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# Understanding Public Attitudes toward Sentencing

© Jennifer Tufts  
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Submitted to the Department of Criminology, University of Ottawa, in  
partial fulfillment of the requirements for the degree of Master of Arts



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### Abstract

Public attitudes toward sentencing are complex. However, it is important to understand what the public's ideas are about the types of sentences that should be given to offenders. The aim of the present study was to empirically examine public attitudes toward sentencing in Canada. In particular, the public's sentencing preferences for offenders were investigated using the specific crime scenario method of questioning. The overall purpose was to determine which particular factors are related to, or predict, public sentencing preferences.

The data for the present study were from the 1999 General Social Survey (GSS) administered by Statistics Canada. For the first time in 1999, the GSS sought to examine public attitudes toward sentencing. The public's sentencing preferences for offenders were investigated through the use of scenario-type questions. Respondents were presented with a hypothetical situation for which they were asked to choose "prison" or "non-prison". A total of 25, 876 people were interviewed for this survey. Findings indicate that the Canadian public supports the use of community-based sanctions for offenders in certain situations. Even those who initially opted for a prison sentence when sentencing an offender did not entirely rule out the possibility of using an alternate sanction.

Results also show that both situational factors (e.g., the offender's age, criminal history and type of crime committed) and respondent characteristics (e.g., their age, satisfaction with personal safety, and fear of crime) affect public sentencing preferences. More specifically, the public is much harsher towards adult offenders, rather than young offenders; offenders convicted of break and enter, rather than assault; and recidivists rather than first-time offenders. The type of crime and the criminal history of an offender influence public differentiation in sentencing preferences between adult and young offenders. Members of the public are particularly punitive towards repeat offenders, especially when they are adults. The factors that predict a preference for prison include the age of an offender, type of offence, criminal history of an offender, the respondent's age, fear of crime and satisfaction with personal safety.

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## Chapter One

### INTRODUCTION

The criminal justice system, like crime itself, is of great interest to the public. Through academic research and polling results, it has been well documented that the public is highly dissatisfied with the criminal justice system and its various components; holding an overly pessimistic view of the effectiveness of the justice process (Doob & Roberts, 1982; Roberts & Stalans, 1997).

Sentencing is the component of the criminal justice system that consistently attracts most public criticism and concern. This is true in all western nations. Generally, the public holds punitive attitudes regarding sentencing and negative attitudes toward sentencers. In particular, members of the public perceive the criminal courts as being too lenient in the sentencing of offenders (Doob & Roberts, 1983; Canadian Sentencing Commission, 1987; Roberts, 1988; Roberts & Stalans, 1997) and have little confidence in judges (Angus Reid, 1997, cited in Sanders, 1999). These findings have been emerging from public opinion polls for decades and are reflected in surveys conducted in many other countries (e.g., Walker & Hough, 1988; Flanagan & Longmire, 1996; Mattinson & Mirrlees-Black, 2000).

The nature of public reaction to sentencing, and thus public attitudes towards punishment, is complex. Although research has demonstrated that the public can be quite punitive, more refined research has revealed that the public may not be as harsh as they may at first appear to be. The widely-held social attitudes pertaining to sentencing are linked both to personal characteristics and other beliefs regarding the nature of crime and

the purpose of the criminal justice system. For example, research conducted in the area of public opinion has revealed that when respondents are given more information about a specific case they are more likely to recommend sentences that are in line with those actually imposed by judges (Doob & Roberts, 1984; Canadian Sentencing Commission, 1987; Covell & Howe, 1996). This finding has also emerged in other countries (e.g., Hough & Roberts, 1998).

In addition, the sentencing preferences of the public are often influenced by a number of factors, including the nature and seriousness of the offence, perceptions of the likelihood of recidivism by the offender, the respondent's history of criminal victimization, fear of crime, and various socio-demographic variables (e.g., Flanagan, McGarrell, & Brown, 1985; Langworthy & Whitehead, 1986; Roberts, 1996). When these factors are taken into account, it becomes clear that the public has variegated or multidimensional views regarding the sentencing of offenders.

Furthermore, it is apparent that many factors affect public sentencing preferences, and that levels of punitiveness tend to vary from offence to offence and offender to offender. Thus, public attitudes toward sentencing may be more fully understood by considering the possible motivational components of people's attitudes, as this may provide a clearer understanding of how public attitudes toward criminal sanctions arise.

### IMPORTANCE OF THE RESEARCH

There is a need for some current Canadian research in the area of public attitudes toward sentencing. Some work has been done recently in the United Kingdom (e.g., Hough, 1996; Hough & Roberts, 1998; Mattinson & Mirrlees-Black, 2000) but most of the Canadian research on public attitudes regarding sentencing preferences was

conducted in the late 1980s and early 1990s, in particular just before and during the work of the Canadian Sentencing Commission. As well, no Canadian study to date has explored this issue using crime scenarios. The current research study has addressed this limitation by utilizing national Canadian data collected in 1999 in which scenario questions were employed.

In addition, there has been very little investigation of this topic through the use of a victimization survey. All research on public attitudes has employed samples of the general public. Thus, there was limited information pertaining to victimization experience and its potential influence on attitudes toward sentencing. The current investigation was able to fill this void in existing research. In particular, sentencing preferences of victims were compared and contrasted with those of non-victims, and the impact of particular types of victimization including various forms of personal victimization and household victimization was also examined.

Past research in the area of sentencing attitudes has placed little emphasis on the factors that may predict particular sentencing preferences of the public. Instead, the sentencing preferences of the public were often simply highlighted and reported. Rather than just present the responses, the current research has thoroughly examined various factors that may be indicative of punitive and non-punitive responses. For instance, it was determined whether the characteristics (e.g., age, sex, fear of crime levels, and others) of those who hold punitive attitudes towards sentencing offenders differ from those who do not hold punitive attitudes.

There are some clear implications associated with the findings from the current research study. Appropriate dispositions or sentencing policies often depend upon the

fear and perceptions of the public (Roberts, 1992). There are also possible negative effects of punitive public attitudes. For instance, punitive attitudes toward offenders may lead to public intolerance of and, thus, negative reactions toward, individuals found guilty of an offence, particularly serious personal injury offences. This public intolerance may be transmitted to and absorbed by, judges, who then become more punitive in their sentencing practices. Indeed, there is evidence that judges do consider public opinion when sentencing offenders (see Roberts, Doob & Marinos, 1999). The result may well be an increase in the use of incarceration rather than community-based alternatives. As politicians pay close attention to the presumed sentencing preferences of the public, they may then feel the need to create or amend punitive legislation because they assume that the public believes the criminal justice system is insufficiently harsh toward convicted offenders. Consequently, public attitudes can influence penal policy development and thus the lives of offenders and other members of society (such as offenders' families) (Roberts & Stalans, 1997).

Individuals responsible for criminal justice policy development need to know and understand the nature of public attitudes regarding sentencing. If an inaccurate and distorted view of public attitudes is driving social policy development, this may have an effect upon sentencing and punishments for offenders. Research that explores how various factors influence decisions about appropriate sanctions for particular offenders may help provide a deeper understanding of the nature of public sentencing preferences.

### MEASURING PUBLIC ATTITUDES

Prior to the discussion of specific research in the area of sentencing attitudes (and the factors that may contribute to the public's preference for prison or non-prison), it is

important to review the principal research methods utilized when exploring public attitudes. Researchers in the field of public opinion with respect to sentencing generally employ one of three main methodological approaches: representative surveys; focus groups; and small-scale, experimental design studies (see Roberts & Stalans, 1997 for discussion). Over the past few decades, representative surveys often referred to as national polls or opinion polls have been the most frequently utilized method of investigation. This technique efficiently investigates the views of the public and allows researchers to make inferences about the attitudes held by the entire population (at least, when they are based on representative samples).

By definition, focus groups are “intense and directed discussions of public policy positions among groups of men and women” (Doble, 1987: 4). They are considered a qualitative research approach and are designed to probe and analyze issues with greater depth than opinion surveys. However, it is important to realize that the results are often not representative of the attitudes of the population from which the sample was derived.

Experimental research accounts for few studies in the area of public attitudes (e.g., Doob & Roberts, 1983; Higginbottom & Zamble, 1988; Hilton, 1989). Often this approach is employed when researchers want to determine the effects of specific experimental manipulations, and it can take the form of experimental, quasi-experimental, or correlational research. The samples examined are most often not fully representative of the general population from which they are drawn. Like all empirical research studies, there are limitations associated with whatever method of investigation is imposed in sentencing attitudes research. Thus, one must exercise caution when accepting the findings from research using a single research approach.

## PRESENT THESIS PROJECT

The present research study sought to empirically examine public attitudes toward sentencing in Canada. In particular, the public's sentencing preferences for offenders were investigated. The purpose of the study was to answer the following research question: **Are there any particular factors that are related to, or predict, public sentencing preferences?**

In investigating this issue, the current research focuses on two main topics: (a) *public support for prison and non-prison based sanctions for offenders (in specific situations)* and (b) *the influence that particular factors may have on punitive attitudes toward sentencing*. Thus, public sentencing preferences in specific situations will be assessed in order to acquire a greater understanding of the nature of public attitudes toward sentencing.

The guiding hypothesis of this study was that public attitudes toward sentencing are not simplistic or unidimensional. Both situational factors and respondent characteristics influence the preferences of the public when sentencing offenders. Prior research in this area has indicated that the nature of public attitudes toward sentencing is complex; members of the public have varied views regarding sentencing preferences for offenders and a number of factors explain the existence of more punitive attitudes (Flanagan & Longmire, 1996).

This thesis contains five chapters. Chapter One presents a general introduction to the topic of public attitudes toward sentencing, and the scope and purpose of the current research study. Chapter Two provides an overview of the research literature relevant to public attitudes toward sentencing, and highlights studies that examine a number of

specific factors found to be related to public sentencing preferences. Chapter Three outlines the methodology utilized in the present study. Chapter Four describes the principal results and Chapter Five provides the reader with a summary and discussion of the findings and conclusions drawn from the analyses.

## Chapter Two

### LITERATURE REVIEW

A review of relevant research regarding public attitudes toward sentencing offenders has revealed that there are various factors that may affect public sentencing preferences. The following is a discussion of these factors.

It is important to note that there is a great deal of criminological and sociological literature dedicated to the issue of public attitudes toward sentencing; this material cannot be adequately covered within the scope of this review. Although research pertaining to attitudes toward sentencing will be referred to, the focus of this particular review will be on research findings regarding various determinants of public punitiveness. Thus, there will be very little discussion of issues surrounding the relevance and importance of the nature of questions and methods of measuring public attitudes, problems associated with public opinion research, matters concerning the means by which members of the public obtain knowledge about sentencing, and the level of accuracy of public knowledge of sentencing.

### PUBLIC ATTITUDES TOWARD SENTENCING

The investigation of public attitudes regarding sentencing has been the focus of numerous research studies over the last three decades. This research, often posing global questions which provide the respondent with little information, has revealed that the public believes that sentences imposed by the courts are too lenient. For example, a recent representative national opinion poll of 1,500 Canadians found that over two-thirds (69%) of the public currently hold the view that sentences imposed on offenders are not severe enough (Sanders, 1999). In addition, Canadians lack confidence in their court

system. Angus Reid (1997, cited in Sanders, 1999), found that almost half (48%) of Canadians have little confidence in the court system. These findings replicate a substantial amount of research previously conducted within Canada over the past two decades (Doob & Roberts, 1983; Canadian Sentencing Commission, 1987; Roberts, 1988; Roberts & Stalans, 1997).

Similarly, international studies have produced comparable results regarding public discontent with sentencing practices (Doble, 1987; Flanagan & Longmire, 1996; Hough, 1996). Hough and Roberts (1998) for example report that four out of five respondents to the 1996 British Crime Survey (BCS) believed that sentences were too lenient. Furthermore, like Canadians, the public in England and Wales has very little confidence in sentencers. The vast majority (82%) of respondents believe that judges are out of touch with the public and among various criminal justice professionals, judges received the lowest approval ratings from the public. A substantial amount of literature exists that explores the attitudes of the public. This research generally reveals that the public favours harsher sentencing policies. In addition, the proportion of the public who believe that sentences are too lenient has been high for many years. Hence, it is usually suggested that the large majority of the public is relatively punitive.

Although the representative survey approach has been effective when measuring *general* attitudes regarding sentencing issues, the use of such surveys has also been criticized. For example, Roberts and Stalans (1997) point out that “a complex and emotional topic such as sentencing cannot be adequately researched in the way that market researchers explore preferences for soft drinks” (p. 222), suggesting that public

attitudes are complex and merit the employment of more sophisticated research techniques.

It has been suggested that the problem often lies in the nature of the surveys themselves. In particular, the questions directed to respondents are often global – general and oversimplified (Roberts & Stalans, 1997). Zamble (1990), points out that incorrect and misleading answers about public opinion may result from the use of overly simplistic survey questions. Further, Hough (1996) suggests, “structured surveys are blunt instruments, which can fail to capture subtlety (or crudity) of people’s opinions” (p. 193). However, research has revealed that if respondents are asked more sophisticated questions, the responses generated will also be more sophisticated (Zamble, 1990; Roberts & Stalans, 1997).

Doob and Roberts (1983) conducted a study in which they randomly assigned participants to read one of two accounts of a manslaughter case. One account was brief and had very few details while the other was long and provided a summary of court documents. Subsequent to the completion of reading the cases, both groups were asked about the appropriateness of the sentence. Results revealed that attitudes were quite different depending upon the quality and amount of information given to the participants. Eighty percent of respondents in the brief account condition felt that the sentence imposed was too lenient, compared to only 14% of those in the long account condition. Thus, questions gathering detailed and specific information, for example scenarios and vignettes, are more effective at producing more accurate results and are more effective at telling the whole story.

In addition, Doob & Roberts (1983) have also suggested that the members of the public do not have simplistic views of sentencing and that the utilization of simple means to investigate public attitudes regarding sentencing does not consider the formation of public attitudes. For example, it has been found that decisions about appropriate sentences are dependent upon both lack of knowledge, or incorrect knowledge (Doob & Roberts, 1983). Those people who are less informed about the realities of crime and the criminal justice system (e.g., levels of crime, sentencing practices and parole rates) are often more punitive in their sentencing preferences (Hough & Roberts, 1998).

Fishkin (1995) used the “Deliberative Poll” technique in which a sub-set of a random sample of the public in Great Britain was selected to participate in a long weekend of intensive discussions concerning crime and justice issues<sup>1</sup>. The 300 participants, drawn from a sample of 869 people who responded to a baseline survey, completed questionnaires measuring their opinions on various criminal justice topics both prior to and after the completion of the weekend. Fishkin (1995) discovered that significant shifts of opinion regarding the sentencing of first-time burglars to prison emerged. Prior to the information session, almost 8 in 10 (78%) participants agreed that “stiffer sentences generally” (p.179) are effective in fighting crime. This figure dropped to 65% after the weekend conference. As well, one-third (33%) of the group was opposed to incarcerating first-time burglars. However, this figure rose to one-half (50%) by the completion of the conference.

This link between public sentencing preferences and knowledge has often been the topic of research. It has been consistently demonstrated that Canadians possess poor knowledge with regard to sentencing (Doob & Roberts, 1983; Canadian Sentencing

Commission, 1987; Roberts, 1994; Angus Reid, 1997, cited in Sanders, 1999). When sophisticated public opinion research is conducted and respondents have more information, their sentencing preferences tend to be closer to the sentences actually imposed by the courts (Doob & Roberts, 1984; Roberts & Stalans, 1997). Hence, the putative punitiveness of the public may not be as simple and straightforward as it appears to be.

### ATTITUDES REGARDING ALTERNATIVES TO INCARCERATION

Notwithstanding public dissatisfaction with sentencing practices, a great deal of research indicates that members of the public express a desire for the government to implement alternatives to incarceration. Angus Reid (1996, cited in Sanders, 1999) utilized focus groups to explore public attitudes toward alternatives to incarceration. Participants generally agreed that not all criminal cases, particularly those involving non-violent offences, are deserving of custodial sentences. For instance, 85% of participants agreed with the notion that criminal justice practices should incorporate alternative approaches (to prison) for dealing with offenders convicted of non-violent crimes.

Public support for the use of alternatives varied depending upon the specific type of crime involved. Of the crimes discussed, the highest degree of support emerged for prostitution (87%), marijuana possession (81%), and credit card fraud (63%), while the lowest support was for drunk driving (36%), embezzlement of one million dollars (30%), and arson (24%). Various alternatives to incarceration were favoured including, community service orders (85%), victim compensation (84%) and electronic monitoring

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<sup>1</sup> It is important to note that this method of investigation is amenable to manipulation.

(69%). Furthermore, there was considerable public support for increasing the number of halfway houses and the imposition of larger fines (67% for both (Sanders, 1999)).

Research findings indicating public endorsement of sentencing alternatives are not limited to Canada. Begasse (1985) and Doble (1987) also conducted qualitative research measuring public acceptance of various alternatives to incarceration. Similarly, these researchers found that large majorities of participants were in favour of imposing community-based sentences upon non-violent offenders. In another study, Mande and English (1989) report data that reveal substantial public support for alternatives to incarceration. Participants were asked to indicate their sentencing preferences in a variety of cases. It is significant that members of the public were more supportive of community-based alternatives to incarceration than were the courts. For instance, when sentencing a case of aggravated robbery, almost half of the participants favoured imposing a community sanction upon the offenders involved. This figure was significantly higher than the 14% of offenders who actually received a community-based alternative (76% had been imprisoned (Roberts & Stalans, 1997)).

The findings of these studies demonstrate widespread public acceptance of alternatives to incarceration. This undermines the traditional view that the public holds generally punitive sentencing attitudes.

### NATURE OF THE OFFENCE

It has been suggested that the nature or seriousness of the offence of conviction may be an influential factor in public attitudes regarding the appropriate sentence to be imposed. Research conducted in this area has revealed that crime seriousness is strongly associated with the severity of assigned sentences (Hamilton & Rytina, 1980).

Roberts (1988) reports results from three nation-wide Gallup polls; one conducted in 1985 and the other two in 1986. The 1985 survey asked 1,062 adult respondents whether the sentences imposed for five categories of offences were too harsh or too lenient. It was discovered that the violent offence category yielded a response of “too lenient” in more than two-thirds of responses. Alternatively, the figure reported for property offences was much lower (43%). Respondents most often perceived sentences to be too lenient for sexual offences (83%) and drinking and driving (71%). Both surveys conducted in 1986, one in January and the other in July, asked Canadians about their opinions regarding the use of imprisonment. Results indicate that the views of respondents differed greatly for different offences.

A British study reported by Hough (1998) also looked at crime type. This analysis was based on responses to the 1992 British Crime Survey (BCS). A section in the survey utilized vignettes in order to examine preferred sentences for a variety of offences. The findings revealed that more punitive sentences (e.g., prison) were most frequently chosen when respondents perceived that the crime was of a serious nature. The results of these studies demonstrate that the sentencing preferences of the public vary according to the nature and seriousness of the crime.

### INFLUENCE OF CRIMINAL RECORD

In addition to the seriousness of the offence, particular offender characteristics can also provoke punitive sentencing preferences among the public. In particular, recidivist offenders are believed to deserve much harsher treatment (Doble, 1987). Research indicates that the extent of an offender’s criminal history is of interest to the

public when choosing the appropriate sentence for offenders (Roberts, 1996; Roberts, 1997).

Doob and Roberts (1983), for example demonstrated that when Canadians were asked to identify the most important factor to be considered by a judge when sentencing an offender, “whether the offender had committed criminal offences in the past” was one of the factors most likely to be mentioned by respondents. Similarly, Doble (1987) found that, like Canadians, Americans also feel that it is important to consider an offender’s criminal record when determining an appropriate punishment for an offender. In this study, focus group participants were given hypothetical crime scenarios and were asked to discuss sentences that would be appropriate. When examining the criteria respondents utilized when deciding upon their sentencing preferences, it became apparent that the offender’s criminal history was the most important factor.

In another study, Fichter and Veneziano (1988), reported results from a public opinion survey conducted in the United States. Two experimental conditions, a burglar with no prior convictions and a burglar with two prior convictions, were utilized. Results indicate that those in the no prior conviction condition were less likely to favour a sentence of incarceration than respondents in the criminal record condition (12% versus 60%, respectively).

A more recent study conducted by Finkel, Maloney, Valbuena, and Groscup (1996) utilized mock trials involving undergraduate students. The purpose of this study was to evaluate the role of recidivism in public support for harsh penalties. Subjects were asked to sentence an offender after being placed in one of several criminal history conditions. Results reveal that the sentences recommended for the offenders were

considerably harsher when the offender had a criminal record. Thus, the research conducted on the role of criminal record in sentencing preferences, although not extensive, does demonstrate that the public is indeed much more punitive toward recidivists (Roberts, 1996). It is not clear whether the harsher sentence imposed on recidivists reflects public concern to prevent further offending, or whether the public believe that recidivists simply deserve harsher punishment. This issue will be discussed in more detail subsequently.

### VICTIMIZATION EXPERIENCE

When considering the factors that may contribute to the development of punitive sentencing preferences, it is often assumed that victims of crime are more punitive. In contrast to this intuitive assumption, a plethora of research indicates that those who have been victimized by crime are no more punitive than non-victims. Brillon (1988) examined public sentencing preferences in order to determine whether there are any specific socio-cultural or ideological factors connected to punitive sentencing preferences. Findings revealed that persons who had been victimized were no more likely to favour harsher penalties for offenders. Therefore, the author concluded that punitive sentencing preferences are not linked to the respondent's history of criminal victimization.

Similar results were found when Sprott and Doob (1997) examined whether prior victimizations were linked to attitudes about sentencing and other aspects of the criminal justice system. Generally, their results indicate that victims were no more likely than were non-victims to think that sentences were too lenient. This finding was still evident when victims of violence were compared to victims of property crimes. However,

considerable differences were apparent among the various categories of victims. For instance, victims of assault and sexual assault were less likely to express the belief that sentences are too lenient than were non-victims, while victims of robbery and home invasion were somewhat more likely than non-victims to believe that sentences were too lenient. The authors concluded that the relationship between prior victimization and attitudes about sentencing is complex.

The British Crime Survey (BCS) has investigated the sentencing preferences of crime victims for many years. It is important to note that this research has consistently examined victims in a manner which did not separate victims of violence from victims of non-violent crimes. Hough and Roberts (1998) report results from the 1996 BCS, which examined whether the experience of victimization promotes punitive attitudes. Results suggested that there is no significant causal relationship between punitive attitudes and victimization. Several other research studies that have explored the relationship between victimization experience and punitiveness, conducted in Canada and various other countries (Hough & Moxon, 1985; Langworthy & Whitehead, 1986; Hough & Moxon, 1988; and Hough, Lewis, & Walker, 1988) report similar results and conclude that there is no link between criminal victimization and subsequent punitiveness toward offenders.

### FEAR OF CRIME

Although no empirical research has definitively concluded that victims of crime are more punitive than non-victims, it has been shown that fear of crime or criminal victimization affects levels of punitiveness. Researchers who have examined the influence of victimization on punitiveness have also investigated the relationship between fear of crime and punitiveness. The results of such research suggest that, unlike

victimization history, there is a link between fear of crime and attitudes regarding sentencing.

Using data from Statistics Canada's 1993 General Social Survey (GSS), Sprott and Doob (1997) examined the role of fear as a cause of negative attitudes toward sentencing. It was reported that respondents with low levels of fear were less likely to indicate that sentences were too lenient, when compared to respondents with the highest levels of fear, 71.2% versus 91.4%, respectively. Therefore, results indicate that as fear levels increase, the proportion of people who think sentences are too lenient also increases. Further, the authors found that fear was related to sentencing attitudes for all combinations of gender and age.

Another study conducted by Schwartz, Guo, and Kerbs (1993) utilized data from a comprehensive national survey of American attitudes in the field of juvenile justice. They also generate data that support the existence of a positive relationship between fear and punitive sentencing preferences. For instance, respondents who reported they were fearful of becoming the victim of a serious violent crime were significantly more likely to be supportive of punitive practices such as transferring youth to adult courts, imposing adult sentences on young offenders, and incarcerating young offenders in adult institutions.

Research results reporting that fear is often coupled with punitive sentencing attitudes is not limited to the United States and Canada. Hough and Moxon (1988) and Hough, Lewis, and Walker (1988) examined public attitudes regarding sentencing offenders and factors associated with punitive sentencing preferences in England and Wales. In particular, Hough and Moxon (1988) present findings from the 1984 British

Crime Survey (BCS) focusing on how fear affects attitudes to punishment. The authors conclude that there is evidence that suggests that those who are most fearful tend to advocate harsher sentences than others, “those who are most fearful of crime tend to advocate heavier sentences than others” (p.147).

Similarly, Hough, Lewis, and Walker (1988) focused on factors that differentiate people who favour harsh sentences from those who do not. In doing so, they analyzed data from a 1986 survey of 1,249 respondents residing in England and Wales. According to the authors, support for harsher sentences was greater among respondents who feared becoming a victim of crime. Furthermore, punitive sentencing preferences increased with concern about being victimized and the relationship held when age was taken into account. The results of these research studies replicate findings of earlier research conducted in both Britain (Hough & Moxon, 1985) and the United States (Langworthy & Whitehead, 1986).

Interestingly, not all research conducted in the area of sentencing attitudes has demonstrated that punitive sentencing preferences are associated with fear of crime. Brillon (1988) examined data from 817 subjects from three Canadian provinces (Ontario, Quebec, and Manitoba) for the purpose of discovering whether there is a relationship between punitiveness and various socio-cultural and ideological factors. His findings reveal that fear of crime, particularly fear of going out alone at night, fear of being robbed, and fear of being attacked at home, were all unrelated to punitive sentencing preferences.

Tygart (1996), also demonstrates an absence of a relationship between fear of crime and punitive sentencing preferences. This researcher surveyed 800 residents, 18

years of age and older, residing in Los Angeles, California. Fear of crime was measured by asking the respondents how much they feared being a victim of five different violent offences. The data indicate that fear of crime is not associated with more punitive responses toward offenders.

### Summary of Research on Fear of Crime

These studies all explored how fear of criminal victimization is related to punitive sentencing preferences. However, conflicting research results have emerged. Most research studies suggest that there is a positive relationship between fear of crime and punitive sentencing preferences. However, results of other research studies lead one to question the intuitive assumption that more fearful respondents are indeed more punitive. The studies that found a strong relationship between fear of crime and punitiveness were comprehensive, nation-wide studies that employed representative samples. The studies that found no relationship between fear and punitiveness are not as broad in scope as many of the participants are not representative samples and the locations of the investigations do not allow for generalizable results. These methodological differences may explain the discrepant findings. In addition, it is important to note that fear is often measured in different ways. This may also explain some of the inconsistencies in the literature. Clearly, more research is needed to resolve the issue.

### SOCIO-DEMOGRAPHIC VARIABLES

Researchers are frequently interested in the role that common socio-demographic variables, for example age, gender, class, and education, play in explaining public attitudes regarding sentencing. However, findings describing the relationships between

sentencing attitudes and socio-demographic characteristics are often inconsistent. Therefore, the nature of the relationship is unclear. Although various studies (e.g., Doob & Roberts, 1984; Brillon, 1988; Hough, Lewis, & Walker, 1988; Flanagan & Longmire, 1996; Hough, 1998) indicate that socio-demographic variables are important in explaining public attitudes about court processes, there are few characteristics that repeatedly emerge as strong predictors of attitudes toward sentencing.

Age, gender, and education tend to be the most frequently-identified variables linked with punitive attitudes toward sentencing. Several researchers (e.g., Walker, Collins, & Wilson, 1988; Brillon, 1988; Hough & Moxon, 1988; Rich & Sampson, 1990) suggest that there are more elderly persons than young people, more males than females, and more people with little education than persons who are well educated among punitive people. However, the degree of statistical significance of these relationships varies from one study to another. A socio-demographic correlate that proved to be highly significant in one study may not emerge as significant in another. Therefore, it is generally accepted that no easily identifiable profile of a punitive individual can be established when reviewing research examining linkages between various socio-demographic variables and levels of punitiveness (Hough, 1998).

#### CHAPTER SUMMARY

A simplistic interpretation of public opinion poll data would lead one to conclude that the public is more punitive than the judiciary. However, on the basis of this review of the literature it is hard to argue that members of the public are *consistently* more severe than the courts for all offences and all kinds of offenders. Instead, it is evident that sentencing preferences of the public are often related to a variety of factors including type

of crime, recidivism, fear of crime, and various socio-demographic variables (Flanagan, McGarrell, & Brown, 1985; Langworthy & Whitehead, 1986; Roberts, 1996; and several others). Thus, the public model of sentencing is complex; members of the public have sophisticated views regarding sentencing preferences for offenders and a number of factors influence support for different sanctions. Asserting that members of the public are punitive in their attitudes regarding sentencing is being much too simplistic. Further research, exploring how various factors influence decisions about appropriate sanctions for particular offenders, may help policy further understand public attitudes toward criminal sanctions.

## Chapter Three

### METHODOLOGY<sup>2</sup>

#### OVERVIEW

The data required for the completion of the present research study were obtained from a national victimization survey. Statistics Canada conducted the relevant fieldwork and administered the 1999 General Social Survey (GSS). The data were collected, using Computer Assisted Telephone Interviewing (CATI), from the non-institutionalized population aged 15 years or older. A total of 25,876 people were interviewed for the 1999 survey. Households in the 10 provinces were selected using random digit dialing (RDD) techniques and an individual 15 years or older was selected randomly to respond to the survey. In order to draw conclusions about the sentencing attitudes of the Canadian public, the data were weighted using Census projections for the entire non-institutionalized Canadian population 15 year and older. Several quantitative data analysis techniques were employed to summarize and describe the data findings.

#### KEY CONCEPTS

There are several key concepts that are relevant to the present research study. Each of these concepts will be identified and briefly defined below. Generally, the current study investigated *public attitudes*. The current researcher has defined this concept as the feelings or emotions (cognitive/mental position) held by members of the public. The specific issue examined was the notion of *public punitiveness* by which is extensive public support for imprisonment rather than community sanctions, for

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<sup>2</sup> Much of the information in this section of the report is drawn from unpublished working papers describing the features and methods relevant to Statistics Canada's 1999 General Social Survey.

offenders. Aspects of public punitiveness were explored through the examination of the public's *sentencing* preferences for particular offenders. By definition, sentencing is the imposition of a legal sanction upon a person found guilty of an offence (Canadian Sentencing Commission, 1987).

*Situational factors* and *respondent characteristics* are imperative in the identification of any possible determinants of public punitiveness. *Situational factors* are the characteristics described within the case-scenario questions administered to survey respondents, including age of offender (youth versus adult), criminal history of offender (first versus repeat offence) and type of crime involved (assault versus break and enter). Alternatively, *respondent characteristics* are the factors that characterize those who responded to the survey, including victimization experience, fear of crime, age, sex, education, income, marital status, and several others.

## QUESTIONNAIRE

Statistics Canada's 1999 General Social Survey (GSS) collected information on the nature and extent of criminal victimization in Canada. Through this survey, information was also collected on the impact and consequences of crime to the victim, frequency or likelihood of reporting to the police, use of social services, and public perceptions of crime and the administration of justice. Special modules on spousal violence and senior abuse were also included.

Several sections of the questionnaire include content that is pertinent to the present analysis. For instance, the section entitled "Perceptions, History and Risk" collected information on various issues dealing with fear of crime, perceptions of crime and the justice system, and public attitudes toward sentencing and alternatives to

incarceration, was of particular interest to the current researcher (see Appendix A). Additionally, the “Criminal Victimization Screening Section”, and other related questions that collected information on the nature and frequency of victimizations experienced by the respondents, is important for the current study. Finally, the “Classification” section that provides background characteristics of all survey respondents including numerous socio-demographic measures and other classification variables were also incorporated in this study.

The format of the questions contained in the questionnaire varies. The majority of questions within these sections are closed-ended questions where the respondent was asked to select an answer from among a list provided by the interviewer. However, in certain instances open-ended questions were also included. Additionally, scenario-type questions measuring attitudes toward sentencing and alternatives to incarceration were presented to each of the survey respondents.

With the exception of the scenario-type queries, all the survey questions to be examined through the proposed study were asked of each survey respondent. For the crime-scenarios, each respondent was randomly assigned one of eight crime-scenarios. The resulting sample size for each scenario was approximately 3,200 respondents.

Once presented with the hypothetical situation, respondents were asked to choose “prison” or “non-prison” for their sentencing preference (see Appendix A). In order to clarify what is meant by prison and non-prison sentences, the following preamble was read to all respondents prior to posing the scenario questions: *“People have different ideas about the sentences that should be given to offenders. There are two different types: prison sentences and non-prison sentences such as probation, fines, and*

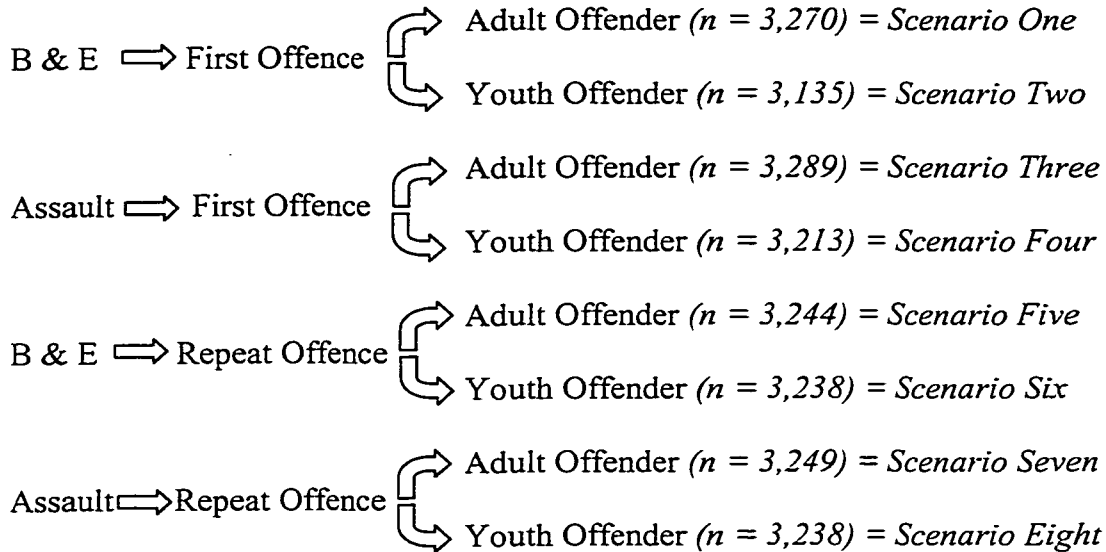
*community work.*” Respondents who selected prison sentences for the hypothetical crime scenarios were given a follow-up question that asked them whether or not it would be acceptable for a judge to sentence the offender to one year of probation and 200 hours of community work. The overall purpose of the scenario questions was to compare custodial and non-custodial sentences in order to assess public attitudes toward sentencing and alternatives to incarceration.

Among the eight scenarios, there are four distinct series of questions (see Appendix A). Each of the four question series is repeated with the order of questions changing. For example, scenarios one, three, five, and seven pose questions about an adult offender first, prior to asking the same questions about a young offender. Scenarios two, four, six, and eight ask the questions about a young offender first, prior to asking the same questions about an adult offender. This was done in order to examine the effect of question order upon public attitudes toward sentencing criminal offenders.

Since any given scenario question always appears in two scenarios, the analysis in the current study only utilizes the first presentation of each scenario question, thus the test of order effects has been removed. Figure 3.1 summarizes the eight different hypothetical situations included in the present analysis.

Figure 3.1: Summary Of Questionnaire Scenario Allocation

*N* = 25,876



This section of the GSS conforms to a classic 2x2x2 factorial design (see Table 3.1). The scenarios describe either an incident of break and enter or assault (type of offence); an adult or young offender (age of offender); and the offender was either a first-time offender or a recidivist (criminal history of the offender). By utilizing these three manipulated variables, public attitudes toward sentencing were examined.

Table 3.1: Factorial Design

<b>B&amp;E</b>	First Offence	Repeat Offence	<b>Assault</b>	First Offence	Repeat Offence
Adult			Adult		
Youth			Youth		

The 1999 GSS was subjected to the rigorous standards applied to every Statistics Canada survey and carefully tested in a variety of ways, including focus-testing and a large-scale field test. Such measures were conducted to ensure that the survey questions

were not ambiguous in nature and to make certain that the survey was both reliable and valid.

### DATA COLLECTION

Interviews were conducted by telephone using Computer-Assisted Telephone Interviewing (CATI). With this process, the survey questionnaire is programmed into a network computer allowing the interviewers to view the survey questions on their workstation computer monitor. Once the interviewer asks the respondent the question, he or she enters the response into the computer as the interview progresses. CATI methodology enables built-in edits and eliminates several data processing steps. Thus, CATI simplifies the interviewing process, is faster and more efficient than traditional pen and paper questionnaires, and allows for more timely and compelling data.

Interviews were conducted over the period from February 1999 to December 1999 inclusive. Trained interviewers from the Halifax, Montreal, Winnipeg and Vancouver Statistics Canada regional offices conducted the interviews. Each regional office was responsible for interviewing particular geographic regions. A typical interview lasted 30 minutes.

### SAMPLING PROCEDURES

Statistics Canada obtains national coverage and, thus a representative population sample, through the use of a computer-based sampling algorithm. Each province in Canada constitutes a stratum. Larger census metropolitan areas (CMAs) in each province constitute separate sub-strata. The remaining CMAs together and non-CMAs, if any, form two more sub-strata. It follows, with this method, that there are no sub-strata in

Prince Edward Island, while Toronto, Ottawa, and Hamilton are each separate sub-strata in Ontario. Similarly, Montreal and Quebec City are sub-strata in Quebec, as are Regina and Saskatoon in Saskatchewan, and Vancouver and Victoria in British Columbia. By knowing the population size, and other socio-demographic characteristics within each of these sub-strata, it is possible to ensure that each province receives sufficient sampling allocation to produce a representative sample.

Households in the 10 provinces were selected using random digit dialing (RDD) sampling techniques. Telephone numbers for the survey sample were generated randomly. Every household telephone number (listed or unlisted) within a given geographic location had an equal chance of being called and, thus, included in the sample survey. Once a household was contacted, an individual who was 15 years of age or older was randomly selected from those living in the household. Households were excluded from the survey when they had no telephone. Also excluded were individuals living in institutions. In all, approximately 2% of the population was excluded. This figure is not large enough to significantly affect the results.

### RESPONSE RATES

In 1999, as with preceding cycles of Statistics Canada's General Social Survey (GSS), the response rate was high – 81.3% and is comparable to that on the 1996 British Crime Survey – 82.5% (Hough & Roberts, 1998). A total of 26,876 people, 15 years of age or older, living in the 10 provinces were interviewed. The respondents in the sample were weighted so that their responses represent the approximately 24,260,000 non-institutionalized persons aged 15 years or older in the Canadian population. Using the 1999 GSS sample design and sample size, an estimate of a given proportion of the total

population, expressed as a percentage, is expected to be within approximately 0.8% of the true proportion 19 times out of 20. Since measures from the survey are based on a sample, they are always estimates of the true values and are subject to sampling error. Estimates of proportions of sub-populations will have wider confidence intervals.

Non-responses occurred when the chosen respondent was unavailable, could not speak English or French, or refused to participate in the interview. Additionally, telephone numbers for which no contact is made and which were not conclusively shown to be out of service, seasonal, business, or institutional, were also considered non-responses.

### INTERVIEWER TRAINING

As it is recognized that there are some limitations associated with the use of victimization survey data, it is imperative that consistent and appropriate interviewing techniques are utilized in the execution of such surveys. At Statistics Canada, considerable time and effort is expended in order to ensure that interviewers receive extensive training to facilitate a greater understanding of the survey's content and delivery and to help build rapport with the survey respondents. In addition, for this survey further sensitivity training was provided to interviewers to ensure they are able to effectively deal with the difficult subject matter. Criminal victimization is a sensitive issue and it may be a very personal experience for some people; interviewers are trained to respond appropriately.

## DATA ANALYSIS

Quantitative data analysis was conducted on public sentencing preferences.

Various statistical tests were employed for the purpose of drawing conclusions about relationships in the population based on the sample data. Since the GSS survey employed a complex stratified design with significant differences in sampling fractions between strata, the unweighted sample is not representative of the target population. This affects the estimation and variance calculation procedures that should be used.

Weighting the data to produce estimates of the general population will account for this; however, the meaning or definition of this weight differs from that which is appropriate for statistical packages allowing analysis procedures (e.g., SPSS). Thus, the variances that are calculated are almost meaningless. A common method used to make the variances calculated by the standard packages more meaningful, and to take into account the unequal probabilities of selection is to rescale the weight so that the average weight is one (1). This method was used in the following analysis. The data represent the entire Canadian population 15 years and over, excluding full-time residents of institutions and residents of the Yukon, Northwest Territories, and Nunavut.

Univariate, bivariate, and multivariate analysis was conducted depending upon the specific hypotheses being examined. All data analysis was performed using SPSS version 10.0, a social science statistical software package.

Initially, the data were examined on a general level. For instance, various frequency distributions, using counts and percentages, were used to produce summary measures of the data. In addition, several contingency tables (crosstabulations) were used to explore the relationships between two or more variables. For example, looking at the

relationship between respondent's sentencing preference (prison or non-prison) in specific situations and age (in groups).

Subsequent to this descriptive investigation of the data, relationships between variables were tested for statistical significance using a variety of statistical tests. The chi-square statistic was employed as this test helps decide whether two (or more) variables in a contingency table are statistically related to, or independent from, one another. If significant relationships were found, the lambda statistic was then used to measure the proportionate reduction in error that occurs in estimating the dependent variable, given knowledge of the independent variable. Lambda ranges from 0 to 1. The higher the value of Lambda, the more closely two variables are associated. It is important to note that throughout the GSS, respondents are given the option of either refusing to answer a particular question or answering don't know. The bivariate and multivariate analysis in this report excludes these responses.

Analysis of Variance (ANOVA) is another statistical test that was employed in the current study. This procedure enabled the researcher to test for a significant difference in the dependent variable across categories of more than one independent variable and allowed for the investigation of both individual effects of each variable separately and the interacting effects of two or more variables. For example, examining whether there are differences in levels of public punitiveness as a function of both regional and gender differences.

Finally, logistic regression models were used to determine the predictive accuracy of a variable and to summarize the strength of the relationships and interactions between the variables considered. This procedure allowed the researcher to use a mix of

continuous and categorical predictor variables to predict a categorical outcome, or dependent, variable. For example, punitiveness (prison, non-prison) and possible predictor variables (age, gender, education, income) were examined to establish whether a set of variables had a particular effect on the probability of particular members of the public holding punitive attitudes.

## Chapter Four

### RESULTS

This chapter reviews the research results from the present analysis that examines public attitudes toward sentencing. Both situational factors (e.g., the offender's age and criminal history and type of offence committed) and respondent characteristics (e.g., their sex, age, satisfaction with their personal safety, and criminal victimization experience) were analyzed in order to determine what impact they have in shaping public attitudes.

First, the results from the hypothetical crime-scenarios will be presented, along with a review of the various factors that affect public sentencing preferences. Thereafter, the discussion will focus on public reaction to a particular sentencing alternative and detail the factors related to public acceptability of community-based sanctions. Finally, the analysis will consider and highlight the factors that predict a preference for prison-based sanctions.

### PUBLIC SENTENCING PREFERENCES

As discussed previously, respondents to the 1999 General Social Survey (GSS) were randomly assigned to one of eight crime-scenarios for which they were asked to choose "prison sentence" or "non-prison sentence" for their sentencing preference. Table 4.1 presents an overview of GSS respondents' sentencing preferences in each of the crime-scenarios<sup>3</sup>.

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<sup>3</sup> Readers are reminded that the analysis in the current study only utilizes the first presentation of each scenario question, see p. 26 for more discussion.

Table 4.1  
 Summary of Sentencing Preferences in Specific Cases

Crime Scenario	n	Sentencing Preference	
		Prison	Non-Prison
% of respondents			
First-time adult offender convicted of B&E	3,013	34.9	65.1
First-time young offender convicted of B&E	2,886	20.8	79.2
First-time adult offender convicted of assault	2,982	26.4	73.6
First-time young offender convicted of assault	2,954	19.3	80.7
Adult offender convicted of repeat B&E	3,007	70.9	29.1
Young offender convicted of repeat B&E	2,993	54.9	45.1
Adult offender convicted of repeat assault	2,942	66.6	33.4
Young offender convicted of repeat assault	2,956	53.5	46.5

Note. The responses of "don't know/not stated" have been excluded.

From these results, it can be seen that prison is not strongly supported in cases involving first-time offenders (adult or youth): less than 35% of respondents selected prison. Alternatively, more respondents support the use of imprisonment when asked about offenders with prior convictions. In particular, at least one-half of respondents selected prison in cases involving offenders convicted of a repeat offence. Overall, 43.4% of respondents chose a prison sentence as their sentencing preference.<sup>4</sup> More respondents (56.6%) were in favour of non-prison sanctions. A more detailed

<sup>4</sup> Throughout the GSS respondents may refuse to answer a particular question or answer don't know. These responses are excluded from the findings presented in this report.

presentation of the respondents' selection of prison sentences is given in Table 4.2. This section makes use of these results.

Table 4.2: Percentage of Respondents Choosing Prison in Specific Cases

<b>B&amp;E</b>	First Offence	Repeat Offence	<b>Assault</b>	First Offence	Repeat Offence
Adult	34.9	70.9	Adult	26.4	66.6
Youth	20.8	54.9	Youth	19.3	53.5

A three-way Analysis of Variance (ANOVA) test was conducted in order to test for a significant difference in public sentencing preferences (e.g., prison, non-prison) as a function of age of offender, type of crime, and criminal history of offender. Generally, speaking, the ANOVA is employed when the data conform to a number of assumptions, including normality. However, it has been clearly demonstrated that the ANOVA is sufficiently robust using large samples of subjects (see Hsu & Feldt, 1969; Edwards, 1972 for discussion). Therefore, the ANOVA was used in this analysis, and was also supported by another multivariate analysis, the logistic regression test (the results of which will be discussed subsequently).

Table 4.3 displays the results of the three-way ANOVA. Significant main effects emerged for all the independent variables. In addition, there are interaction effects between age of offender and type of offence and age of offender and criminal history of offender. Finally, there is a three-way interaction effect (see Table 4.3). The results will be discussed in the following order: main effects, two-way interaction effects, and three-way interaction effect. The reason for this is that as can be seen from Table 4.3 the main effects are overwhelmingly more powerful, than the interactions.

Table 4.3  
Factorial Analysis of Variance for Sentencing Preference

Source	df	F
Age of offender (A)	1	451.237****
Type of offence (B)	1	46.731****
Criminal history of offender (C)	1	3703.981****
A x B	1	18.933****
A x C	1	10.981***
B x C	1	2.111
A x B x C	1	5.443*
Error	23726	(.209)

Note. Mean square error in parentheses

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ . \*\*\*\* $p < .0001$ .

#### Effect of Offender Age

The significant main effect of age of offender reveals that there is a significant difference in the percentage of respondents who chose a prison sentence between those who were asked to sentence an adult offender and those who were asked to sentence a young offender. Specifically, adults were treated much more severely by the public ( $M_{adults} = 49.7$ ;  $M_{youths} = 37.1$ ),  $F(1, 23,733) = 451.237$ ,  $p < .0001$ . These results contradict other research that has revealed that the public are quite punitive toward young offenders (Hartnagel & Baron, 1995; Covell, & Howe, 1996). However, this earlier research did not make a direct comparison between adults and youth and this could help explain the discrepancy.

#### Effect of Offence Type

Similar, yet less statistically significant results emerge when examining the main effect of type of offence ( $M_{break\ and\ enter} = 45.4$ ;  $M_{assault} = 41.5$ ),  $F(1, 23,733) = 46.731$ ,  $p < .0001$ ). Findings indicate that the mean percentage of respondents choosing prison is

higher when punishing break and enter than assault. Therefore, the public is harsher on offenders who commit an offence of break and enter (rather than assault). There is a very high correlation between offence seriousness ratings and the severity of assigned sentences. This suggests that the public is of the belief that break and enter is a more serious offence than assault.

A study which surveyed the seriousness of 204 specific criminal events as perceived by a national sample of the U.S. population, found that the public considered break and enter a more serious offence, when compared to assault (Wolfgang, Figlio, Tracy, & Singer, 1985). Specifically, it was reported that a criminal event where “a person beats a victim with his fists and the victim is hurt but does not require medical treatment”, is rated less seriously than an event where “a person breaks into a home and steals \$1,000” (p. 48-49).

### Effect of Criminal History

From the main effect of criminal history of offender, it can be seen that there is a highly significant relationship between sentencing preferences of the public and the criminal history of the offender ( $M_{\text{first offence}} = 25.3$ ;  $M_{\text{repeat offence}} = 61.5$ ),  $F(1, 23,733) = 3703.981$ ,  $p < .0001$ . Specifically, the mean percentage of respondents selecting a prison sentence for a recidivist offender is substantially higher than for a first-time offender. This main effect of criminal history of offender demonstrates that repeat offenders are treated much more harshly by the public than first-time offenders.

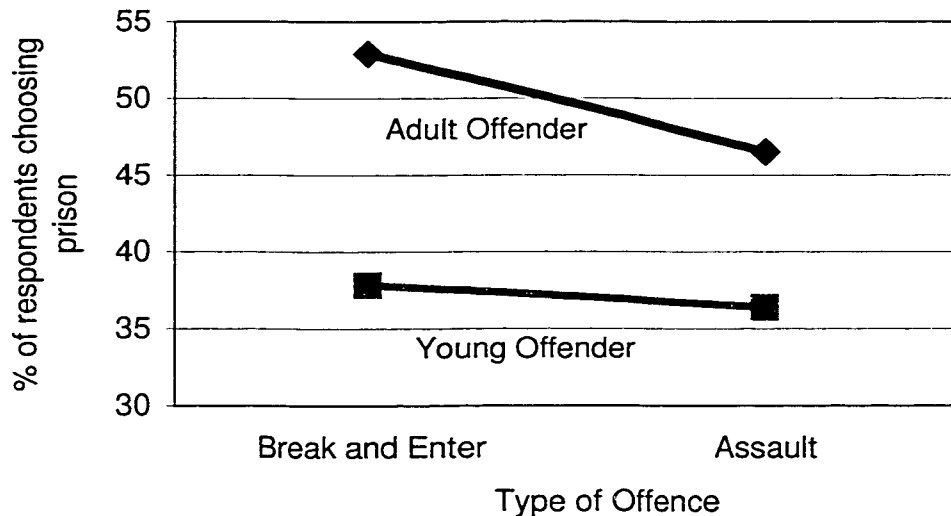
This finding is consistent with other research results reported in recent years. Using mock trials, Finkel *et al.* (1996) evaluated the role of criminal history on public support for harsh penalties. Findings indicate that the sentences recommended for the

offenders were much more severe when the offender had a criminal history. Similarly, Fichter and Veneziano (1988) reported that respondents asked to sentence an offender with prior convictions were more likely to favour a sentence of incarceration, when compared to those sentencing an offender with no prior convictions. The results from the 1999 GSS therefore confirm the finding that the public is much more punitive toward recidivists.

#### Two-way Interaction between Offender Age and Offence Type

There was a significant interaction between age of offender and type of offence  $F(1, 23,733) = 18.933, p < .0001$ . Figure 4.1 illustrates these results.

Figure 4.1: Percentage of respondents choosing prison by age of offender and type of offence



From these findings, it can be seen that the difference in mean percentage of respondents choosing prison is 15.1% for break and enter and 10.1% for assault. Therefore, differentiation in sentencing preferences between adult and young offenders is more pronounced when the offence is a break and enter (rather than assault). These views expressed by Canadians with regard to sentencing adult and young offenders

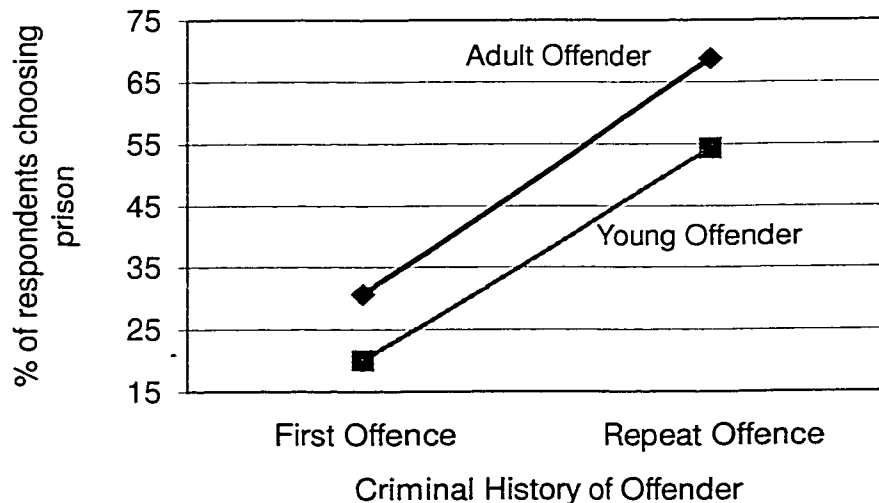
convicted of either a break and enter or an assault may be based in part on their images of what these offences entail. For instance, an assault offence where the victim receives minor injuries but did not require medical attention is probably viewed similarly no matter what age the perpetrator is.

Alternatively, an adult breaking into a home will most certainly provoke a more punitive response since the nature and seriousness of this offence likely generates thoughts about “professional burglars” and episodes of serious home invasion; both of which are not as easily associated with a young offender committing a break and enter. This explains why there is some differentiation in sentencing preferences of respondents between adult and young offenders when sentencing offenders convicted of a break and enter compared to assault.

#### Two-way Interaction between Offender Age and Criminal History

Figure 4.2 displays the results of the significant interaction between age of offender and criminal history of offender  $F(1, 23,733) = 10.981, p \leq .001$ .

Figure 4.2: Percentage of respondents choosing prison by age of offender and criminal history of offender



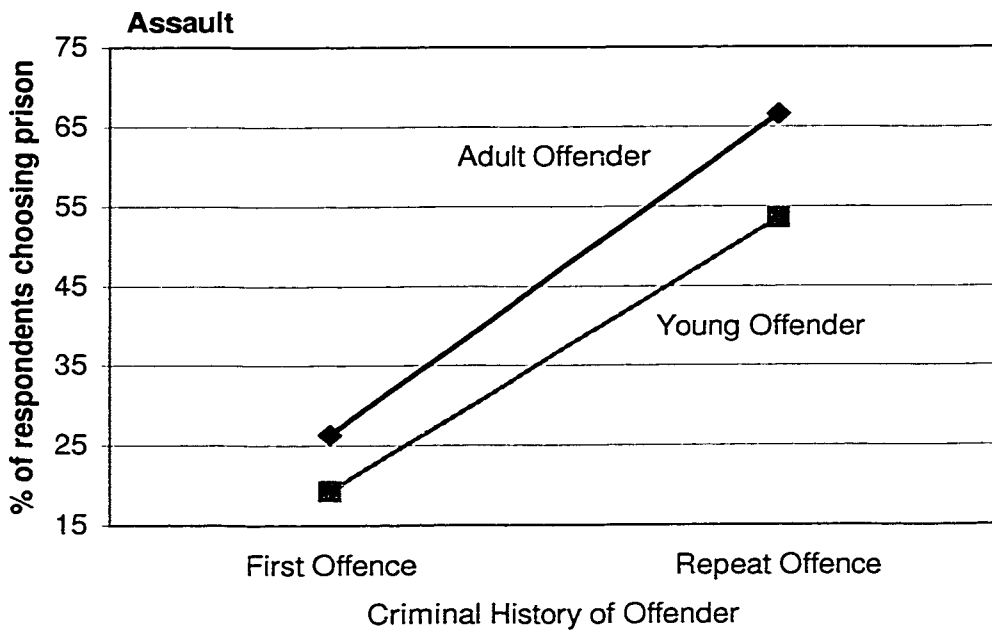
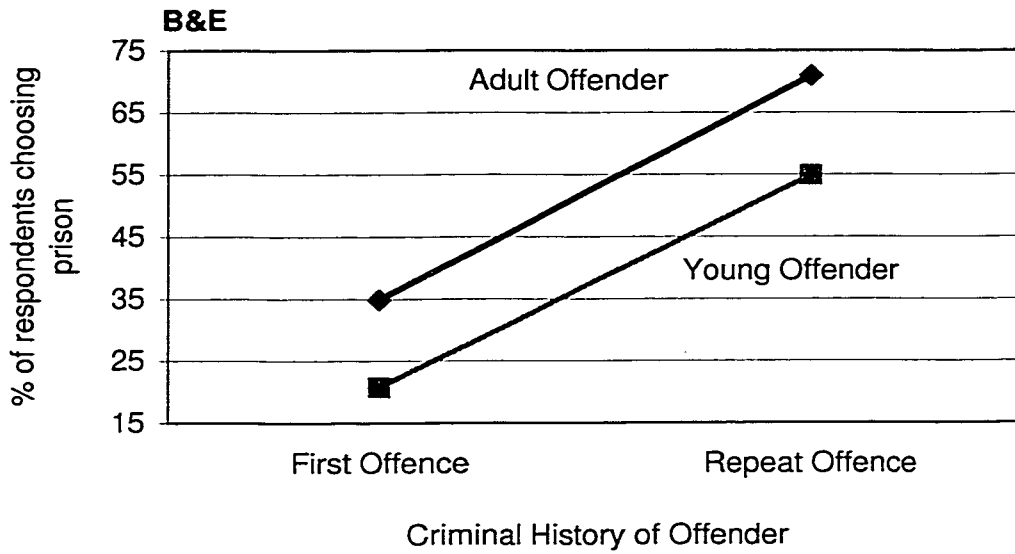
The results illustrate how the difference in mean percentage of respondents choosing prison is 10.6% for first time offenders and 14.6% for repeat offenders. Therefore, the differentiation between sentencing preferences of the public between adult and young offenders is more pronounced when the offenders are recidivists. The highest level of public punitiveness is observed when an adult offender is convicted of a repeat offence.

Clearly, the public are of the opinion that adult recidivists are far worse than repeat young offenders. Public views may be based on the notion that young offenders may still be “saved” from a life of crime, while the adults have not learned from their past actions and should be treated more punitively because that is what they deserve.

#### Three-way Interaction between Offender Age, Offence Type and Criminal History

The three-way interaction will not be discussed, as it is very weak, relative to the two-way interactions, and especially the main effects. Although still statistically significant, it is an example of a finding that lacks substantive significance (see Kluegal, 1983). The weak effect of the three-way interaction can be seen in Figure 4.3. The lines of the graph are almost perfectly parallel.

Figure 4.3: Percentage of respondents choosing prison by age of offender, type of offence and criminal history



## PUBLIC REACTION TO A SENTENCING ALTERNATIVE

Readers are reminded that respondents to the GSS who selected a prison sentence for the hypothetical crime scenarios were given a follow-up question that asked them whether or not it would be acceptable for a judge to sentence the offender to one year of probation and 200 hours of community work. This section presents the results from these responses.

Just under one-half (46.3%) of those who initially opted for a prison sentence (who represented 43.4% of all respondents who provided a valid answer<sup>5</sup>) when presented with a hypothetical crime-scenario found an alternative sanction of one year of probation and 200 hours of community work acceptable. In other words, over three-quarters of respondents, either at first or eventually, supported the use of an alternative to imprisonment.

In order to test for a significant difference in the acceptance of a sentencing alternative as a function of age of offender, type of crime, and criminal history of offender another factorial ANOVA test was conducted. Table 4.4 displays the results obtained from this three-way ANOVA. Results indicate that there are no significant main effects for age of offender and type of offence. However, a main effect emerged for criminal history of offender. As well, an interaction effect emerged between age of offender and criminal history of offender. Finally, there is a three-way interaction effect (see Table 4.4).

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<sup>5</sup> Readers are reminded that throughout the GSS respondents may refuse to answer a particular question or answer don't know. These responses are excluded from the findings presented in this report.

Table 4.4  
Factorial Analysis of Variance for Acceptance of Sentencing Alternative

Source	df	F
Age of offender (A)	1	2.907
Type of offence (B)	1	1.807
Criminal history of offender (C )	1	10.722***
A x B	1	0.047
A x C	1	24.405****
B x C	1	1.946
A x B x C	1	7.302**
Error	10500	(.246)

Note. Mean square error in parentheses

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ . \*\*\*\* $p < .0001$ .

#### Non-effects of Offender Age and Offence Type

For acceptance of a sentencing alternative, the main effect of age of offender was not significant  $F(1,10,507) = 2.907$ ,  $p = .088$ . Similarly, the main effect of type of offence was not significant  $F(1,10,507) = 1.087$ ,  $p = .297$ . These results demonstrate that respondents' willingness to accept an alternative to prison is unaffected by whether the offender is an adult or youth or whether the offender was convicted of either a break and enter or an assault.

#### Effect of Criminal History

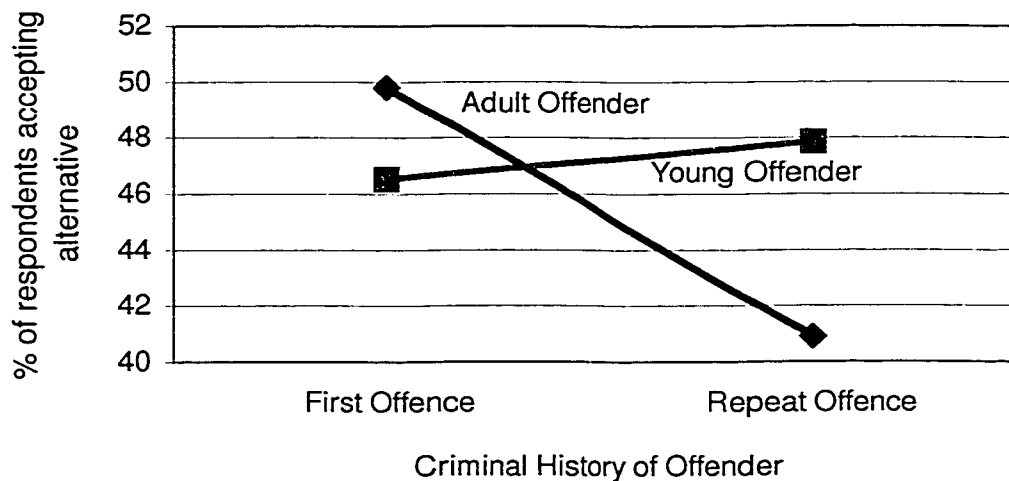
The results of the significant main effect of criminal history of offender suggests that there is a significant difference in the acceptance of the sentencing alternative of one year of probation and 200 hours of community work between those who were asked to sentence a first-time offender and those who sentenced a repeat offender. Specifically, respondents were more likely to accept the sentencing alternative for offenders convicted of an offence for the first-time, rather than offenders convicted of a repeat offence ( $M_{\text{first}}$

offence = 48.2;  $M_{\text{repeat offence}} = 44.4$ ),  $F(1, 10,507) = 10.722$ ,  $p \leq .001$ . This decline in acceptability of an alternate sanction is really not surprising because the case is a much more serious one. It also supports the finding from the previous analysis: respondents are more punitive towards recidivists.

#### Interaction between Offender Age and Criminal History

There was a significant interaction between age of offender and criminal history of offender  $F(1, 10,507) = 24.405$ ,  $p < .0001$ . For instance, the effects established by age of offender depend upon the criminal history of the offender. Figure 4.4 illustrates these results.

Figure 4.4: Percentage of respondents accepting a sentencing alternative by age of offender and criminal history of offender



From these findings, one can infer that adult offenders are viewed very differently than young offenders with similar criminal histories. Furthermore, it can be seen that differentiation in the acceptance of a sentencing alternative between adult and young

offenders varies considerably. Acceptability of a sentencing alternative declines significantly when the offender is an adult and has a prior conviction. On the other hand, they are most likely to accept this sentencing alternative when the offender is a first-time adult offender. Interestingly, the level of acceptance is higher for a repeat young offender, when compared to a first-time young offender.

These results replicate the findings of previous studies by demonstrating how the public is extremely intolerant of repeat offenders, particularly adult recidivists. It is very evident that the public is of the opinion that repeat offending is unacceptable behaviour, especially for adults.

#### Three-way Interaction between Offender Age, Offence Type and Criminal History

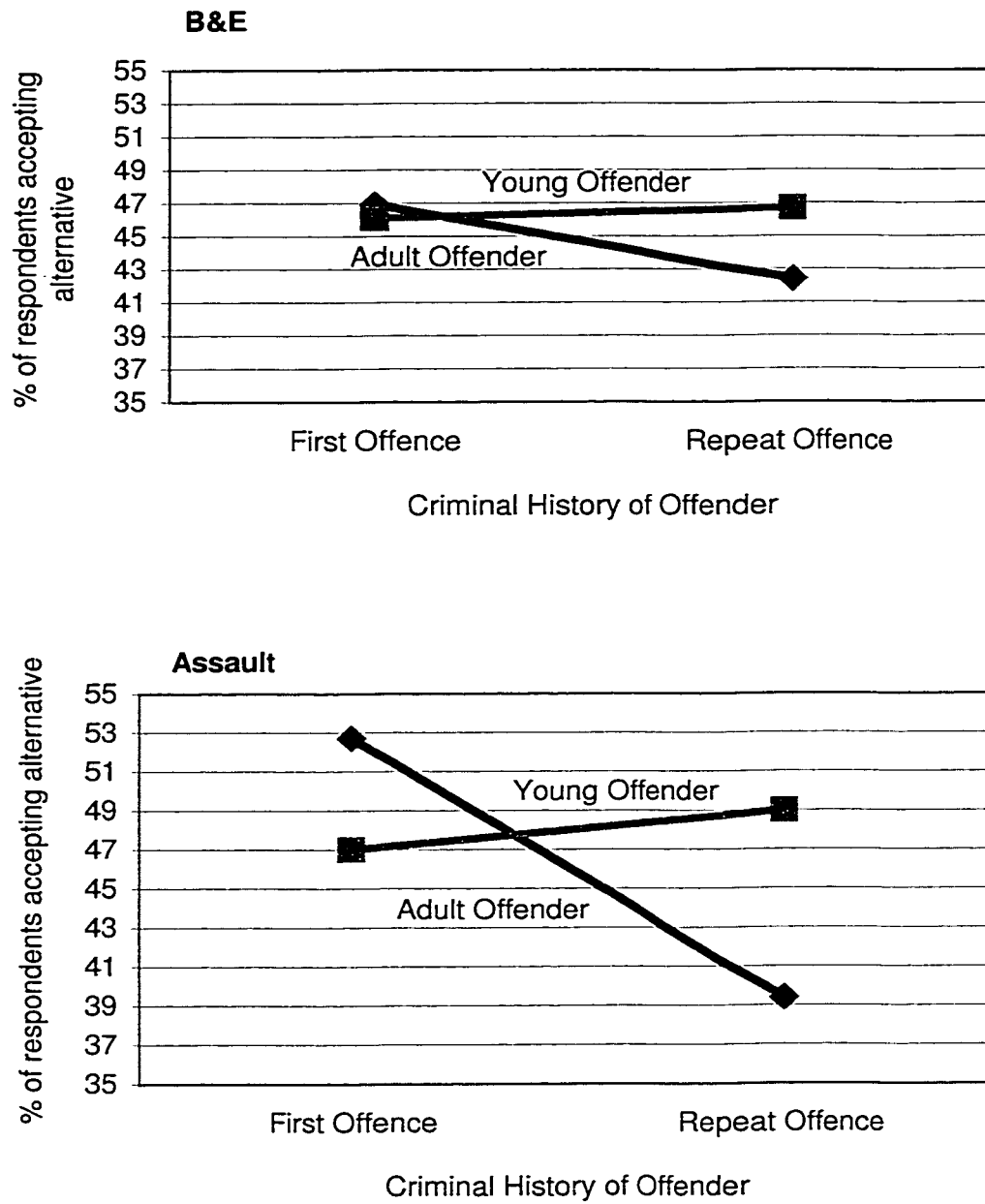
A significant three-way interaction effect emerged for public reaction to a sentencing alternative. Figure 4.5 illustrates the significance of these results. It can be seen that the established effects are clearly evident in the results concerning adult offenders. Specifically, the difference in the percentage of respondents accepting the alternative sanction between first-time and repeat adult offenders is much greater for assault (13.3%) than break and enter (4.5%).

This great separation between assault and break and enter is not surprising since when investigating the sentencing preferences of the public, a case involving an adult offender convicted of a repeat assault received the second highest rate (66.6%) of incarceration. In contrast, the case involving a first-time adult offender convicted of an assault (26.4%) received one of the lowest (see Table 4.1). From these findings one can conclude that the criminal history of an offender carries greater significance for adult offenders and for crimes of assault. The public is very accepting of an alternative to

incarceration when the offence is a first-time assault. However, this changes considerably when the offence is a repeat assault.

Interestingly, the differentiation in acceptance of the sentencing alternative between first-time and repeat young offenders is less pronounced for both of the offences examined (break and enter and minor assault). This could be explained by the initial base incarceration rates. Initially, a higher percentage of respondents chose prison for an adult offender in each of the cases examined. Therefore, there is more room for change when presented with an alternative. Also, it appears that when one selects a prison sentence for a young offender they are less likely to change their preference and are quite satisfied with their choice of prison.

Figure 4.5: Percentage of respondents accepting sentencing alternative by age of offender, type of offence and criminal history



### PREDICTING A PREFERENCE FOR PRISON

In order to confirm the results of the ANOVA, which tested the effects of case factors on public sentencing preferences, a logistic regression model was used to isolate the effect of these manipulated factors on the sentencing preferences of the public. This multivariate technique allows “one to assess which of a selection of relevant independent variables are statistically relevant to a given dependent variable when all other variables under consideration have been taken into account” (Mattinson & Mirrlees-Black, 2000: 73). Typically a logistic regression test is employed when the dependent variables are binary, for example, preference for prison versus preference for non-prison.

The results confirm what was found with the preceding ANOVA. In addition, the findings highlight some additional information pertaining to the predictive accuracy of the situational factors and of selected respondent characteristics (e.g., age, sex, victimization experience, and fear of crime), on a preference for prison.

Table 4.5 presents the results of the logistic regression analysis. To interpret the results, the significance for all of the coefficients has been included and this indicates whether the coefficient is significantly different to zero. The numbers ( $\exp(B)$ ) in the table show the change in the odds of selecting a prison sentence for those who are identical except for the characteristic in question compared to the predefined base category. If  $\exp(B)$  is greater than one this means the odds for choosing prison are increased. If  $\exp(B)$  is less than one the odds are decreased.

It can be seen from the results that the respondent’s sex and victimization experience, both the type, and frequency, of victimization during the previous twelve months, were not significant predictors of a preference for prison.

Alternatively, the age of offender, type of offence, criminal history of offender, the respondent's age, fear of crime and overall feelings of personal safety, were significant predictors of a preference for prison.

#### Influence of Offender Age

Similar to the findings of the ANOVA, the age of the offender was a statistically significant variable influencing respondents' preference for imprisonment. Specifically, when the effects of all other factors are held constant, the odds of respondents selecting prison were lower if they were asked to sentence a young offender rather than an adult offender;  $B = -.660$ ,  $p < .0001$ . Once again, it was illustrated how public attitudes toward sentencing adult offenders are harsher than those for young offenders.

Table 4.5  
 Summary of Simultaneous Regression Analysis for Variables Predicting Preference for Prison

Variable	B	Exp (B)	Sig.
<b>Situational Factors</b>			
Age of Offender			
<i>Adult</i>	<i>base</i>	1.00	
Youth	-.660	.517	****
Type of Offence			
<i>Break and enter</i>	<i>base</i>	1.00	
Assault	-.194	.824	****
Criminal History of Offender			
<i>First-offence</i>	<i>base</i>	1.00	
Repeat offence	1.59	4.882	****
<b>Respondent Characteristics</b>			
Sex			
<i>Male</i>	<i>base</i>	1.00	
Female	-.073	.93	
Age			
<i>15 to 24</i>	<i>base</i>	1.00	
25 to 44	.074	1.077	
45 to 64	-.162	.851	**
65 +	.111	1.118	
Type of Victimization Experience (during the previous 12 months)			
<i>Not Victimized</i>	<i>base</i>	1.00	
Violent Victimization	-.090	.914	
Non-violent Victimization	-.033	.968	
Number of Victimizations Experienced (during the previous 12 months)			
<i>Not Victimized</i>	<i>base</i>	1.00	
One time	.055	1.057	
Two times	-.035	.966	
Three or more times	.213	1.237	
Respondent's Overall Feelings of Personal Safety			
<i>Very Satisfied</i>	<i>base</i>	1.00	
Somewhat Satisfied	.081	1.084	*
Somewhat Dissatisfied	.372	1.450	****
Very Dissatisfied	.449	1.567	****
Fear of crime	.069	1.072	****
n = 14,899		Model Chi-Square = 2469.694	

\*p < .05. \*\*p < .01. \*\*\*p < .001. \*\*\*\*p < .0001.

### Influence of Offence Type

Also comparable to the results of the ANOVA, data from the logistic regression analysis confirm that the type of offence is an important factor influencing respondents' sentencing preferences. In particular, after holding all other factors constant, the odds of a respondent selecting a prison sentence for an offender convicted of assault were lower than the odds of those choosing prison for offenders convicted of break and enter;  $B = -.194$ ,  $p < .0001$ . The public is more punitive with respect to break and enter rather than assault.

### Influence of Criminal History

As previously determined through the ANOVA test, the criminal history of an offender also has an impact on the selection of an appropriate sanction. When all other factors are held constant, the criminal history proved to be significant: the odds of choosing a prison sentence were almost 5 times higher if the offender was a repeat offender rather than a first-time offender;  $B = 1.586$ ,  $p < .0001$ . Again, findings reveal that the public views repeat offenders much more negatively than first-time offenders.

### Non-effects of Respondent's Sex and Victimization Experience

Consistent with other research (Flanagan & Longmire, 1996; Brillon, 1988; Hough & Moxon, 1988; Sprott & Doob, 1997), results of the logistic regression illustrate that, when all other factors are held constant, the sex of the respondent and victimization experience, proved not to be significant factors in the selection of prison for offenders. Therefore, women were no more likely than men to select a prison sentence when sentencing an offender;  $B = -.073$ ,  $p = .054$ . As well, respondents who had experienced a

violent or non-violent victimization during the previous twelve months were no more likely to select prison for an offender, when compared to non-victims;  $Bs = -.090$  and  $-.035$  respectively,  $ps > .05$ . Similarly, respondents who were victimized once, twice, or three or more times in the last year were not more likely than non-victims to prefer prison for offenders  $Bs = .055$  and  $-.035$  and  $.213$  respectively,  $ps > .05$ . This finding undermines the notion of “the vengeful victim” and may have implications for victim impact statements.

#### Influence of Respondent’s Age

The age of the respondent did prove to be a significant variable. In particular, respondents who were between the ages of 45 and 64 years of age had lower odds than those aged 15 to 24 years of preferring a prison-based sanction for an offender, once the other factors are controlled for;  $B = -.162$ ,  $p < .01$ . Since age has been frequently identified in previous research as being linked to particular attitudes toward sentencing, it is not surprising that it proved to be a predictor in the current study.

#### Influence of Respondent’s Overall Feelings of Personal Safety

A person’s feelings of overall personal safety also play an important role when asked to sentence offenders. After accounting for other factors, the odds of selecting a prison sentence for an offender were 1.6 times higher for those who were very dissatisfied with their personal safety, when compared to those who were very satisfied;  $B = .449$ ,  $p < .0001$ .

### Influence of Fear of Crime

Fear of crime was found to be a significant factor in predicting a preference for prison. Specifically, fear of crime on the part of the respondent increases the odds that they will select a prison sentence for an offender;  $B = .069$ ,  $p < .0001$ . Comparable results were found in other research which concluded that fear of crime is related to the selection of a punitive sanction (e.g., prison) for offenders (Hough & Moxon, 1988; Schwartz, Guo, & Kerbs, 1993; Sprott & Doob, 1997).

## Chapter Five

### SUMMARY AND DISCUSSION

This chapter is intended to provide summary highlights of the results regarding public attitudes toward sentencing and to discuss the results in terms of their implications. Furthermore, a few limitations associated with the present study will be discussed and some directions for further research will be suggested.

#### HIGHLIGHTS

- Less than 35% of respondents supported the use of prison in cases involving first-time offenders (adults and youth).
- At least one-half of respondents preferred prison in cases involving an adult or young offender convicted of a repeat offence.
- The majority of respondents (56.6%) to the 1999 GSS were in favour of the use of community-based sanctions (e.g., probation, fines, and community work).
- The public treat adult offenders much more harshly than young offenders.
- The public is harsher towards offenders who are convicted of a break and enter than assault.
- The public is of the opinion that recidivists deserve much harsher treatment than first-time offenders.
- Public differentiation in sentencing preferences between adult and young offenders is more pronounced when the offence is a break and enter, rather than assault.
- Public differentiation in sentencing preferences between adult and young offenders is also more pronounced when the offender is a recidivist.

- Just under one-half (46.3%) of those who initially opted for a prison sentence when presented with a hypothetical crime-scenario found an alternative sanction of one year of probation and 200 hours of community work acceptable.
- Respondents' willingness to accept an alternative to prison is unaffected by whether the offender is an adult or youth or whether the offender was convicted of either a break and enter or an assault.
- Respondents were more likely to accept the sentencing alternative for offenders convicted of an offence for the first time, rather than for recidivists.
- Public differentiation in the acceptance of a sentencing alternative between adult and young offenders varies considerably; acceptability declines when the offender is an adult and has a prior conviction and it increases when the offender is a repeat young offender.
- Members of the public are extremely intolerant of repeat offenders, particularly adult recidivists.
- The criminal history of an offender carries greater significance for adult offenders, rather than young offenders and for crimes of assault, rather than break and enter.
- The age of the offender, type of offence, criminal history of offender, the respondent's age, fear of crime and feelings of personal safety are all significant predictors of preferences for prison-based sanctions.
- Criminal history had the highest predictive accuracy for choosing prison. In particular, the odds of choosing a prison sentence were 5 times higher when the offender being sentenced was a recidivist rather than a first-time offender.

### THE PUBLIC'S FIRST-TIME OFFENDER DISCOUNT, RECIDIVIST PREMIUM

Contrary to what is sometimes argued, it does not appear that members of the public strongly favour the use of incarceration for offenders convicted of a criminal offence. However, the degree of acceptability does vary according to the particular circumstances surrounding the case involved.

Findings from the current study illustrate that overall the majority of respondents are in favour of the use of community-based sanctions. Nevertheless, there is differentiation in the support of non-prison-based sanctions between cases involving first-time offenders and repeat offenders. Specifically, the level of support is much higher when cases involve first-time offenders. In particular, each of the four first-time offender cases presented to respondents on the GSS attracted an incarceration rate of less than 35%. In comparison, the incarceration rate for the cases involving repeat offenders was much higher, ranging from approximately 54% to 71% (depending on the specifics of the case).

Consequently, there is strong support for a first offender discount (or a recidivist premium), whereby offenders convicted of their first offence are considered more deserving of less stringent punishments than those previously convicted. If the notion of criminal history was manipulated further, looking at various degrees of criminal history rather than simply a single prior conviction, the observed effect may have been greater. However, it is interesting that the effect of criminal history on public sentencing preferences was unquestionably significant under the current manipulation.

This first offender discount/recidivist premium could be explained by the theory advanced by Brillon (1988) that when the public think “repeat offender”, they often think

of the worst case and use the repeat violent offender as their point of reference. This is not surprising since the first-offender status of an offender is not often mentioned in news stories of sentencing and since a large majority of the public depends upon the media as their primary source of information about crime and justice issues (Roberts, 1994) their knowledge is often limited.

### PUBLIC DIFFERENTIATION BETWEEN ADULT AND YOUNG OFFENDERS

In light of the recent policy initiatives concerning young offenders in Canada, it is not uncommon to find oneself in a situation where the topic of discussion is young offenders. Young offenders, and issues surrounding youth justice tend to be topics that attract much attention from the news media, politicians, academics, and government officials.

Therefore, how young offenders should be dealt with (or punished) by the criminal justice system is frequently a topic of discussion for many individuals both within the justice community and outside of it. Having said this, it is not unusual to hear the argument that there should not be two separate means of dealing with criminals; one for those aged 12 to 17 years and one for those 18 years of age or older. Instead, some people argue that there should be one common system of criminal justice which applies to both adults and youths.

The results of this study clearly demonstrate that when it comes to sentencing, the age of the offender does matter. The Canadian public believes that young offenders should not be treated in the same manner as their adult counterparts. In particular, the public is much less tolerant of adult offenders and believe they should receive harsher treatment. When choosing an appropriate sentence for young offenders the public was

much more willing to be less punitive and choose non-prison. Therefore, there is public support for the use of a distinct model of criminal justice similar to that which is currently in place. The use of legal doctrines such as the *Young Offenders Act* (YOA) and the proposed *Youth Criminal Justice Act* (YCJA), which are designed to address the special needs and protections of young offenders, appear to correspond well with how the public believes young offenders should be treated within the criminal justice system.

Although the public is of the belief that young offenders are (and should be) a distinct group in criminal justice processing, results of a recent study indicate that there are some violations to the principle outlined in the YOA that states that young offenders should not receive a harsher sentence than an adult would for the same crime (Sanders, 2000). Utilizing data from the Youth Court Survey and Adult Criminal Court Survey, overseen by the Canadian Centre for Justice Statistics, Sanders (2000) illustrated how young offenders are sometimes punished more severely than adults. Specifically, in eight of nine common offences examined, youths were more likely than adults to be sentenced to a term of custody longer than one month.

These results raise some issues surrounding the proper compliance with the objectives of the current youth justice system. We need to have confidence in the governing principles designed to meet the needs of special offender populations (e.g., youth). To do so, we need to ensure that the principles outlined in the YOA or other similar specialized legal doctrines are adhered to in an appropriate manner and as was intended.

## RELATIONSHIP BETWEEN PUBLIC PREFERENCES AND JUDICIAL PRACTICES

Generally, the public's sentencing preferences for the hypothetical crime scenarios are quite similar to the sentences imposed by judges in both youth and adult criminal courts in Canada. However, it should be noted that comparing sentencing preferences of the public with actual sentencing practice is tentative. This is because the data being compared originate from separate and distinct sources. Data from the Adult Criminal Court Survey (ACCS) are not nationally comprehensive and it is not possible with this data source to provide figures for offenders with prior convictions. However, it is possible to give readers, in general terms, some indication of how court practice compares to the attitudes of the public.

An examination of official court data reveals that the public's sentencing preferences for break and enter and assault cases are quite similar to the sentences imposed by judges in both youth and adult criminal courts in Canada. For instance, Roberts and Grimes (2000) reported that in 1998-99, adult criminal courts in 9 provinces and territories heard 394,884 cases. Common assaults<sup>6</sup> accounted for 12% of cases (46,859) and break and enter, 4% (14,268 cases). Similar to the sentencing preferences of the public, the courts imposed more prison sentences for convictions involving a break and enter (63%), when compared to assault (29%). (These figures include both first-time and repeat offences).

In comparison, Carriere (2000) reported that in 1998-99, there were 12,251 break and enter crime cases processed in the youth courts of Canada. This figure represented 11% of the total caseload. Similarly, the 10,545 common assault cases accounted for 10% of the total cases. Echoing the views expressed by Canadians, the courts imposed a

sentence of custody<sup>7</sup> (open and closed) more often for break and enter convictions in comparison to minor assault cases, 38% and 25% respectively.

These findings are consistent with other research conducted by Hough and Roberts (1998) which demonstrated that when people are asked to sentence an offender in a specific case, their preferences are, in most cases, in line with current sentencing practice. Furthermore, the frequently assumed divide between public preferences and court practice, whereby it is often suggested that judges are too lenient in the sentencing of offenders (Doob & Roberts, 1983; Canadian Sentencing Commission, 1987; Roberts, 1988; Roberts & Stalans, 1997) is not supported by the results of the current study. Instead, it appears that the sentencing preferences of the public are generally in line with actual practice and therefore it is safe to assume that the public supports the current practices of the judiciary (in certain situations).

In addition, the views expressed by Canadians with regard to sentencing first-time and repeat offenders do not deviate from the practices of the Canadian criminal courts. For instance, Sanders (2000) reported that in youth courts in 1998-99, repeat offenders were sentenced more severely than offenders convicted of an offence for the first time. Specifically, 14% of first-time offenders received a custodial sentence compared to 33% of those with one prior, 48% with two priors, 59% with three priors, and 81% with six or more priors. Again, current court practice is in line with public sentencing preferences.

These findings are consistent with findings from earlier research in Canada. The Law Reform Commission (1976) released data illustrating how incarceration rates increased

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<sup>6</sup> Common (level 1) assault refers to the least serious form of assault and includes pushing, slapping, punching and face-to-face verbal threats. It is comparable to the minor assault description presented in the scenario questions posed on the GSS.

with a higher number of previous convictions. Specifically, the group of offenders with four priors had an incarceration rate of 80% followed by 70% for the group with three priors, 57% with two priors, 45% with one prior, and 15% with none. American data also illustrate how incarceration rates are higher for groups of offenders with prior convictions (Bureau of Justice Statistics, 1990).

#### PUBLIC PREFERENCES FOR RECIDIVISTS: DESERT OR DANGEROUSNESS?

For millennia, philosophers have debated the justifications for punishment and the principles that should guide the imposition of sentences. At present, this same debate manifests itself in the criminal justice processing of offenders. In particular, the actions of trial court judges and/or members of juries adhere to theories of sentencing when determining appropriate sanctions for criminals. Similarly, members of the public are aware of the various rationales for sentencing and use this knowledge to determine whether a given sanction is appropriate. Just as sentencers and jurors can have an opinion about why they have imposed a certain sanction, members of the public hold views regarding particular penalties imposed. These criminal justice officials and citizens justify their decisions through the various principles inherent in theories of sentencing and punishment.

Like criminal justice officials, members of the public fall into different schools of thought when asked about the appropriateness of a sentence and the purpose of sentencing. Public opinion research measuring public attitudes towards sentencing has

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<sup>7</sup> In youth court there are two types of custody dispositions where the young person is required to spend time in a designated correctional facility. These include secure (closed) custody and open custody. In adult courts, prison is the only custody alternative for offenders convicted of a criminal offence.

produced mixed results, discovering that different people (members of the public) express different beliefs regarding the purpose of sentencing.

For instance, Roberts (1988) investigated the public's attitudes toward sentencing using a public opinion survey and found that respondents justified sentences through the use of several theories of sentencing and punishment. Respondents were asked to consider the relevance of sentencing theories when imposing sanctions on both serious offenders and minor offenders. When asked to select the single most important purpose for sentencing *serious offenders*, the majority (39%) of respondents chose incapacitation, followed by just deserts (27%) and specific deterrence (11%). When asked the same question about *minor offenders*, the results were quite different. In this instance, the majority of respondents (34%) selected specific deterrence. The notions of desert (18%), rehabilitation (16%), and general deterrence (11%) followed (Roberts, 1988).

A more recent study, conducted in the U.S. by Begasse (1995) also produced mixed results. Begasse's research was conducted in Oregon and employed focus groups in order to explore public opinion about crime and corrections in this jurisdiction. It was discovered that the participants believed in a three-fold purpose of simultaneously punishing, deterring and rehabilitating those who are involved in criminal acts. Therefore, their beliefs in rehabilitation, deterrence, and punishment motivated their support for legal sanctions. Thus, the findings of these studies illustrate how there are several different rationales for sentencing and the members of the public do not reach a consensus on which one is the best. They, like criminal justice officials, vary in their opinions and justifications of sentencing practice.

Since prison was more frequently selected as the most appropriate sentence for repeat offenders, results of the current study clearly demonstrate that public sentencing preferences for offenders reflect a public intolerance for recidivists – particularly for adults who choose to re-offend. However, it is not clear whether the harsher sentences imposed on recidivists reflects a public desire to prevent further offending (dangerousness), or whether the public believe that recidivists simply deserve harsher punishment (desert). Further research is needed to determine the answer.

### PUBLIC ATTITUDES ARE NOT ALWAYS STATIC

Consistently in public opinion research it has been illustrated that the attitudes and perceptions of the public are highly influenced by the provision of information (Doob & Roberts, 1984; Covell & Howe, 1996; Sanders, 1999). For instance, Sanders (1999) investigated public attitudes toward conditional sentencing, and in doing so, manipulated the amount of information provided about the conditional sentence to the survey respondents. Results indicated that support for the use of conditional sentences varied according to the amount of information provided about a sentence. Specifically, the more information given about the particulars involved in the conditional sentence, the higher the level of public support for the use of the sanction.

Results of the current study illustrate a similar effect of a more informed public. In particular, when utilizing relatively detailed crime scenario questions, approximately 43% of respondents opted for a harsh sentence and wanted to incarcerate the offender for which they were asked. This figure is much lower than that which is often reported in research employing global questions designed to examine public sentencing preferences. Specifically, when asked, “In general, would you say that sentences

handed down by the courts are too severe, about right, or not harsh enough”, the majority of respondents will respond that they are not severe enough (Doob & Roberts, 1983; Canadian Sentencing Commission, 1997; Sanders, 1999).

As well, those respondents who were initially in favour of prison (who appeared punitive in nature) were quite labile when presented with a relatively detailed community-based sentencing alternative; almost half of them changed their sentencing preference. Therefore, the more information provided about the details of the sentence, the higher the degree of acceptability for alternatives to incarceration.

Furthermore, those who initially opted for a prison sentence when sentencing an offender did not entirely rule out the possibility of using an alternate sanction. In fact, it appears that public support for imprisonment is malleable. This could be because when more details of a sentence are communicated it helps people understand what the court is trying to accomplish with the sentence, therefore increasing public support. This finding suggests that policy makers should carefully consider following public opinion too closely as it is volatile and has implications for both public education and penal policy development. The criminal justice system must educate and inform the public so that responses to polls will be better informed.

### LIMITATIONS OF RESEARCH

Although there are several advantages to research on public attitudes toward sentencing, no research study is without limitations. Primarily, it is important to recognize that the GSS is a victimization survey and there are general limitations related to the utilization of victimization surveys. For instance, these surveys are highly dependent upon honest answers from respondents and therefore have been accused of

underreporting or overestimating the extent of victimization for a variety of reasons (DeKeseredy & Schwartz, 1996).

Wesley Skogan (1986) identifies a number of factors that can influence the accuracy of responses given in these types of surveys. These include: 1) people may forget about things that may have happened to them because either it seemed not important to them at the time or it happened a long time ago, 2) people may not report events that they believe are embarrassing or shameful, 3) people may intentionally fail to report events because they feel the interviewer is wasting their time or intruding, 4) people may not believe an event is serious enough to report to a crime survey, 5) people may intentionally or unintentionally report events that fall outside the reference period of the survey, and 6) people may misinterpret the questions being asked because of poor wording or ambiguity (Skogan, 1986). Although, these limitations exist, attempts have been made to address them. These include, improving the manner in which the questionnaires and specific questions are constructed, considering the order and structure of the questions asked, and ensuring that only trained individuals conduct the interviews (Pottie-Bunge, 1999). All of these efforts do not render the data infallible, however, they do improve its quality to a great extent.

As well, the current researcher had very little input in the specific planning and preparation of the methodology involved with this study. Therefore, there was little personal control over the survey construction and the nature of the scenarios or the sentencing questions involved. Consequently, there were a number of interesting topics that could not be explored. For example, testing the effects of a larger range of offence types (other than assault and break and enter), manipulating the levels of age in the youth

scenarios, and giving respondents more choices in sentencing. Each of these concerns, along with some others, will be discussed under “future research directions”.

### FUTURE RESEARCH DIRECTIONS

By implementing the crime scenarios included on the 1999 GSS, it was impossible to test the effects of a larger range of offence types (other than assault and break and enter) on the sentencing preferences of the public. Therefore, the effects established by type of offence may be questionable because it is possible that they are highly influenced by the construction of the crime description, rather than the type of crime itself. For instance, if the assault described was of a more serious nature (e.g., involved a weapon), the present findings could have been a reversal in terms of incarceration preference. Unfortunately, this possible contributing factor was not manipulated nor tested and it can therefore not be determined whether the findings reflect the public’s image of what these offences are all about or rather the type of offence itself. It would be interesting to investigate this issue further.

A related issue is there was little information provided to respondents about what a young offender is. The respondents were unable to know, on the basis of this survey, how old the young offender is for which they are asked to sentence. Therefore, it is impossible to know whether a respondent was thinking about a 12-year-old offender or one that was 17 years of age when they were selecting an appropriate sentence. This inability to manipulate the levels of age in the youth scenarios limits the discussion to an adult versus youth comparison. However, it would be interesting to see if the public varies in their sentencing preferences for youths of different ages.

In addition, it would be interesting to know how respondents would have responded to crime-scenarios that provided more information in their descriptions. For example, there was very little information about the victims involved (e.g., age, sex, relationship) in the crime-scenarios and it is probably safe to assume that this information would have had an impact on the sentencing preferences of the public. Prior research has shown that the level of information available to respondents often shapes their sentencing preferences (Hough & Roberts, 1988; Doob & Roberts, 1988), and a manipulation of this sort would have been interesting to investigate. Essentially, the limits of public punitiveness have been explored with the current research study, however, there are several other elements of this issue that could be manipulated and explored.

As well, when respondents were presented with a crime scenario they were simply asked to respond with prison or non-prison. Therefore, the alternatives to incarceration that could have been employed by a judge in practice were not specified to the respondents. Past research has shown that by simply specifying the specific sentence you have in mind for an offender, the sanction is far more acceptable and the respondent is much more inclined to select community-based sanctions and less inclined to select incarceration (Hough & Roberts, 1998). This issue was partially explored through the investigation of the acceptance of a sentencing alternative. However, if respondents were given more choice from the beginning the results could possibly be quite different. Therefore, it would have been interesting to see how specification of sanctions impacted the sentencing choices of the public.

Finally, the results of the current research study yield an important question: Why do respondents impose incarceral sanctions, particularly for repeat offenders? Is it

because of desert or dangerousness? It would be interesting to ask questions of respondents that can determine whether the recidivist premium is imposed for reasons of desert or dangerousness.

## CONCLUSION

Governments, academics, political groups, and journalists often measure public attitudes toward the criminal justice system, crime and offenders in an attempt to discover how members of the public perceive crime and various justice issues. It is important to study public attitudes because governments and policy developers want to take public attitudes into account in determining policy. Therefore, the attitudes of the public need to be understood.

This study attempted to understand public attitudes toward sentencing. It was discovered that the commonly accepted notion of a punitive public is one which is overly simplistic and merely invalid. On the contrary, the results of this study illustrate that the Canadian public supports the use of alternatives to incarceration (e.g., probation and community work) for both violent offences and property offences, and that this support is a result of various intervening factors. It is therefore unreasonable to maintain that the public at large is of the opinion that the criminal courts are too lenient in the sentencing of offenders.

Three facets of public sentencing preferences were examined: attitudes regarding an adult versus young offender, attitudes toward a first-time versus a repeat offender, and attitudes when the offence is a violent offence (assault) versus a property offence (break and enter). From this analysis, it became quite clear that public support for incarceration

in specific instances is not particularly high and most importantly, it is not higher than the courts.

Furthermore, there appears to be no principled objection toward alternative sanctions. For instance, those respondents who were initially in favour of prison (who appeared punitive in nature) were quite labile when presented with a relatively detailed community-based sentencing alternative. However, the provision of information was particularly important in the degree of acceptance for alternatives to imprisonment.

Finally, the majority of respondents expressed the belief that non-prison-based sanctions for repeat offenders were not acceptable and therefore the results of this study clearly indicate that the public has very little tolerance for offenders who choose to re-offend. This was particularly true when the recidivist is an adult, regardless of the type of offence they commit.

The findings of the current research study have several implications for policy. For instance, there is support for the use of community-based sanctions, particularly for first-time offenders demonstrating a first offender discount, recidivist premium. A finding that has implications for sentencing policies and the role of criminal record.

In addition, the public differentiation between adult and young offenders indicates strong support for a distinct model of criminal justice directed to young offenders – similar to that which is currently in place.

The current research results also reveal that the sentencing preferences of the public are often in line with the practices of the courts. This suggests that the public has confidence in the decisions of judges (in certain situations); which has implications for sentencing guidelines and rationale.

Finally, the findings of the current study replicate findings from previous research which found that public opinion is not always static. This finding has implications for both public education and penal policy development. Policy makers have to acknowledge the volatile nature of public opinion and consider it in their policy development decisions.

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APPENDIX A

SENTENCING SCENARIOS AND OTHER RELEVANT QUESTIONS

(Extract from 1999 GSS – Section A)

A25 **People have different ideas about the sentences that should be given to offenders. There are two different types: prison sentences and non-prison sentences such as probation, fines, and community work.**

*CATI-A26e: Assign respondent to answer ONE of the following 8 scenarios in random order.*

---

A26A Scenario 1

**If an adult offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and this is the offender's first offence, which sentence would you consider the most appropriate, a ...**

**INT:===READ LIST===**

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A26Y]*
- (x) Don't know
- (r) Refused

**A26AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?**

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

**A26Y What if this were a young offender instead of an adult offender, which sentence would you consider the most appropriate, a ...**

(The young offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and this is the offender's first offence.)

**INT:===READ LIST===**

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

**A26YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?**

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A27Y Scenario 2

If a young offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and this is the offender's first offence, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? [Go to A27A]
- (x) Don't know
- (r) Refused

A27YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A27A What if this were an adult offender instead of a young offender, which sentence would you consider the most appropriate, a ...

(The adult offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and this is the offender's first offence.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? [Go to B0]
- (x) Don't know
- (r) Refused

A27AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A28A Scenario 3

If an adult offender is found guilty for the first time of an assault and the victim received minor injuries but did not require medical attention, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A28Y]*
- (x) Don't know
- (r) Refused

A28AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A28Y What if this were a young offender instead of an adult offender, which sentence would you consider the most appropriate, a ...

(The young offender is found guilty for the first time of an assault and the victim received minor injuries but did not require medical attention.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

A28YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

*[Go to B0]*

A29Y Scenario 4

If a young offender is found guilty for the first time of an assault and the victim received minor injuries but did not require medical attention, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A29A]*
- (x) Don't know
- (r) Refused

A29YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A29A What if this were an adult offender instead of a young offender, which sentence would you consider the most appropriate, a ...

(The adult offender is found guilty for the first time of an assault and the victim received minor injuries but did not require medical attention.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

A29AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

*[Go to B0]*

A30A Scenario 5

If an adult offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and the offender was found guilty of a similar offence once before, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence?      *[Go to A30Y]*
- (x) Don't know
- (r) Refused

A30AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A30Y What if this were a young offender instead of an adult offender, which sentence would you consider the most appropriate, a ...

(The young offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and the offender was found guilty of a similar offence once before.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence?      *[Go to B0]*
- (x) Don't know
- (r) Refused

A30YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

*[Go to B0]*

A31Y Scenario 6

If a young offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and the offender was found guilty of a similar offence once before, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A31A]*
- (x) Don't know
- (r) Refused

A31YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A31A What if this were an adult offender instead of an young offender, which sentence would you consider the most appropriate, a ...

(The adult offender is found guilty of breaking into a house when the owners are on vacation and taking goods worth \$400 and the offender was found guilty of a similar offence once before.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

A31AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

*[Go to B0]*

A32A Scenario 7

If an **adult offender** is found guilty of an assault and the victim received minor injuries but did not require medical attention and the offender was found guilty of a similar offence once before, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A32Y]*
- (x) Don't know
- (r) Refused

A32AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A32Y What if this were a **young offender** instead of an adult offender, which sentence would you consider the most appropriate, a ...

(The **young offender** is found guilty of an assault and the victim received minor injuries but did not require medical attention and the offender was found guilty of a similar offence once before.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

A32YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

*[Go to B0]*

A33Y Scenario 8

If a young offender is found guilty of an assault and the victim received minor injuries but did not require medical attention and the offender was found guilty of a similar offence once before, which sentence would you consider the most appropriate, a ...

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to A33A]*
- (x) Don't know
- (r) Refused

A33YP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A33A What if this were an adult offender instead of a young offender, which sentence would you consider the most appropriate, a ...

(The adult offender is found guilty of an assault and the victim received minor injuries but did not require medical attention and the offender was found guilty of a similar offence once before.)

INT:===READ LIST===

- (1) Prison sentence?
- (3) Non-prison sentence? *[Go to B0]*
- (x) Don't know
- (r) Refused

A33AP If a judge sentenced the offender to one year of probation and 200 hours of community work, would that be acceptable?

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

**SECTION A: PERCEPTIONS, HISTORY AND RISK**

A0 *Date / Time stamp*

A1 **Let's begin with some general questions on crime and safety.**

**Compared to other areas in Canada, do you think your neighbourhood has a higher amount of crime, about the same or a lower amount of crime?**

(Neighbourhood refers to the area surrounding your home.)

- (1) Higher
- (2) About the same
- (3) Lower
- (x) Don't know
- (r) Refused

A2 **During the last 5 years, do you think that crime in your neighbourhood has increased, decreased, or remained about the same?**

**INT:===If the respondent has just moved into the neighbourhood and has not lived there long enough to have an opinion, select "don't know"===**

- (1) Increased
- (2) Decreased
- (3) About the same
- (x) Don't know
- (r) Refused

A3 **Now, I am going to ask you about some every-day situations, and I would like you to tell me how safe you feel from crime in each situation. How safe do you feel from crime walking ALONE in your area after dark? Do you feel ....**

**INT:===If respondent cannot walk, ask if they would go out in a wheelchair.===**

**INT: ===READ LIST===**

- (1) Very safe?
- (2) Reasonably safe?
- (3) Somewhat unsafe?
- (4) Very unsafe?
  
- (5) Does not walk alone            *[Go to A5]*
- (x) Don't know
- (r) Refused                            *[Go to A6]*

A4 **How often do you walk ALONE in your area after dark?**

INT:===READ LIST===

- (1) Daily? *[Go to A6]*
- (2) At least once a week?
- (3) At least once a month?
- (4) Less than once a month?
- (5) Never?
  
- (r) Refused *[Go to A6]*

CATI A4e - *If A3 = (1) then [Go to A6].*

A5 **If you felt safer from crime, would you do this (more often)?**

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A6 **While waiting for or using public transportation ALONE after dark, do you feel...**

INT: ===READ LIST===

- (1) Very worried?
- (2) Somewhat worried?
- (3) Not at all worried about your safety from crime?
  
- (4) Does not use public transportation/night *[Go to A8]*
- (5) No public transportation available *[Go to A9]*
- (x) Don't know
- (r) Refused *[Go to A9]*

A7 **How often do you use public transportation ALONE after dark?**

INT:===READ LIST===

- (1) Daily?... *[Go to A9]*
- (2) At least once a week?
- (3) At least once a month?
- (4) Less than once a month?
- (5) Never?
  
- (r) Refused *[Go to A9]*

CATI A7e - *If A6 = (3) then [Go to A9].*

A8 **If you felt safer from crime, would you use public transportation ALONE after dark (more often)?**

- (1) Yes
- (3) No
- (x) Don't know
- (r) Refused

A9 **When ALONE in your home in the evening or at night, do you feel...**

INT: ===READ LIST===

- (1) Very worried?
- (2) Somewhat worried?
- (3) Not at all worried about your safety from crime?
  
- (4) Never alone
- (x) Don't know
- (r) Refused

A10 **Do you think your local police force does a good job, an average job or a poor job ...**

("Local police force" refers to the police responsible for your municipality. Exclude security guards, fire marshals and all others who have no authority to make arrests.)

INT: ===READ LIST===

		Good job	Average job	Poor job	Don't know	Refused
a)	of enforcing the laws?	(1)	(2)	(3)	(x)	(r)
b)	of promptly responding to calls?	(1)	(2)	(3)	(x)	(r)
c)	of being approachable and easy to talk to?	(1)	(2)	(3)	(x)	(r)
d)	of supplying information to the public on ways to reduce crime?	(1)	(2)	(3)	(x)	(r)
e)	of ensuring the safety of the citizens of your area?	(1)	(2)	(3)	(x)	(r)

