

Courts and Tribunals Bill Scrutiny

Public Opinion on the Jury Trial: Examining Opinion by Jury Experience, Defendant Experience, and Ethnicity.

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Author Background

Professor Rebecca K Helm is Professor of Law and Empirical Legal Studies and Director of the Evidence-Based Justice Lab at the University of Exeter, and a current UK Research and Innovation Future Leaders Fellow. Her work combines rigorous empirical research grounded in behavioural science with doctrinal legal analysis in order to promote the effective translation of scientific insight into legal policy and practice. She has been researching the jury for more than ten years and recently authored a book, published by Oxford University Press, examining the function of the criminal law jury.¹

Executive Summary

Individuals from different groups have differences in knowledge and experience, and differences in what is at stake for them if trial by jury is restricted. In examining potential restrictions to trial by jury, it is therefore important to understand the perspectives of those with knowledge of the operation of the justice system in practice and of those who could be (and / or feel) disproportionately impacted by further restriction of the right to jury trial. This paper examines opinions on the jury, restrictions to jury trial, and preferred mode of adjudication in 1015 participants from the general population and isolates the experiences and perspectives of those with experience of serving as a juror, those with experience being charged with a criminal offence in court, and those from ethnic minority groups. Results show that individuals with experience of jury service and individuals with experience appearing in court charged with a criminal offence have more trust in the jury system, show greater opposition to restricting trial by jury, and are more likely to want a jury to try their case (as opposed to a judge or magistrate) if they are charged with a criminal offence. Individuals from Black ethnic groups were also more likely to indicate that they would prefer trial by jury, as opposed to trial by judge or magistrate, if they were charged with a criminal offence. These opinions, and the disproportionate influence that restricting the right to trial by jury may have on particular groups, should be accounted for in discussions relating to provisions of the Courts and Tribunals Bill.

¹ R. K. Helm, *How Juries Work* (Oxford University Press, 2024).

Introduction

Prior research has demonstrated “widespread support for, and confidence in, the criminal law jury” in England and Wales and more broadly.² However, recent polling, in the context of the Courts and Tribunals Bill, suggests relatively moderate support or divided opinion.

A recent YouGov survey of 5640 British adults asked participants: “Would you support or oppose restricting jury trials to only those crimes that would be punishable by 5 or more years in prison, with all other cases decided by a judge?” The results demonstrated a fairly even split in public opinion, showing that:

- 9% strongly support
- 28% somewhat support
- 18% somewhat oppose
- 23% strongly oppose
- 22% don’t know.³

An earlier (2024) YouGov survey of 3095 British adults asked participants: “How much, if at all, do you generally trust the jury system used in criminal trials to deliver the right verdict?” The results demonstrated support for the jury, but also scepticism among a reasonable minority of participants. Specifically:

- 8% trust the jury a great deal
- 55% trust the jury a fair amount
- 22% do not trust the jury very much
- 5% do not trust the jury at all
- 11% don’t know.⁴

This work is informative in measuring public attitudes towards the jury, something that should be considered important particularly given the role of the jury as a democratic institution. However, this insight has the potential to be limited for at least two reasons – it is reliant on the opinions of people who may have relatively little understanding of the jury, and it does not isolate the opinions of groups who may be more influenced by the right to have a jury trial rather than a trial by a judge or magistrates. There are several specific groups that it is important to study

² See, for example, JV Roberts and M Hough, ‘Public attitudes to the criminal jury: A review of recent findings’ (2011) 50 *The Howard Journal of Criminal Justice* 247.

³ YouGov, ‘Daily question results: 26 November 2025’ (YouGov, 26 November 2025) <https://yougov.com/en-gb/daily-results/20251126-a27c8-1> accessed 18 March 2026.

⁴ YouGov, ‘Daily question results: 4 March 2024’ (YouGov, 4 March 2024) <https://yougov.com/en-gb/daily-results/20240304-51f36-1> accessed 18 March 2026.

specifically when examining the potential for changes to the right to trial by jury in order to overcome these limitations.

1. *Individuals with experience serving on a jury*

Existing polls do not distinguish between those that do and do not have experience of serving on a jury in practice. As such, many of the opinions expressed have the potential to be based on misconceptions rather than on a realistic understanding of how the jury works.⁵ In fact, existing research does suggest that opinions and perceived knowledge relating to the jury may differ based on whether people have actually experienced jury service in practice.⁶ A 2025 YouGov poll found that those who have served as jurors were more likely than those in the general population to say that they would rather do jury service than avoid jury service in the future, and that they would rather a jury made a decision of whether they were guilty of committing a crime than a judge.⁷ Studying the opinions of people who have real experience with juries has the potential to be informative in isolating opinions of those who really understand the nature of the jury and how it functions in the criminal trial.

2. *Individuals who have been charged with criminal offending*

People are only influenced by the mode of trial where they are charged with criminal offending. The majority of people have not been charged with a criminal offence and, at least probably, do not anticipate being charged with a criminal offence in the future. These people are likely to have relatively little knowledge about the criminal justice process and how it operates in practice and are also likely to reason in a relatively abstract way about the importance of the jury. On the other hand, those who have been charged with criminal offences have better knowledge of how the criminal justice system operates in practice and the potential for the process to operate unfairly. They are also more likely to be impacted by potential changes to the justice system moving forwards and therefore have more at stake when fundamental aspects of the justice system are changed.⁸

3. *Individuals from ethnic minority groups*

Individuals from particular demographic groups, including ethnic minority groups may be (or feel) particularly affected by changes to the jury system.

⁵ Recent work in the US context has noted a perception among stakeholders that there is “a fundamental lack of public understanding about jury service and its role in the justice system, which is rooted in a broader decline in civics education,” see P. Hannaford-Agor, ‘Preserving the Future of Juries and Jury Trials’ (2025) 109 *Judicature* 56 <https://judicature.duke.edu/articles/preserving-future-juries-jury-trials/> accessed 18 March 2026.

⁶ In the US context, see J Pyo, ‘The impact of jury experience on perception of the criminal prosecution system’ (2018) 52 *International Journal of Law, Crime and Justice* 176.

⁷ M. Smith, ‘Jury service leaves Britons with positive opinion of justice system’ (YouGov, 3 December 2025) <https://yougov.com/en-gb/articles/53623-jury-service-leaves-britons-with-positive-opinion-of-justice-system> accessed 18 March 2026.

⁸ Although note that many may not go on to reoffend and therefore will not be impacted by changes.

First, the jury system has the potential to protect minority and disadvantaged groups from unfair treatment elsewhere in the criminal justice process. In the context of ethnic minority groups, the Lammy report (published in 2017) concluded that ethnic minority individuals still face bias, including overt discrimination, in parts of the justice system.⁹ It found, for example, that Black men were more than three times more likely to be arrested than White men, and that Black women and boys were also more likely to be arrested than White women and boys.¹⁰ It also found that many ethnic minority defendants may see the criminal justice system in terms of “them and us.”¹¹ The jury, as a body made up of individuals independent of the justice system, has the potential (at least when operating effectively itself) to protect individuals from discrimination elsewhere in the system, and also to provide a feeling of protection to individuals who are and / or believe that they are targeted or discriminated against by the justice system itself.¹²

Second, juries are (at least generally) more representative than judges or magistrates.¹³ Through incorporating a range of perspectives, the jury have the potential to be more effective fact finders than judges or magistrates. They have collective insight into how events occur in society, including in populations that judges may not be familiar with.¹⁴

Studying the opinions of ethnic minority groups is therefore important in assessing the acceptability of jury reform among a group who, potentially, have more to lose than others.

This working paper presents data from a survey of 1015 adults in the UK, examining opinions of the jury (and proposals to restrict trial by jury) in the general population, and broken down by experience of the criminal justice process and by ethnicity.

⁹ D. Lammy, *The Lammy Review: Final Report – An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System* (GOV.UK, 8 September 2017) <https://assets.publishing.service.gov.uk/media/5a82009040f0b62305b91f49/lammy-review-final-report.pdf> accessed 18 March 2026.

¹⁰ Ibid at 17.

¹¹ Ibid at 6.

¹² For further discussion of the potential protective effect of the jury in this regard, see C. Thomas, ‘How the Jury System Really Works’ (Counsel Magazine, 19 December 2025) <https://www.counselmagazine.co.uk/articles/how-the-jury-system-really-works> accessed 18 March 2026.

¹³ On jury representativeness, see C. Thomas and N. Balmer, *Diversity and Fairness in the Jury System* (Ministry of Justice Research Series 2/07, June 2007) <https://www.ucl.ac.uk/judicial-institute/sites/judicial-institute/files/diversity-fairness-in-the-jury-system.pdf> accessed 18 March 2026.

¹⁴ To give a specific example, White judges and White magistrates (along with all White juries) may have relatively poor intuition in relation to the reliability of identifications of Black defendants by White witnesses, see R. K. Helm and E. R. Spearing, ‘The impact of race on assessor’s ability to differentiate accurate and inaccurate witness identifications: areas of vulnerability, bias, and discriminatory outcomes’ (2025) 31 *Psychology, Public Policy, and Law* 359–374 <https://doi.org/10.1037/law0000456> accessed 18 March 2026.

Methods

The survey was completed by 1015 members of the public, recruited using the Prolific survey platform which was set to recruit a broadly “representative” sample of the UK population.¹⁵

Participants were each compensated £2 for taking part in the survey, which took approximately 5-10 minutes to complete (median completion time 8 minutes).

Participants were asked a set of questions about their perceptions of the jury system, and a set of questions about themselves and their experiences. Questions were selected to match those used in existing polling research, and to provide additional detail relevant to the Courts and Tribunals Bill.

In relation to the jury system, they were asked:

- How much, if at all, do you generally trust the jury system used in criminal trials to deliver the right verdict? [A great deal, a fair amount, not very much, not at all, don't know].
- Would you support or oppose restricting jury trials to only those crimes that would be punishable by 5 years or more in prison, with all other cases decided by a judge or magistrate? [Strongly support, somewhat support, somewhat oppose, strongly oppose].
- Would you support or oppose restricting jury trials to only those crimes that would be punishable by 3 years or more in prison, with all other cases decided by a judge or magistrate? [Strongly support, somewhat support, somewhat oppose, strongly oppose].

These questions mirrored a question previously asked by YouGov, but with the addition of “or magistrate” to capture broader alternatives to trial by jury particularly since cases in the magistrates’ court can be heard by a judge or by magistrates. The question asking about a restriction to crimes punishable by 3 years or more in prison was intended to capture current proposals under the Courts and Tribunals Bill (although note that under the proposals cases in the Crown Court Bench Division would be heard exclusively by judges).

- If you were accused of a criminal offence, who would you want to determine whether you were guilty? [A professional judge, a lay judge (magistrate), a jury].

This question was intended to capture participant preferences for particular decision makers, to reflect that some individuals may not have a significant amount of trust in the jury system but may still prefer it to other modes of adjudication.

¹⁵ On representative sampling on Prolific, see Prolific, ‘What are representative samples on Prolific’ (Prolific Research) <https://researcher-help.prolific.com/en/articles/445161-what-are-representative-samples-on-prolific> accessed 18 March 2026.

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Participants were also asked to briefly explain their views on the jury system in criminal trials, and to describe the reforms they would like to see in the jury system (these responses are not analysed in this report but are available on request).

Participants then answered questions about themselves, including (but not limited to):

- their experiences with jury service,
- their history of being charged with criminal offences,
- their demographics (including ethnicity, religion, income, gender, education, nationality, language, age and political opinions).

Those who had appeared as jurors were asked to think about the most recent time they sat on a jury that delivered a verdict, and to indicate whether they thought that the jury ultimately gave the right verdict (these responses are not analysed in this report but are available on request).

Results

1. Characteristics of the Sample

Jury experience: 895 participants (88%) indicated that they had not served as a juror in England and Wales and 120 (12%) indicated that they had served as a juror in England and Wales.

Experience as a defendant in the criminal justice system: 978 participants (96%) indicated that they had not appeared in court charged with a criminal offence and 37 (4%) indicated that they had appeared in court charged with a criminal offence.

Ethnicity: 860 participants (86%) were classified as “White Ethnicity” (including English, Welsh, Scottish, Northern Irish or British, Irish, Gypsy or Irish Traveller, Roma, and Other White Background), 27 participants (3%) were classified as “Mixed Ethnicity” (including White and Black Caribbean, White and Black African, White and Asian, and Other Mixed or Multiple Background), 80 participants (8%) were classified as “Asian Ethnicity” (including Indian, Pakistani, Bangladeshi, Chinese, and Other Asian Background), 36 participants (4%) were classified as “Black Ethnicity (including Caribbean, African Background, and Any Other Black, Black British, or Caribbean Background). Twelve participants were from another ethnic group (each of these groups was too small to allow inclusion in our analysis split by ethnicity) or did not provide information in relation to their ethnicity.

Other: The mean age of participants was 46.45 ($SD = 15.65$, range 19-80). There was a roughly even gender split (male / female) among participants – 491 participants (48%) were male, 519 (51%) were female. The remaining participants described themselves as non-binary / third gender or other or preferred not to indicate their gender. In relation to political opinions:

- 140 participants (14%) indicated that they felt closest to the Conservative party.
- 253 participants (25%) indicated that they felt closest to the Labour party.
- 105 participants (10%) indicated that they felt closest to the Liberal Democrat party.
- 178 participants (18%) indicated that they felt closest to the Green party.
- 34 participants (3%) indicated that they felt closest to the Scottish National party.
- 131 participants (13%) indicated that they felt closest to Reform UK.

The remainder of the participants said they felt closest to another party (not one of the above) (3%), that they did not feel closest to any party (12%), or that they didn't know / preferred not to say which party they felt closest to (3%).

2. Trust in the Jury System

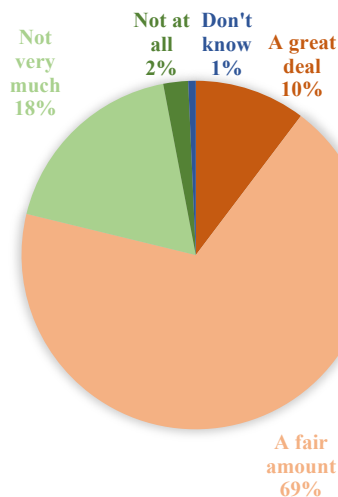
How much, if at all, do you generally trust the jury system used in criminal trials to deliver the right verdict?

Overall, results were relatively consistent with YouGov survey results from 2024. The majority of participants said that they trusted the jury a fair amount, although significant proportions of participants said that they trusted the jury either a great deal or not very much.

- 11% said that they trust the jury a great deal (compared to 8% in the YouGov survey)
- 68% said that they trust the jury a fair amount (compared to 55% in the YouGov survey)
- 17% said that they do not trust the jury very much (compared to 22% in the YouGov survey)
- 2% said that they do not trust the jury at all (compared to 5% in the YouGov survey)
- 1% said that they don't know (compared to 11% in the YouGov survey).

Split by jury experience

Participants without experience as juror



Participants with experience as juror

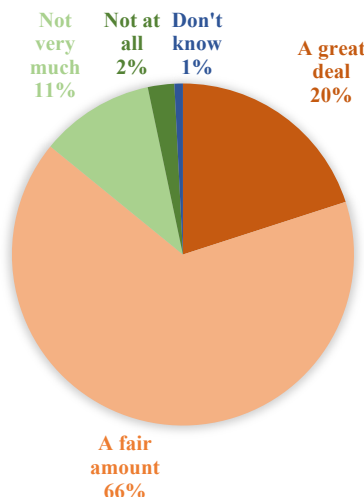


Figure 1: Trust in the jury ratings among participants without and with jury experience.

The broad finding that the majority of participants trusted the jury a fair amount was consistent across those who had served on a jury and had not served on a jury (66% and 69% respectively). However, those groups did differ in terms of the proportion of remaining participants trusting the jury a great deal as opposed to not very much. Participants who had served on a jury were approximately twice as likely to trust the jury a great deal compared to those who had not served on a jury

(with 20% of those with jury experience saying they trusted the jury a great deal compared to 10% of those with no jury experience). Relatedly, participants who had not served on a jury were approximately twice as likely as those who had served on a jury to say that they did not trust the jury very much (with 18% of those with no jury experience saying they did not trust the jury at all compared to 11% of those with jury experience) (see Figure 1).

As a result, there was a significant difference in average ratings of how much participants trusted the jury (scale: 1= a great deal, 2= a fair amount, 3= don't know, 4= not very much, 5=not at all), such that trust in the jury was significantly higher among those who had experience serving on a jury ($M_{\text{experience}} = 2.10$, $SD = 0.93$; $M_{\text{noexperience}} = 2.34$, $SD = 0.97$, $p=.01$).

Split by experience being charged with a crime

As in the jury experience comparison, the majority of participants with and without experience being charged with a criminal offence indicated that they trust the jury a fair amount (62% and 68% respectively), but a greater proportion of those with experience being charged with a criminal offence indicated that they had a great deal of trust in the jury compared to those who had not been charged (16% compared to 11%). This difference in average ratings in these groups was not statistically significant ($p=.72$).

Split by ethnicity

Again, the majority of participants in each ethnic group indicated that they trusted the jury a fair amount (67% in the White Ethnicity group, 81.5% in the Mixed Ethnicity group, 75% in the Asian Ethnicity group, and 75% in the Black Ethnicity group). The number of participants providing each rating is displayed by ethnicity group in Figure 2. There was no significant difference in average rating by ethnicity group ($p=.86$).

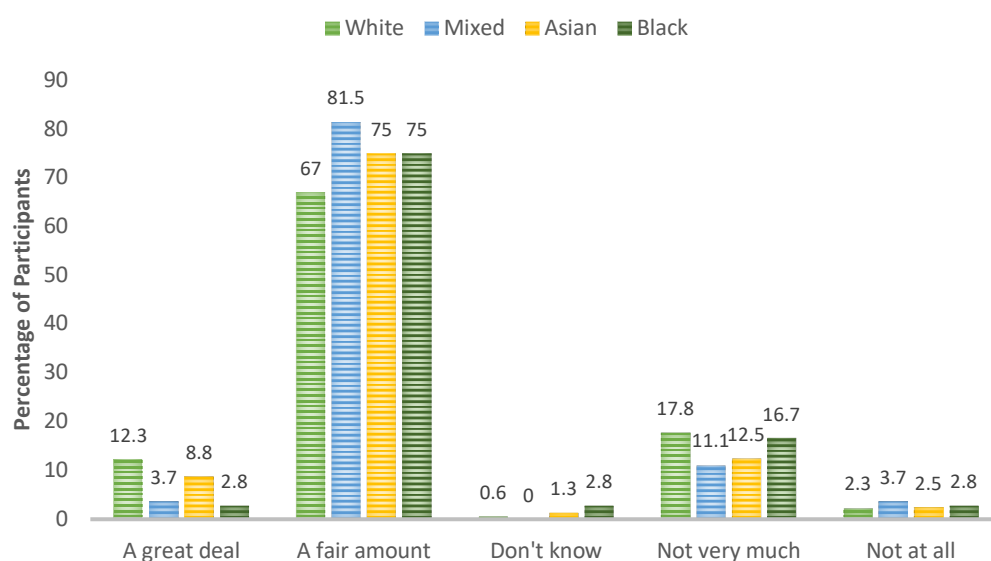


Figure 2: Ratings of trust in the jury split by ethnicity group.

3. Support for Restrictions to Jury Trial

Would you support or oppose restricting jury trials to only those crimes that would be punishable by 5 or more years in prison, with all other cases decided by a judge or magistrate?

Overall, more than half of the participants opposed restricting jury trials to crimes that would be punishable by 5 or more years in prison (see Figure 3). Participants who opposed restriction also indicated a stronger preference than those who supported restriction, with 28% of participants strongly opposing restriction, compared to only 7% strongly supporting restriction.

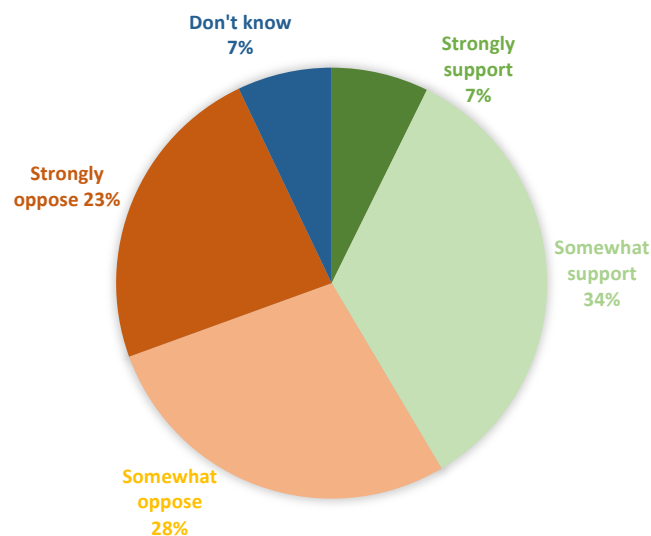


Figure 3: Support for restricting jury trial to crimes with a maximum sentence of 5 years or more.

These results are relatively similar to the recent YouGov poll results discussed above, although with a larger portion of participants nothing that they somewhat oppose such a restriction (28% vs. 23%) and a smaller portion of participants choosing the “don’t know” option (7% vs. 22%).

The remainder of the analyses focus on restricting jury trials to crimes that would be punishable by 3 or more years in prison, to align more closely with provisions in the Courts and Tribunals Bill.

Would you support or oppose restricting jury trials to only those crimes that would be punishable by 3 or more years in prison, with all other cases decided by a judge or magistrate?

Overall, opinions were split in relation to restricting trial by jury to only cases that would be punishable by 3 or more years in prison, with 47% of participants opposing the restriction, and 46% of participants supporting the restriction (see Figure 4). The strength of opinion was stronger among those who opposed the restriction, with 22% of participants saying that they strongly opposed such a

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restriction compared to only 8% of participants who said that they strongly supported it.

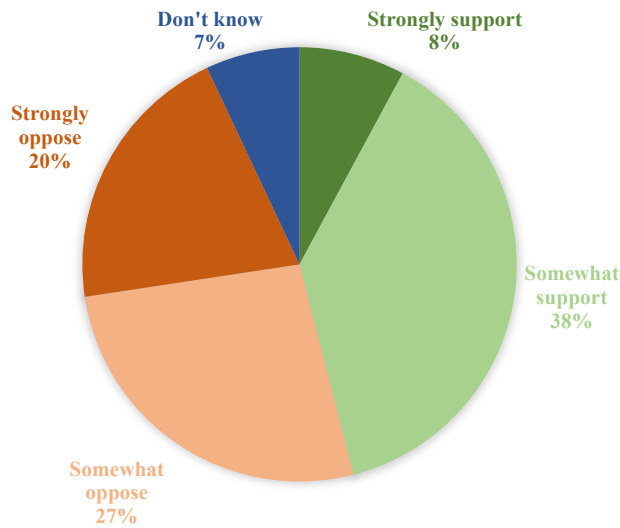
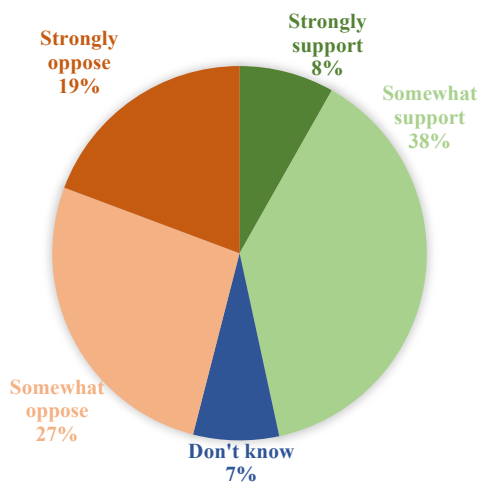


Figure 4: Support for restricting jury trial to crimes with a maximum sentence of 3 years or more.

Split by jury experience

Opposition to restricting trial by jury was stronger among those who had experience of jury service (see Figure 5). In participants with experience of jury service, 54% opposed restricting trial by jury (28% strongly opposed the restriction, and 26% somewhat opposed the restriction) and 42% supported restricting trial by jury (6% strongly supported the restriction, and 36% somewhat supported the restriction). In participants without experience of jury service, 46% opposed restricting trial by jury (19% strongly opposed the restriction, and 27% somewhat opposed the restriction) and 46% supported restricting trial by jury (8% strongly supported the restriction, and 38% somewhat supported the restriction).

Participants without experience as juror



Participants with experience as juror

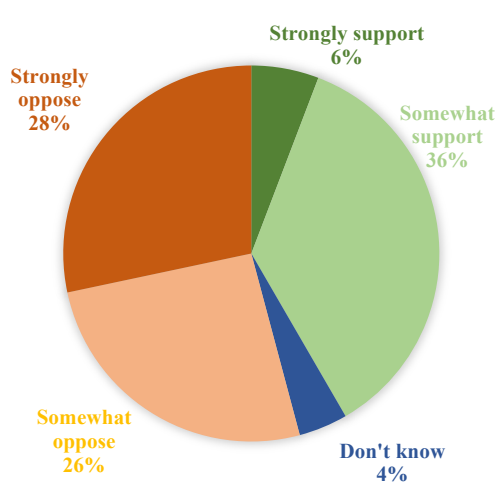


Figure 5: Opposition to splitting trial by jury, split by jury experience.

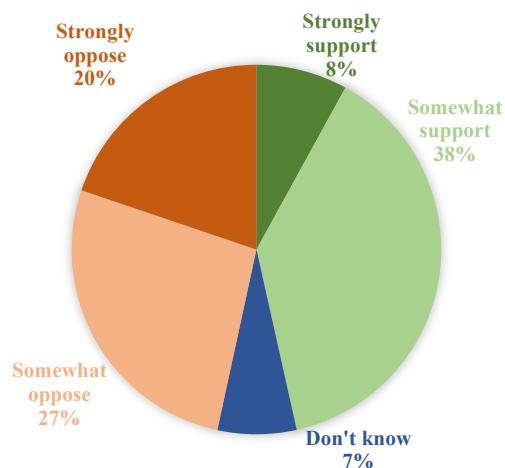
Public Opinion on the Jury Trial

There was a significant difference in opinions on the restriction of jury trials between those with and without jury experience (scale: 1 = strongly support, 2 = somewhat support, 3 = don't know, 4 = somewhat oppose, 5 = strongly oppose). Those who had served as a juror showed significantly more opposition to restriction than those who had not ($M_{experience}=3.35$, $SD = 1.37$; $M_{noexperience}=3.11$, $SD = 1.32$, $p = .04$).

Split by experience of appearing in court charged with a crime

Opposition to restricting trial by jury was stronger among those who had experience of being charged with a criminal offence. In that group, 38% of participants strongly opposed restricting trial by jury (22% somewhat opposed the restriction, 28% somewhat supported the restriction, and 3% strongly supported the restriction). In those who have never been charged with a criminal offence, 20% strongly opposed the restriction (27% somewhat opposed the restriction, 39% somewhat supported the restriction, and 8% strongly supported the restriction) (see Figure 6).

Participants who have not been charged



Participants who have been charged

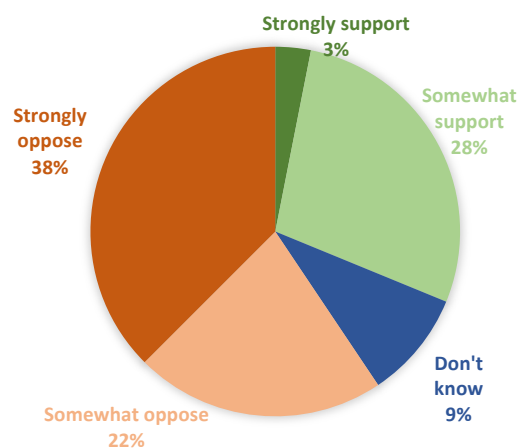


Figure 6: Opinions on restricting trial by jury split by experience of being charged with a criminal offence.

There was a significant difference in opinions on the restriction of jury trials between those with and without experience of being charged in court with a criminal offence (scale: 1 = strongly support, 2 = somewhat support, 3 = somewhat oppose, 4 = strongly oppose). Those who had been charged with a criminal offence showed significantly more opposition to restriction than those who had not ($M_{experience}=3.63$, $SD = 1.34$; $M_{noexperience}=3.12$, $SD = 1.32$, $p = .03$).

Split by ethnicity

Opinions on restricting the jury differed by ethnicity, as shown in Figure 7. Broadly, results suggest that support for restricting jury trial was highest among Asian Ethnicity participants and that opposition to restricting jury trial was highest among Black Ethnicity participants. Overall, opinions were relatively mixed in all groups, and the “somewhat oppose” and “somewhat support” options were more popular than the “strongly support” and “strongly oppose” options. Among White Ethnicity participants and Black ethnicity participants, more participants strongly opposed

the restriction of the jury than strongly supported the restriction of the jury. Among Mixed Ethnicity and Asian Ethnicity participants, an equal proportion of participants strongly opposed jury restriction and strongly supported jury restriction. The most common opinion among Black Ethnicity and Mixed Ethnicity participants was to “somewhat oppose” restriction of the jury, while the most common opinion among White Ethnicity and Asian Ethnicity participants was to “somewhat support” restriction of the jury.

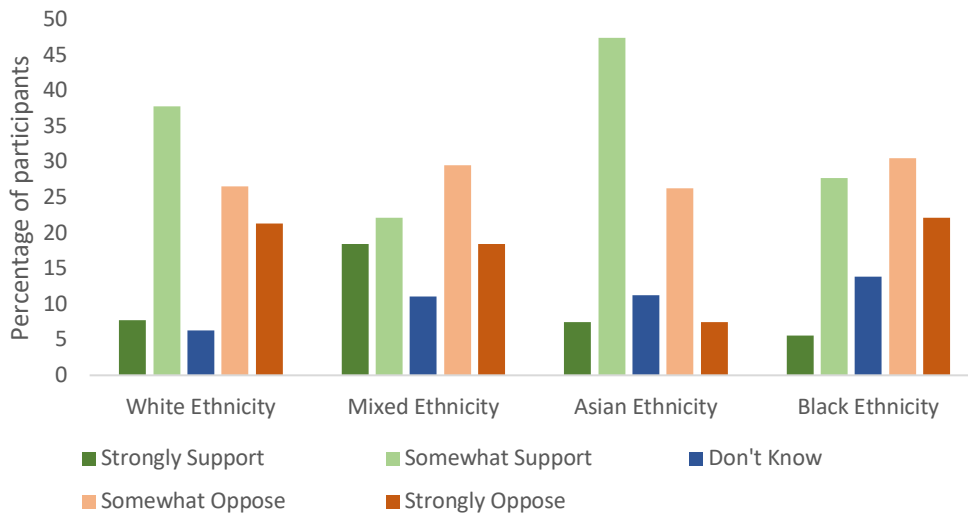


Figure 7: Percentage of participants supporting jury restriction, split by ethnicity.

There were some significant differences in average opinions on the restriction of jury trials based on ethnicity (scale: 1 = strongly support, 2 = somewhat support, 3 = somewhat oppose, 4 = strongly oppose). Specifically, opposition was, on average, stronger among Black Ethnicity participants and White Ethnicity participants than among Asian Ethnicity participants ($M_{blackethnicity} = 3.36$, $SE = 0.22$; $M_{whiteethnicity} = 3.16$, $SE = 0.45$, $M_{asianethnicity} = 2.79$, $SE = 0.16$, $p = 0.02$ and $p = 0.03$ respectively). These findings should be interpreted with caution, since greater support for restriction of the jury among Asian participants was not an effect that was anticipated prior to data collection.

4. Case Preferences

If you were accused of a criminal offence, who would you want to determine whether you were guilty?

Overall, the majority of participants (52%) indicated that if they were accused of a criminal offence, they would want a jury to determine whether they were guilty. Thirty two percent indicated that they would want a judge to determine whether they were guilty, and 3% indicated that they would want a magistrate to determine whether they were guilty.

These numbers were broadly consistent when participants were asked to answer the question specifically in relation to an offence they were (a) guilty of, (b) not guilty of, or (c) were not sure whether they were guilty of. In each case, the majority of

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participants indicated that they would want their case to be heard by a jury (51%, 53.2%, and 56.8%, respectively; see Figure 8).

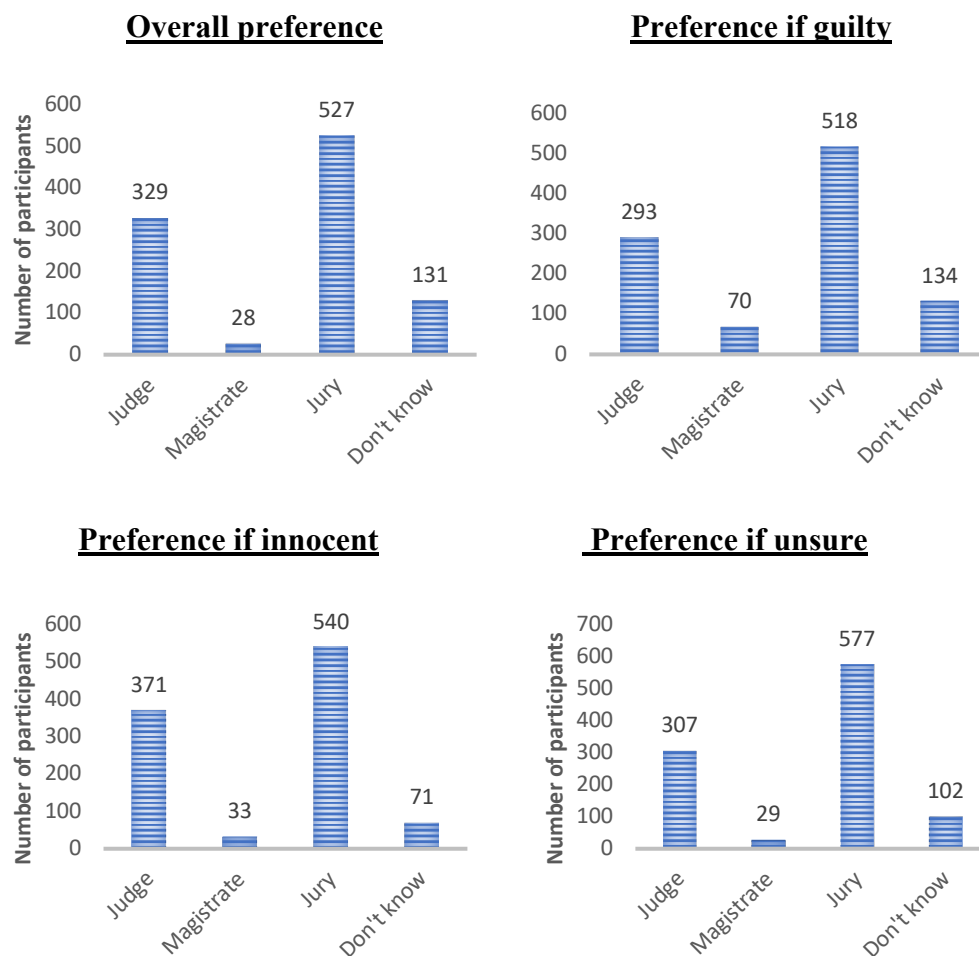


Figure 8: Preferred adjudicator if accused of a criminal offence.

Split by Jury Experience

The preference for jury trial described above was stronger among those who had served on a jury (see Figure 9).

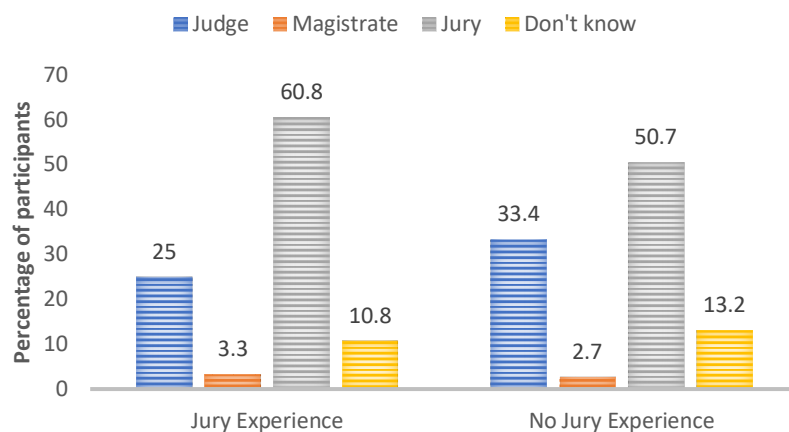


Figure 9: Adjudicator preference split by jury experience.

This general pattern of results was mirrored across all guilt scenarios, such that regardless of guilt status there was, on average, a preference for a jury trial over trial by judge or magistrate (with trial by judge being preferred to trial by magistrate) and that this preference was stronger in individuals who had experience serving on a jury (with 60%, 58%, and 64% of those with experience serving on a jury indicating a preference for their case being heard by a jury in each of these scenarios).

Split by experience of appearing in court charged with a crime

The preference for jury trial described above was also stronger among those who had experience of appearing in court charged with a crime (see Figure 10).

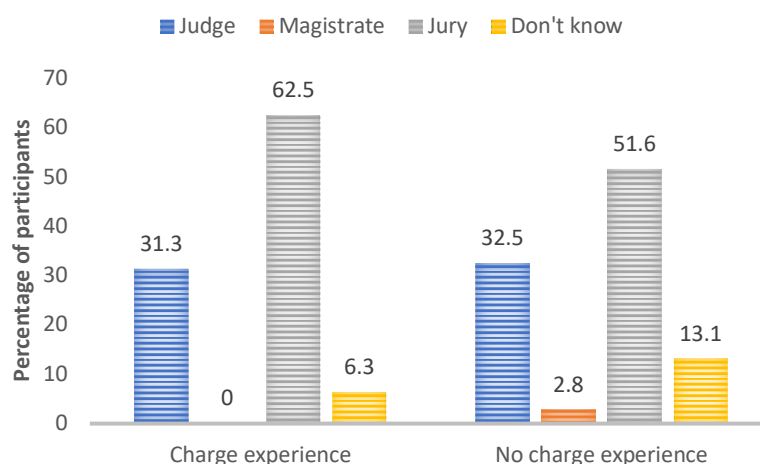


Figure 10: Adjudicator preference split by experience of appearing in court charged with a criminal offence.

This pattern of results was mirrored in questions asking participants about their preferred adjudicator if they were innocent or unsure of guilt (with 63% expressing a preference for the jury in each of these contexts). However, in the question asking participants about their preferred adjudicator if they were guilty, only 47% of those with experience of being charged expressed a preference for the jury (compared to 53% without that experience), with 9% having a preference for a magistrate and 31% having a preference for a judge (compared to 7% and 29% respectively in the no experience group).

Split by Ethnicity

Results (displayed in Figure 11) revealed a preference for jury trial across participants in our White Ethnicity, Mixed Ethnicity and Black Ethnicity groups. This preference for a jury was particularly pronounced in our Black Ethnicity participants, 64% of whom indicated that if they were accused of a criminal offence, they would want a jury (as opposed to a judge or magistrate) to decide whether they were guilty (compared to 53% and 52% in the other two groups respectively). In Asian Ethnicity participants, 46% of participants indicated that they would prefer their case to be heard by a judge and 35% indicated that they would prefer their case to be heard by a jury.

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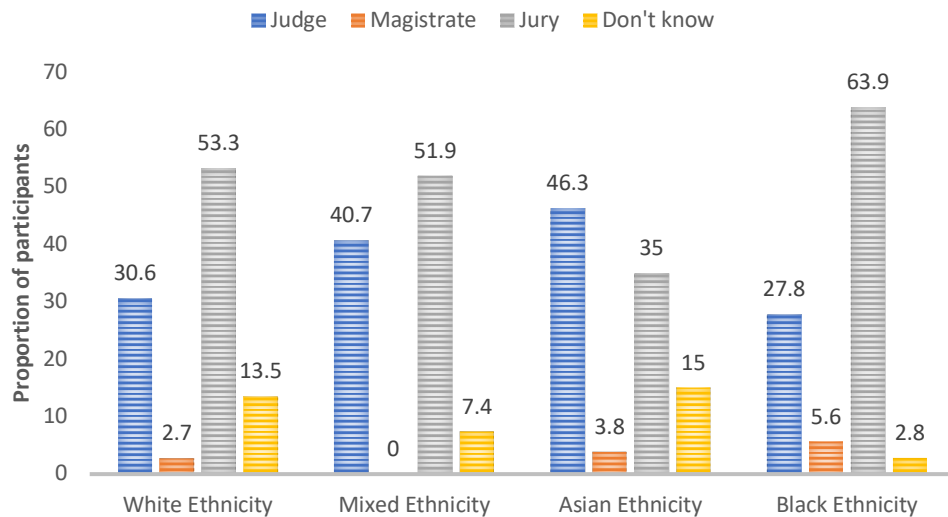


Figure 11: Adjudicator preference split by ethnicity.

The same general pattern replicated over each of the guilt scenarios, with participants in our Black Ethnicity group showing a particular preference for trial by jury with 67%, 56%, and 61% indicating a preference for trial by jury in the guilty, innocent, and unsure scenarios respectively (compared to 51%, 55%, and 59% in the White Ethnicity group; 67%, 48%, and 48% in the Mixed Ethnicity group; and 43%, 39%, and 43% in the Asian Ethnicity group).

Conclusions

The results suggest relatively high levels of trust in the jury to deliver the correct verdict with almost 80% of participants trusting the jury “a great deal” or “a fair amount.” Opinions were relatively split as to opposition to restricting the trial by jury to cases involving a sentence of three years or more, although opinions opposing restriction tended to be stronger than opinions favouring restriction (with 20% of participants strongly opposing restricting trial by jury and only 8% strongly supporting such a restriction). Importantly, trust in the jury and opposition to restricting the right to trial by jury were both higher in those with experience of serving on a jury and those with experience of being charged in court with a criminal offence. Notably, almost 40% of those who had actually been charged with a criminal offence strongly opposed restriction of jury trial (and 60% either strongly or somewhat opposed such a restriction). These findings are important because they suggest a resistance to restricting trial by jury among those who (1) have a relatively good understanding of how the criminal justice system generally and the jury system specifically actually function in practice, and (2) are more likely to be affected themselves by restriction on the right to trial by jury (in relation to those who have been charged with criminal offences specifically). The right to trial by jury appears to be particularly important to those participants. This reality is also evidenced by the fact that more than 60% of participants in each of these groups would prefer to have their case heard by a jury than a judge or magistrate if they were charged with a criminal offence.

In relation to ethnicity, the picture was somewhat more complicated. Results suggest that trust in the jury is similar among different ethnic groups, with the vast majority of participants in each group trusting the jury “a fair amount.” However, while the most prevalent opinion among White Ethnicity and Asian Ethnicity participants was to “somewhat support” restricting jury trial to cases involving crimes punishable by three years or more in prison, the most prevalent opinion among Black Ethnicity and Mixed Ethnicity participants was to “somewhat oppose” such a restriction. Relatedly, despite not showing particularly high levels of trust in the jury (compared to other participant groups), Black Ethnicity participants showed the clearest preference for trial by jury rather than judge or magistrate, with 64% of Black Ethnicity participants indicating that they would want their case heard by a jury if they were accused of a crime.

Overall, results provide a relatively mixed picture. Support for the jury does not appear to be overwhelming but the strength of opinion in opposition to restricting jury trials is stronger than the strength of opinion in supporting restriction, and there is evidence that the jury is particularly important to certain groups who either know more about trial or have (or feel they have) greater need for the protection of the jury system. The opinions of these groups are particularly important to consider in the context of restricting the right to trial by jury.