand the proceedings in the courtroom better?

- a plain English summary of the legal matters/charges
- b an outline of the facts disputed/agreed upon at the start of the trial
- c explanation of legal terms
- d witness lists and details
- e flow charts, diagrams and other visual aids
- f nothing, I am confident that I understood the proceedings

31 Did you feel that you wished to seek assistance **during the trial** where you felt it was necessary?

Please remember what I said at the beginning about **not** telling me about the time you and other jurors were considering the case in the jury room.

32 At any time during the trial did you feel intimidated or 'very uncomfortable'?
Yes/No

If yes, please indicate whether this was because of :

- a the general 'atmosphere' in the court yes/no
- b the manner of the prosecuting or defending counsel yes/no
- c the stares of the accused yes/no
- d stares from the public gallery yes/no
- e the prospect of meeting the families of the accused coming into and out of court yes/no
- f the prospect of meeting the accused on the street yes/no
- g any of the witnesses yes/no

Again, please remember what I said at the beginning about **not** telling me about the time you and other jurors were considering the case in the jury room.

33 Do you think that the level of facilities and comfort in the courtroom were adequate?

34 Please comment on the overall organisation of the trial.

Were the order of proceedings clear to you? yes/no
Were you aware of the reasons for delays? yes/no

We must **not** discuss the specific case(s) you were involved in but would like to hear about your personal experiences more generally.

35 Did you feel that you wanted to ask questions during the trial?
a yes
b no

- 36 Did you feel able to ask these questions?
 a yes
 b no
- 37 If yes, did you feel that they were adequately dealt with?
 yes/no
- 38 How do you rate the overall facilities and services that are available to jurors (accommodation, refreshments, parking etc.)? Please comment.
- 39 What facilities would you like to see improved or made available?
 Please state.

Reflections on jury service

- 40 What were the most positive aspects of being a juror?
 a it was personally fulfilling
 b have a greater understanding of the criminal trial/positive learning experience
 c a feeling that my 'civic duty' had been done
 d the experience enhanced my self-confidence
 e good facilities
 f I met new people
 g the experience enhanced my confidence in the criminal justice system
 e other
- 41 What were the most negative aspects?
 a responsibilities involved in being a juror (e.g. worry about reaching a 'wrong' verdict)
 b not being prepared, emotionally, for distressing aspects of the case
 c tiring experience
 d being unable to concentrate on the proceedings throughout the trial
 e being unable able to recall aspects of the proceedings
 f feeling under pressure to reach a verdict
 g behaviour of other jurors
 h poor facilities
 i being away from work
 j being away from routines at home
 k the feeling that it was a waste of time
 l the feeling that it was a waste of public money
 m it undermined my confidence in the criminal courts
 n other

[Interviewers note: No elaboration]

- 42 How inconvenienced were you (if at all) as a consequence of your jury service?
 (include inconvenience because of work or family, if relevant)
- 43 If you were to receive a summons for jury service in the future what would be your reaction?

Please remember what I said at the beginning about **not** telling me about the time you and other jurors were considering the case in the jury room.

44 During the **trial** did you feel

- a deeply involved
- b somewhat involved
- c occasionally involved
- d barely involved
- e uninvolved

Interviewer note: By which we mean, how much did you, as a member of the jury, feel 'part of' the **trial** process?

45 Are you aware of the sentence passed in the case(s) you were involved in as a juror?

- a yes
- b no
- c not applicable

46 If **no**, would you have liked to have known about the sentence(s) passed?

- a yes
- b no
- c not bothered/don't know

Jury service and impressions of the criminal justice process

47 Do you consider the case(s) you were involved in to be

- a 'minor'
- b 'medium level'
- c 'serious'

48 Was this because of:

- a the nature of the crime (s)
- b the impact on the victim (s)
- c the consequences for the offender(s)
- d other reason

49 Do you consider that the case(s) warranted being heard in a Crown court rather than a magistrates' court?

50 To what extent have your ideas (and impressions) about our criminal courts changed directly as a result of being a juror?

- a very much
- b quite a lot
- c a little
- d no stayed much the same as before

51 Please describe how your understanding of the criminal justice process was affected by your jury service?

- 52 In what ways, if any, was it a useful learning experience?
- 53 Do you feel that your level of confidence in the court system is **higher, the same, or lower** as a result of being a juror? Please explain.
- 54 Can you identify the factors that you feel most influenced your confidence in the court system?
- 55 While you were warned not to talk about your specific case to others during the trial, you could talk in general terms about how you **felt** about your jury service. Did you talk to your family or friends about your **feelings and impressions** during the time of your jury service?
- 56 Indicate the main kind of person that you talked with (e.g. spouse, friends etc.)
- 57 Do you discuss criminal justice issues with your friends and/or family to a greater degree **since your jury service**? Yes/no
- 58 Since carrying out your jury service, have you paid more attention to criminal justice issues in the newspapers or on television?
- Please comment.
- 59 What are your thoughts regarding media coverage of criminal trials?
- 60 On the basis of your experience how significant are juries to our system of justice?

¹ For the purpose of this report all percentages have been rounded up to the nearest whole number.

¹ Note that if someone is not eligible for register, they are unlikely to be eligible for jury service.

¹ Source: Jury Summoning Bureau (2002).

¹ Table 109 Dwelling Stock by Tenure and Region from 1991 (2001 figures).

<http://housing.odpm.gov.uk/statistics/live/dwellingstock/dwst2-rxls>

¹ Office for National Statistics 2001: KS06 Ethnic group.

¹ Percentages have been rounded up to one decimal place

¹ The Labour Force Survey data is based on the working population of London (aged 16 and above).

¹ Elementary occupations include street vendors and related workers, domestic and related helpers (e.g. domestic helpers and cleaners), messengers, porters and doorkeepers and rubbish collectors.

¹ The economically inactive percentage represents those jurors that were unemployed, homemakers, either students or retired people. For the purpose of this report, the categories have been collapsed into five categories, Professional, Managerial, Skilled non-manual, Skilled manual and Unskilled

¹ Labour Force Survey, Labour Market Statistics: September 2002

<http://www.statistics.gov.uk/pdfdir/lmsuk0902.pdf>

¹ Labour Force Survey, Labour Market Statistics: September 2002: London

<http://www.statistics.gov.uk/lmslond0902.pdf>

¹ Labour Force Survey, Labour Market Statistics: September 2002

<http://www.statistics.gov.uk/pdfdir/lmsuk0902.pdf> Table 12 Economic Activity by Age.

¹ Court Service User, Satisfaction Survey 2001: Wave 2. Prepared by D.L. Chan for the court service.

¹ Earned Income for England and Wales – Inland Revenue, 1999 – 2000.

http://www.inlandrevenue.gov.uk/stats/income_distribution/pi_t06_1.htm

¹ Labour Force Survey: Spring 2002.

¹ Other qualifications include CSE below grade 1, GCSE below grade C, BTEC or SCOTVEC Certificates, SCOTVEC modules, RSA other, City and Guilds other, YT / YTP Certificate, Other qualification.

¹ Percentages have been rounded up to one decimal place

¹ Percentages have been rounded up to one decimal place

¹ Southgate, P. and Grosvenor, T. 'Confidence in the Criminal Justice System: A Qualitative Study' Summary paper prepared for a seminar held at the Home Office, London on 4th July 2000.

¹ Juror Online: <http://www.juror.cjsonline.org/>

¹ It is a matter for the party calling the witness to decide whether they need an interpreter to interpret their evidence.

¹ Note that it is sometimes necessary for jurors to be sent out on "a point of law" when, for example, incompetent defence counsel is just about to inadvertently introduce his client's character by thoughtless cross-examination of a witness. It is important for the jurors to leave the court without their knowing what the issue is.

¹ There are provisions in the Criminal Justice Bill to abolish (except in the case of mentally disordered persons) the categories of ineligibility for, and excusal as of right from, jury service currently set out in Parts 1 and 3 of Schedule 1 to the Juries Act 1974. This will mean that certain groups of people who currently must not, or need not, do jury service will in future be required to do so unless they can show good reason not to.

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