Measuring Public Opinion about Sentencing

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Introduction

In July 2006 the Sentencing Advisory Council released a research paper entitled Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing (Gelb, 2006). The paper represented the culmination of a year-long project that was designed to examine and critically evaluate the current state of knowledge about public opinion on sentencing, as well as the methodological issues surrounding how public opinion is measured.

The research paper suggested that there is a significant need to understand the nature of informed public opinion – public judgment – about sentencing. To achieve this, the paper concluded that (Gelb, 2006, p. 40):

We need a combination of large-scale representative surveys with well-considered questions (using both the more simple question and the more complex crime vignette) combined with the qualitative aspects of the deliberative focus group that can provide a richness of detail on specific issues. By triangulating our methodology, we should be able to create a more complete and nuanced picture of the complexities of public opinion on sentencing in Victoria.

This paper is designed to consider some of the methodological issues that arise when measuring informed public opinion about sentencing.

The Sentencing Advisory Council has also released an associated paper entitled More Myths and Misconceptions that revisits some of the key messages derived from the original Myths and Misconceptions paper. That paper updates the original findings with the most recent research that has been published since the paper’s release in 2006. It is available from the Council’s website <www.sentencingcouncil.vic.gov.au>.
Methodological issues in the measurement of public opinion about sentencing

The past 20 years have seen a paradigm shift in survey methodology, from a focus on the effects of survey errors (such as sampling errors) on the estimates derived from survey data, to a new paradigm that focuses on the causes of survey errors (in particular, measurement errors) and how to prevent them in the first place. This new focus has led to the development of theories about how people decide whether to take part in surveys and about how respondents come up with answers to survey questions.

This new focus facilitates consideration of how to maximise survey participation and how to reduce measurement error for those who choose to participate. By applying concepts from cognitive psychology and related disciplines, the Cognitive Aspects of Survey Methodology movement (or CASM) has shown that respondents give inaccurate or unreliable answers to questions for several reasons (Tourangeau, 2003, p. 5):

- they do not really understand the questions;
- they cannot remember the relevant information;
- they used flawed judgment or estimation strategies;
- they have trouble mapping their internal judgments onto one of the response options; or
- they edit their responses in a misleading way before they report them.

These problems often reflect the shortcuts that people take to reduce the burden imposed by interviews and similar tasks.

This paper will address some of the key issues faced by survey researchers in the development of an optimal survey methodology and instrument. The paper will not address the issue of how to maximise survey participation – of sampling error and mode of data collection. While a large literature has developed on ways to increase response rates and on the advantages and disadvantages of various modes of data collection, these will not be covered here (although for a brief discussion of some of the issues in this literature, see Appendix 1).

Instead, this paper will focus on how to reduce measurement error for those who choose to participate – on the ways in which the shortcuts that people take to reduce the cognitive burden of answering survey questions have implications for the design of the survey instrument itself. If respondents cannot understand questions, have difficulty in choosing an appropriate response option or edit their responses too greatly before responding, the results of the survey will not be optimal.

Issues such as question-order (context) effects, response order effects and the specific wording of questions thus have the greatest potential to derail survey results. In other words, a well-developed and thoughtfully constructed survey instrument is critical to the success of any study.

What are we measuring?

Before turning to the specific methodological issues of question-order effects, response-order effects and the design of optimal survey questions, it is useful to revisit the issue of public opinion versus public judgment.

David Green has noted the differentiation between mass public opinion and informed public judgment. Yankelovich (1991: cited in Green, 2006, p. 132) distinguishes between shallow, unconsidered public opinion and reflective, informed public judgment – ‘the state of highly developed public opinion that exists once people have engaged an issue, considered it from all sides, understood the choices it leads to, and accepted the full consequences of the choices they make’. He suggests that top-of-the-head responses to simple polling questions represent mass public opinion, as opposed to informed public judgment. While public opinion tends to be volatile and have little internal consistency with other views and beliefs held by the respondent, public judgment is characterised by firmness of opinion (changing little over time) and by the degree of consistency between this view and others held by the respondent.

Hough and Roberts (2007) note that the measurement of attitudes to punishment is a challenging process. Different layers of opinion will be tapped by different methodologies. They advocate the use of split-sample experiments in which the same question is asked in different ways to different sub-samples of respondents. This provides a clear picture of the lability of public opinion and the kinds of factors that push and pull that opinion in different directions. A similar result can be achieved via the use of incomplete factorial designs that rotate conditions in vignettes. Hough and Roberts emphasise that the measurement of public attitudes to punishment – a highly emotive phenomenon – is inevitably difficult to get right.
Few surveys have been able to determine whether the so-called opinions measured reflect enduring attitudes, firmly held beliefs, top-of-the-mind views, judgment based on experience and knowledge, or simply an answer created on the spot in order to fill out the questionnaire. This paper is designed to facilitate this goal — understanding the real nature of informed public opinion (public judgment).

### Attitudes versus opinions

One of the oldest debates in the field of public opinion research centres on possible explanations for the response instability typically found in survey data. Converse’s landmark book *The Nature of Belief Systems in Mass Publics* (1964) suggested that responses to survey questions are unstable over time as most people do not have pre-existing opinions on most issues, and form them as ‘top-of-the-head’ answers only when asked. Countering this argument, Achen (1975) believed that instability is due instead to the measurement error that is associated with survey questions (cited in Marton, 2006, p. 130).

Maassen (1997) attempts to clarify the meanings of the words ‘public’, ‘opinion’ and ‘public opinion’. He uses a structural equation model to differentiate between ‘opinion’ and ‘attitude’ (Maassen, 1997, p. 146): ‘Attitude is traditionally conceptualised as a global, enduring orientation toward a general class of stimuli, whereas an opinion is seen more situationally, pertaining to a specific issue’. Top-of-the-head responses to simplistic survey questions often result in volatile and unreliable responses, in that a second survey under the same conditions can easily elicit a different opinion from the same person.

Maassen cites Thurstone’s (1928) original suggestion that ‘opinions are manifest indicators of unobserved attitudes’ and Fleming’s (1967) revision that pushed this manifest-latent distinction even further, claiming that ‘opinions are thus the behavioural phenomena to be explained, whereas the term attitude is reserved for reference to the deeper, underlying motives for those behaviours’ (cited in Maassen, 1997, p. 146).

Maassen conceptualises opinions as dependent variables in a structural equation model and attitudes as explanatory variables, to determine the extent to which opinions are determined by attitudes, despite being unstable over time. He concludes that his results corroborate Thurstone’s manifest-latent distinction and also Fleming’s view that opinions are expressed positions or behavioural phenomena, while attitudes are the deeper, underlying motives for those behaviours.

Such a distinction has implications for the development of a survey instrument that purports to measure public opinion on sentencing. It is important to include measures of respondents’ underlying attitudes in any analyses attempting to explain reported opinion.

Maruna and King (2004) discuss the various approaches in the research that has arisen around understanding the psychological formation of such underlying attitudes. They cite the work of Cullen and his colleagues that concluded that the way in which people explain crime helps to explain some of the discrepancies in people’s attitudes to punishment. In particular, Cullen et al divide attributional beliefs into two primary types: classical (or dispositional) views that see crime as a choice that people make, or positivist (or situational) views that see crime as a product of circumstances. Punitive attitudes tend to correlate with classical attributions, while those who hold more situational attributions tend to be less punitive (Cullen at al, 1985: cited in Maruna and King, 2004, p. 95). Maruna and King note, however, that the relationship between punitiveness and attributional style is only correlative, not causative — it is unclear which follows which.

A second dimension of attributions is one of stability versus instability — the extent to which people believe that people can change. A belief in people’s ability to change — ‘redeemability’ — may over-ride classical attributions.

Maruna and King report on the University of Cambridge Public Opinion Project. This project was designed to try to explain people’s punitiveness based on psychological theories of attitude formation. The project used both surveys and in-depth interviewing in a three-phase approach, the first of which was a postal survey that resulted in 941 respondents in rural and urban areas in the east of England and London.

The survey tested the various theories to see which could best predict support for community penalties. The full model tested demographic control factors as well as variables from instrumental, expressive and attributional theories of punitiveness. Instrumental variables included measures of direct victimisation, local crime salience and fear of crime. Expressive variables included measures of collective efficacy and trust, anxiety about youth, economic pressure and global crime salience. Attributional variables (core beliefs and values) included measures of a belief that crime is a choice and a belief in redeemability.
In the full model, expressive predictors and core beliefs and values had a strong effect on support for community sanctions, over and above the effect of both socio-demographics and instrumental factors (see Maruna and King, 2004, p. 98 for the full results of the modelling). A belief in redeemability was the strongest predictor of support for community sanctions, while neither victimisation nor fear of crime was significant (Maruna and King, 2004, pp. 98–9).

The authors note that, while the findings are only preliminary, they suggest that people’s lay beliefs about why people commit crime may play a greater role than actual experiences with victimisation in determining support for community penalties. The importance of redeemability as a theme for people who support community penalties, they suggest, provides an avenue for policymakers to appeal to affective as well as effective components of justice – appealing to the public to support community alternatives because ‘people can change’ may have some value in decreasing punitive attitudes and improving support for alternatives to prison (Maruna and King, 2004, p. 103).

**Measuring attitude strength**

While attitude measurement is one of the most common goals of surveys, it is rare for a survey to measure the strength of those attitudes. But identifying the strength of an attitude is crucial in understanding its effects on individuals’ cognition and behaviour – strong attitudes will have significant effects and will resist even the strongest pressure to change, while weak effects will have little impact on a person’s thinking or actions and will be vulnerable to situational pressures (Krosnick and Abelson, 1992, p. 177).

Krosnick and Abelson discuss five of the dimensions of attitude strength first identified by Scott in 1968. They suggest that these five are the easiest to measure in surveys, they are the easiest to comprehend conceptually and they are the most extensively validated as measures of the fixedness of attitudes (Krosnick and Abelson, 1992, pp. 179–81):

- **Attitude extremity** is the degree of favourableness or unfavourableness of a person’s evaluation. The more extreme an attitude, the further it is from neutrality. It is operationalised as deviation from the midpoint of an attitude scale.

- **Attitude intensity** is the strength of an individual’s feelings. It is operationalised by asking people how strong or intense their feelings are.

- **Attitude certainty** is the degree to which an individual is certain that his or her attitude is correct. It is operationalised by asking people how sure they are of their opinion, how easily their opinion could be changed or how confident they are that their opinion is correct. Other studies have asked respondents how difficult they found it to report an opinion.

- **Attitude importance** is the degree to which an individual considers an attitude to be personally important. It is operationalised by asking people how personally important their attitude is, how concerned they are about it, or how much they care about it.

- **Attitude knowledge** is the degree to which an individual considers an attitude to be personally important. It is operationalised by asking people how knowledgeable they feel they are about an issue.

While time, cost and respondent burden issues are likely to determine the extent to which attitude strength can be measured in any given survey, it is important that at least some measure is included to ascertain a more nuanced response. This is likely to be of particular import when considering attitudes towards, for example, sentencing or measures of confidence.

Since the earliest research into response effects, researchers have assumed that respondents with stronger attitudes would be less susceptible to these effects (whether due to question wording, format or placement). It has been presumed that someone who holds a strong attitude will say so clearly and identically, regardless of how he or she is asked. This hypothesis, though widely believed, has rarely been tested.

In one such test, Krosnick and Schuman (1988: cited in Krosnick and Abelson, 1992, p. 192) explored the impact of attitude importance, intensity and certainty on susceptibility to response effects (response order, question order, tone of wording, balance, and acquiescence effects). They found that these effects were no smaller for attitudes held with greater importance, intensity and certainty. Other studies have found similar results, with slight variations such as the effect of balance (Bishop, 1990), the false-consensus effect (Krosnick, 1991) and the interaction between importance, ambivalence and question-order effect (Tourangeau et al, 1989) (cited in Krosnick and Abelson, 1992, pp. 192–93). Krosnick and Abelson conclude that it remains unclear precisely what role attitude strength plays in regulating the occurrence of response effects. They suggest that this lack of clarity is another reason that including measures of attitude strength in surveys is crucial.
Schuman and Presser’s (1981) analysis suggests that the most effective measures of attitude strength are centrality (importance) and a behavioural measure, while measures of intensity are less useful as it is easy to claim to have strong feelings on an issue. In particular, the authors suggest a measure of attitude importance (‘how important is…’) that includes the following response alternatives: one of the most important factors, a very important factor, a somewhat important factor or not too important a factor. Schuman and Presser also suggest that a behavioural measure provides a reliable and accurate measure of the strength of attitudes as it shows the extent to which people are willing to take action based on their attitudes. A measure of self-reported behaviour could ask respondents whether they have written a letter; given money, both or neither in support of their views on a particular issue. The authors suggest that, if one is interested in the political consequences of opinion on an issue, measures of overt committed action are ‘doubly valuable to obtain’ (Schuman and Presser, 1981, pp. 235–49).

Response effects

Response effects are the ways in which question and answer wording, tone and order can have subtle effects on responses to survey questions. Tourangeau, Rips and Rasinski (2000) identify a host of potential response effects (Tourangeau, Rips and Rasinski, 2000, p. 229):

\[\text{[A]titude reports, even those about very familiar topics, may be cobbled together on the spot when respondents answer questions in a survey. Respondents use whatever existing evaluations, vague impressions, general values, or specific beliefs came to mind when they construct their answers. The question's context can affect what respondents consider as they answer the question; in addition, context can, by suggesting a standard of comparison, alter how respondents evaluate what comes to mind. The effects of context may or may not depend on the respondent's answers to the context items, and they can change either the overall direction of responses to the target question or the relation between target responses and responses to the context item.}\]

When designing any survey, careful consideration must be given to questionnaire design in order to minimise the potential bias caused by these effects. Appropriate pre-testing of survey questions can assist with this. And as Sudman, Bradburn and Schwarz (1996) note, researchers need to 'evaluate the likelihood of context effects when a questionnaire is being designed so that, as much as possible, these effects are deliberate and not unanticipated'. In addition, the authors advocate the use of a split-ballot design to allow the detection of context effects and their consideration when interpreting the data (Sudman, Bradburn and Schwarz, 1996, p. 263). Specific, unambiguous questions, randomised response alternatives and randomised question order within a series of related questions are also effective ways of reducing the impact of context effects, resulting in random 'noise' in the results rather than systematic bias.

Question-order (context) effects

Survey researchers have long been interested in ways to address the context-dependent nature of survey responses. Question-order effects are the most frequently offered explanation for an unexpected or unreplicated survey finding (Schuman and Presser, 1981, p. 24). But while the finding that early questions can influence responses to subsequent ones has been the subject of much discussion, the conditions under which context effects occur are not well understood.

Context effects potentially involve several cognitive processes. The content of earlier questions may influence the interpretation of later ones. Answering a question may make the information used to answer it more accessible in memory for later questions. For example, answering a question about perceptions of sentencing leniency may affect a later question on confidence in the courts. In addition, earlier questions may influence the information that comes to mind when people anchor a rating scale, influencing the response. Finally, earlier questions may affect respondents' concerns about self-presentation and social desirability, such that people edit their answers before responding in order to ensure consistency of responses throughout the survey (Sudman, Bradburn and Schwarz, 1996, p. 83).

But merely placing two questions with similar content next to each other in a survey questionnaire will not inevitably create a question-order effect. Such an effect will ensue only if respondents perceive a need to make their answers to the second question consistent with their answers to the first (Schuman and Presser, 1981, p. 35).

Frame of reference effects occur when a series of questions is placed together and respondents are asked to rate the items on numerical scales. In this instance, respondents are required to establish an initial reference point from which to start the rating.
Studies have shown that the first item in such a series is especially likely to be reacted to differently. In particular, extreme values can be assigned initially, with responses to subsequent items being moderated from this initial position. Such sequence effects are created because of shifting frames of reference (Schuman and Presser, 1981, p. 52).

Clark and Schober (1992) apply some general principles of language use to understanding the effects on people’s responses of factors such as question wording, question introduction, response set and question location in the survey. They suggest that these effects are seen as intractable due to a misconception that language use has to do with words and what they mean. Instead, the authors argue, language is about people and what they mean — about speakers’ intentions. By understanding this, surveys can be designed to minimise question-order and response-order effects.

Clark and Schober make a number of observations about the way people respond to survey interviews and identify the consequences and implications of these. Some of the most relevant of their observations include (Clark and Schober, 1992, pp. 25–42):

- Respondents answer vaguely worded questions in idiosyncratic ways. Ensuring questions are worded as specifically as possible should reduce these idiosyncrasies and allow for a more consistent interpretation across respondents.
- Loaded terms set the perspective from which questions are to be answered. Providing neutral terms and phrases should reduce the risk of influencing responses with the question wording.
- People use earlier answers as evidence for later judgments. Specific features of earlier questions can prime people for subsequent questions. Respondents also tend to pursue consistency in their answers, attempting to show that they have a coherent set of beliefs. The use of a split sample to vary the order of questions presented in a survey can ameliorate this kind of question-order effect.
- People interpret successive questions as related in topic unless they are told otherwise. The use of introductory statements as respondents reach new sections of the survey can help distinguish topics and refocus people’s thoughts.

Designing a survey instrument with this understanding in mind can help reduce the bias possibly introduced by question-order and response-order effects.

Response-order effects

It is now a well-accepted finding from the survey methodology literature that the order in which response alternatives are presented can significantly affect the results and conclusions of public opinion surveys. With various experiments, researchers have found a recency effect (choosing the last mentioned alternative), a primacy effect (choosing one of the first alternatives mentioned), or various kinds of judgmental contrast effects (Bishop and Smith, 2001, p. 479).

These effects, in particular recency effects, have been found to occur more frequently, and to have a greater effect, than has previously been recognised. While there are several explanations for these response-order effects, a solid explanation for them — and thus a well-founded approach to minimising their effect — has proven elusive.

Some researchers have hypothesised that questions that are long, complex or difficult are more likely to produce response-order effects, however there is little evidence to support this as these effects have been found with short, simple questions as well. Others suggest that respondents simply cannot remember all the alternatives offered, or cannot generate cognitive responses in the form of counterarguments to each alternative when deciding which to choose. While there is some support for this hypothesis, overall the evidence is mixed.

Bishop and Smith suggest that hypotheses based on cognitive models of the question-answer process have provided a more plausible explanation of response-order and other question effects in surveys (Bishop and Smith, 2001, p. 480). They cite the work of Sudman, Bradburn and Schwartz (1996) and the cognitive elaboration model, as having been experimentally confirmed to explain response-order effects.

Briefly, according to the cognitive elaboration model (see Sudman, Bradburn and Schwartz, 1996, pp. 130–62) the response-order effect is created by the respondent’s opportunity to think about the implications of each alternative. This opportunity depends on three factors: (1) the position in which the alternative is presented (beginning, middle or end of a list); (2) the way in which the alternatives are presented (read aloud, visually, or combined); and (3) the plausibility of a given response.

The cognitive elaboration model predicts that visually presented alternatives will allow respondents more opportunity to think about alternatives displayed near the
beginning of the list, thus resulting in a primacy effect. But if these alternatives are implausible, the opposite effect (recency) will be seen. When alternatives are read aloud, as in telephone surveys, the model predicts a recency effect, as respondents would have a better opportunity to think about alternatives presented toward the end of the list. Again, if the last alternative is deemed implausible, the opposite effect (primacy) would instead be found.

Another theory that has gained support is satisficing theory, stipulating that most respondents answer survey questions by choosing the first acceptable response that is offered rather than taking the time and making the cognitive effort to choose the optimal alternative. But this effect also depends on the mode of data collection: if the response alternatives are read aloud, satisficing theory, like cognitive elaboration theory, predicts a recency effect as respondents can process more deeply the final alternatives read to them. Tests of this theory have also shown that the response-order effects tend to be stronger in respondents who are less educated, less cognitively sophisticated and less cognitively skilled.

Bishop and Smith conduct a meta-analysis of early Gallup Organisation split-ballot polls from the 1930s and 1940s in order to assess the explanatory power of these explanations of response-order effects.

The results of the meta-analysis provide support for some predictions from satisficing theory. When read aloud, questions were more likely to produce a statistically significant response-order recency effect when the questions, or the response alternatives, were longer. No effect was found for visually presented alternatives, and no support was found for greater recency effects for questions located later in an interview.

Holbrook et al’s (2007) study replicates these findings. The authors analyse data from 548 experiments in telephone surveys conducted by the Gallup Organisation to explore the impact of question and respondent attributes on the presence of response-order effects. They find predominantly recency effects, with the last response alternative being chosen most often. This effect was most likely to be seen for questions that were complex and hard to understand (especially for respondents with the least education), with response alternatives that were hard to understand (because they involved complete sentences or were not mutually exclusive) and that were asked after many previous questions.

The authors conclude that their findings have implications for the design of optimal survey questionnaires. In particular, the need to rotate the order of response choices, using a split-ballot design, is identified in order to guard against creating response-order bias in results. The presence of response-order effects in more complex questions in particular suggests the need to keep questions, and response alternatives, short and simple. In addition, the use of long questionnaires requires that researchers are especially aware of the likelihood of response-order effects.

Response-order effects in comparative questions

Survey respondents are often asked to compare between two options and determine which they prefer. While logic suggests that whether a respondent compares X to Y or Y to X should make no difference, studies have shown that the dynamics of judgmental processes do not always follow formal logic. Indeed, the direction of comparison that is presented to respondents influences judgment by determining in part the information that is most salient for the judgment.

Wanke et al (1995) investigate the effects of question wording on comparative judgments by swapping the positions of the subject of comparison and the referent of comparison (for example, swapping between ‘…the female teachers were more empathetic…than the male teachers’ and ‘…the male teachers were more empathetic…than the female teachers…’). They find a striking impact of the direction of comparison on the survey responses, including reversals of the ordinal positions given.

The authors suggest that this effect is due to respondents focusing on the features that characterise the subject of comparison and making less use of the features that characterise the referent of the comparison. However they also note that it is difficult to predict the specific outcome of the comparison without knowledge of the unique features upon which respondents may draw.

Wanke et al suggest that the impact of the subject of comparison may be attenuated when preceding questions focus on the referent of comparison, making its features highly accessible.

Applying the findings from this research suggests that any questions that involve direct comparisons should be treated with particular care. In order to minimise the effects of comparison order, it may be feasible to give such questions to half the sample in one direction and to the other half of the sample in the other direction.
While this approach may conceal differences in responses, varying the direction of comparison has the advantage of discouraging the over-interpretation of the outcome of one single direction of comparison.

Balancing comparative questions

When creating a question that offers dichotomous, mutually exclusive responses options, the balance in the wording of the question can have a significant impact on the responses given by participants. In particular, questions that focus on one side of an issue are more likely to elicit responses in favour of the side included in the question. To illustrate: Schuman and Presser (1981) created two types of question, one balanced and one unbalanced. The unbalanced question was framed as follows: If there is a serious fuel shortage this winter, do you think there should be a law requiring people to lower the heat in their homes? The balanced question presented the alternative view to respondents: If there is a serious fuel shortage this winter, do you think there should be a law requiring people to lower the heat in their homes, or do you oppose such a law?

Shaeffer et al (2005) suggest a third option. Rather than adding an entire phrase to the unbalanced question to make it formally balanced, they suggest a minimally balanced question can be created simply by using ‘should or should not’ in the question: If there is a serious fuel shortage this winter, do you think there should or should not be a law requiring people to lower the heat in their homes, or do you oppose such a law?

In order to test the differences between fully and minimally balanced data, the authors report on two experiments embedded in national sample surveys. They conclude that the two types of question yielded similar response distributions and that responses to the two types had comparable validity. On the basis of these results, they suggest that greater efficiency can be achieved via minimal balancing at no cost to data quality.

These results suggest that comparative attitude questions in surveys should be carefully constructed to reflect a minimal balance approach, increasing question efficiency while not sacrificing data quality.

Designing optimal questions

Throughout the research literature on the topic of public attitudes to sentencing there are many examples of questions that attempt to measure similar constructs but that approach the design of the question in different ways. Questions have varied on issues such as whether a ‘don’t know’ option is offered as a response, whether people are asked to respond without prompting or are provided with a menu of options, and whether people are asked to respond to a single idea or are offered an alternative. Such issues must be considered when designing survey questions in order to design optimal questions and responses that incorporate best practice knowledge in the field.

This section presents some of the factors that should be considered when designing survey questions and response options. This is not an exhaustive list of factors, but instead presents some of those that may have the greatest relevance to measuring public perceptions of sentencing.

Measuring non-attitudes

As with all survey modes, telephone surveys are susceptible to response errors such as misleading or inaccurate responses. One of the many theories that have been developed to explain response error is satisficing theory.

Krosnick’s theory of survey satisficing (1991; 1999: cited in Holbrook et al, 2003) is based on an assumption that optimal question answering in surveys requires substantial cognitive effort. Question meaning and intent must be interpreted, information must be retrieved from memory and integrated into a summary judgment, and the judgment must be reported accurately. However as respondents lose their motivation to complete the survey optimally and become fatigued, they can shortcut their cognitive processes via weak satisficing (a minor cutback in cognitive effort, executing all the necessary cognitive steps but less completely and with some bias) or strong satisficing (offering responses that seem reasonable without doing any memory search or information integration). When people are less motivated or less able to answer questions optimally, satisficing is more likely to occur. It has been found to occur most commonly among those less able to answer optimally, as a function of a person’s cognitive skills. Krosnick (1991) and others have found that cognitive skills are highly correlated with years of formal education.
Strong satisficing may underlie respondents’ choice of ‘no opinion’ or ‘don’t know’ responses. It may also appear when a series of questions uses the same response set and a respondent selects a single response and maintains it across questions, rather than differentiating responses to the different questions. Both represent effective ways to minimise the effort required to complete the survey.

Weak satisficing may be evident in the acquiescence response bias, where respondents have a tendency to agree with any statement, regardless of its content.

Question response sets need to be carefully considered in order to reduce the effect of satisficing bias. The use of ‘no opinion’ or ‘don’t know’ options should thus be minimised to avoid respondents simply picking the easiest answer that requires the least cognitive effort. In addition, the use of the same response set over multiple questions should be kept to a minimum to avoid non-differentiated responses, where the same answer is chosen for different questions. And acquiescence may be minimised by reversing the direction of questions in a series to reflect opposite points of view.

To assess this issue empirically, Krosnick et al (2002) conducted a series of studies to determine the impact of ‘don’t know’ or ‘no opinion’ responses on the quality of the data obtained from the survey. They cite Converse’s proposals (1964; 1970: cited in Krosnick et al, 2002, p. 371) that survey respondents might feel pressured by the survey setting to offer an opinion on the topic at hand, even if they actually have not thought much about the issue and thus hold no opinion on it. In order to minimise this so-called ‘non-attitude reporting’, researchers have recommended the use of ‘don’t know’ or ‘no opinion’ response alternatives. For Krosnick et al (2002), the critical question about this approach is whether offering such options is able to attract only those respondents who would otherwise have not thought much about the issue and thus hold no opinion on it. In order to minimise this so-called ‘non-attitude reporting’, the authors conclude that offering a ‘no-opinion’ option does not improve the quality of the data obtained: such options do not discourage respondents from providing meaningless answers to survey questions. They suggest that including ‘no-opinion’ and similar options may result in less valid and informative data than would otherwise be collected were this option to be omitted. At the very least, offering this option will reduce effective sample size and thus limit statistical power.

Particularly for low-education respondents, ‘no-opinion’ options may systematically encourage respondents to avoid the effort of deciding how to answer a question.

Schuman and Presser (1981) argue that the use of a ‘don’t know’ option in a response set should be determined by whether the researcher is interested purely in informed opinion on an issue (and thus only seeks the opinion of those who genuinely hold an opinion on the issue, offering a ‘don’t know’ or ‘no opinion’ option for those without a genuine opinion) or whether the researcher is mainly interested in underlying dispositions, in which case the absence of a non-attitude option results in the measurement of both long-held opinions and top-of-the-head answers based on general values and ideologies (Schuman and Presser, 1981, p. 160).

The use of menus

It has been suggested that studies on people’s attitudes might be tapping top-of-the-head reactions, rather than enduring and well-considered beliefs. Hough and Roberts (1999) used British Crime Survey data to show that people’s attitudes can change depending on the way in which options are presented to them.

In the 1996 British Crime Survey, respondents were given a description of a real case and were asked to impose one or more sentences for a 23 year-old male repeat offender convicted of the burglary of an elderly man’s house. Half the sample was given a menu of options from which to choose, while the other half was asked to give unprompted responses. This allowed testing of the hypothesis that there would be less support for imprisonment when respondents were made aware of alternative options.

While a majority of respondents in both groups favoured imprisonment, the figure was significantly higher for those without the menu of options (67 per cent) than for those given information on other sentencing options available (54 per cent). Respondents with the sentencing menu were more likely to favour non-custodial options such as suspended sentences, community service, compensation and probation (Hough and Roberts, 1999, p. 20).

This study illustrates the importance of considering the level of respondents’ knowledge about the potential responses when designing questions: for items where respondents may have little knowledge, it is important to include a menu of options from which they may choose.
The use of alternatives

A striking example of the effect of question wording has been found in the research on public opinion on the death penalty. In response to the standard death penalty question, ‘would you be in favour of capital punishment for cases of murder?’ levels of support in many western countries, including Australia, have fallen over the past two decades. But more importantly for this review is the finding that public support for the death penalty drops dramatically when the question is changed to include the option of life in prison without parole as an alternative sentence. In addition, support also decreases when the general, abstract question is replaced with a specific question for which some responsibility must be taken (Bowers, Vandiver and Dugan, 1994; Williams, Longmire and Gulick, 1988: cited in Indermaur, 2006, p. 447).

Indermaur suggests that an appropriate test of public support for the death penalty can only be achieved if these findings are taken into account. He proposes the following question wording: ‘Consider yourself to be a judge in a case involving murder. You must decide whether the death penalty should be applied to the accused knowing that it is not necessary to achieve any deterrent effect, and that the alternative sentence of life in prison without parole is available. What is your decision?’ (Indermaur, 2006, p. 448).

Although the death penalty presents an extreme sentencing option, the methodological implications of the research are clear – that people’s responses can be moderated significantly simply by changing the question wording. The research on malleability of public support for the death penalty thus presents a useful caution to survey developers.

The use of constrained choice responses

Cohen, Rust and Steen (2003) note that asking respondents to agree or disagree with single statements, in the absence of a broader context, is somewhat artificial. Policy makers and legislators have to make their decisions on the basis of a limited number of viable alternatives. A more realistic picture of public opinion may be obtained by placing respondents in a similar situation.

Constrained choice questions provide respondents with a more realistic setting in which to make their decisions. Explicit trade-offs between various options are identified in order to understand public preferences more reliably. Cohen, Rust and Steen suggest that the public punitiveness typically seen in opinion surveys is the result of a lack of constraint on respondents as they answer questions about severity. The authors thus suggest that paired comparisons be offered to respondents who are then forced to choose one or the other option. For example, a question about sentence preference should not be asked in the absence of real-life information such as prison over-crowding and budget priorities.

The authors suggest that a more reliable way in which to measure true public preferences is to use a ‘willingness to pay’ valuation. This kind of valuation asks people, for example, to forego a tax rebate in exchange for a program designed to prevent or punish crime. People are told that a grant has been offered of $100 per household and are then asked how the money should be allocated – to build more prisons, to create more drug and alcohol treatment programs for non-violent offenders, for more police or for more early intervention programs to keep youth out of trouble (Cohen, Rust and Steen, 2003, p. 20). This makes the question far more real for respondents and gives them a constrained list of responses from which to choose. As some respondents may wish to allocate money to more than one option, forcing them to choose among these competing policies provides a realistic policy setting in which people have to make their decisions.

Schuman and Presser (1981) also note that forced-choice questions are preferable to agree-disagree versions. They found that forced-choice versions show meaningful relations to other variables and are not as susceptible to acquiescence bias. This effect was found to occur somewhat more among the less educated survey respondents (Schuman and Presser, 1981, p. 229).

The use of constrained choice questions thus provides an interesting and more realistic way in which to measure people’s preferences.

Conclusion

Theories about how people provide answers to survey questions have led to the development of a large body of research that examines optimal ways in which to design survey instruments to reduce measurement error. Clearly these issues must be considered by researchers in order to ensure the development of the best possible surveys for measuring informed public opinion about sentencing.
Appendix 1 – Increasing response rates in telephone surveys

This appendix briefly discusses some of the issues in improving response rates in telephone surveys. In particular, it presents recent findings from several studies on the following issues:

• the use of advance letters; and
• the impact of the growth in households without a landline telephone (with only a mobile phone).

The use of advance letters to increase response rates

The popularity of telephone surveys increased over the twentieth century, reaching a zenith in the 1990s as the major mode of data collection for surveys in many western countries around the world, including Australia. However in the last decade this leading position has been challenged, as increasing non-response rates have increased the cost and decreased the efficiency of this way of measuring public opinion.

Increasing non-response has been attributed partly to general non-response trends (Massey, O’Connor and Krotki, 1997; Steeh et al, 2001) as people become more concerned about issues such as privacy and identity theft and feel they are more time-poor, and partly to changes in communication technology such as the decreased use of land lines, which influences the ability to contact households by phone.

Previous research on methods for reducing non-response has looked at both interviewer-dependent measures such as persuasion strategies and interviewer-independent measures such as the use of incentives. The use of advance letters, while successful for mail and face-to-face surveys, has yet to be proven successful in telephone surveys.

Advance letters seem to be effective as they are able to provide legitimacy to a survey, decrease possible suspicion and identify the value of a survey (De Leeuw et al, 2007, p. 414). However they also have the potential to produce a negative effect: they forewarn people about the survey, allowing them time to prepare their response before they are contacted and reducing the opportunities for interviewers to persuade reluctant respondents.

De Leeuw and colleagues (2007) conducted a meta-analysis to determine if the use of advance letters in telephone surveys can reduce non-response, presenting a quantitative summary of previous empirical studies. They conclude that advance letters are indeed useful for telephone surveys as well, raising average response rates across the studies from 58 per cent to 66 per cent.

While the length of the advance letter did not influence the response rate, the provision of information about the study and the sampling process had a positive effect on responses.

Link and Mokdad (2005) also note the growing evidence for the effectiveness of advance letters in increasing response rates for telephone surveys. While such letters increase response rates and thus have the potential to reduce the size of the non-response-related total survey error, the authors caution that they can also have a differential effect on particular sub-groups of the population. This in turn may disproportionately raise participation rates among some groups, thus having a negative effect on non-response bias (Link and Mokdad, 2005, p. 572).

In other words, merely increasing response rates may not be enough to improve data quality. Differences between respondents and non-respondents may offset any improvement in response rates.

Ideally, researchers should focus on reducing overall non-response error rather than simply trying to increase response rates. But this requires an understanding of the difference between those who eventually participate in the survey and those who do not, and this kind of information is notoriously difficult to collect as most survey designs will not allow for this.

While gathering information from non-respondents on key theoretical variables of interest is unlikely to be achievable in any survey, it may be viable to gather some simple demographic information from non-respondents to determine if they differ from respondents along basic demographic groupings.
The growth of mobile-only households

The issue of the impact on survey estimates of households that only have cell (mobile) phones came to the fore in the United States during the 2004 presidential campaign. By the end of 2006, 12.8 per cent of all households in the United States, and 11.8 per cent of all American adults, had only cell phones (National Health Interview Survey). The growth of cell phones, particularly among young adults, has been identified as a particular challenge to the representativeness of industry-standard random-digit-dial (RDD) samples. The exclusion of people who can only be reached by cell phone could potentially result in surveys suffering from non-coverage bias.

To assess the potential bias in landline telephone surveys, the Pew Research Center in the United States conducted four separate studies in 2006 of landline and cell phone samples. The studies found that, although there are significant differences between cell-only and landline respondents on a range of variables (such as age), including a cell-only sample with a landline RDD sample produces general population estimates that are very similar to those from the landline sample alone. However by excluding cell-phone only adults, estimates for 18 to 25 year olds may well be biased. The authors suggest that this can be overcome by weighting the sample by age.

In the older member states of the European Union, similar rates of mobile-only households are found as in the United States – Eurostat figures show rates of mobile-only households of 14 per cent in France, 13 per cent in the United Kingdom and 11 per cent in Germany. However much higher rates are found in some of the newer states, such as Lithuania (48 per cent) and the Czech Republic (42 per cent), that may have had lower fixed-line penetration in the first instance (European Commission, 2007).

In Australia, the proportion of mobile-only households is likely to be similar to that in the United States and the United Kingdom, which suggests that the use of a landline RDD sample should not generate systematically biased estimates.
Appendix 2 – Key questions from other surveys

This appendix presents questions from several key surveys both within Australia and internationally. The questions are extracted directly from the published research and represent those that are most directly relevant to the measurement of public confidence in sentencing and the courts.

The New South Wales Criminal Justice System Survey (2008)

The NSW Bureau of Crime Statistics and Research has conducted a short survey on behalf of the NSW Sentencing Council that measures ‘top-of-the-head’ responses to questions about confidence in the justice system and determines if these are linked to public knowledge of criminal justice outcomes. While such ‘top-of-the-head’ responses do not allow for the measurement of informed public judgment, they do provide a starting point from which to add the more nuanced and complex questions that can elicit a more considered response. It is for this reason that these questions are included in this appendix.

The survey starts with questions about respondents’ confidence in the justice system. For each, the response set is: very confident, fairly confident, not very confident and not at all confident.

The next few questions are about the Criminal Justice System as a whole. By this I mean the police, the courts, the people that prosecute offenders and the prison system.

- How confident are you that the Criminal Justice system is effective in bringing people who commit crimes to justice?
- How confident are you that the Criminal Justice System meets the needs of victims of crime?
- How confident are you that the Criminal Justice system respects the rights of people accused of committing a crime and treats them fairly?
- How confident are you that the Criminal Justice System deals with cases promptly and efficiently?

In general, would you say that sentences handed down by the courts are too tough, about right, or too lenient? PROBE: Is that a little too tough/lenient or much too tough/lenient?

- Much too tough
- A little too tough
- About right
- A little too lenient
- Much too lenient

I would like to ask whether you think that the level of property crime in NSW has changed over the past FIVE YEARS. Would you say there is more property crime, less property crime or about the same amount (since five years ago)? PROBE: Is that a lot or a little more/less? PROMPT: If you don’t know, please just guess.

- A lot more crime
- A little more crime
- About the same
- A little less crime
- A lot less crime
The following questions ask you to give an answer out of 100. If you are not sure about the number, please give your best guess.

- Of every 100 crimes recorded by the police, roughly what number do you think involve VIOLENCE or the THREAT of violence?
- Of every 100 people charged with a violent crime and brought to court, roughly what number do you think end up convicted?
- Now I would like you to think about the kinds of sentence that are imposed for assault. Out of every 100 men aged 21 or over who are CONVICTED of assault, how many do you think are sent to prison?
- Now turning to home burglary. Out of every 100 MEN aged 21 or over who are convicted of HOME BURGLARY, how many do you think are sent to prison?

People get their information about the Criminal Justice System from many sources. Of the sources I’m about to mention, which ones would you say were the MOST INFLUENTIAL sources of information about the Criminal Justice System for you personally?

- Personal experience
- Relatives’ and/or friends’ experiences
- Word of mouth / information from other people
- Broadsheet newspapers (e.g. Sydney Morning Herald, Courier Mail, The Age, Adelaide Advertiser)
- Tabloid newspapers (e.g. Daily Telegraph)
- Local newspaper
- News programmes on TV / radio
- Talk-back radio
- Government publications
- Books
- Internet / world-wide-web
- School /college/university courses
- Somewhere else
Melbourne Criminology Sentencing Study (2007)

Austin’s Lovegrove’s study used judges to present information to participants about the sentencing process. Participants were asked to impose a sentence for a number of crime vignettes and were then informed of the judge’s actual sentence imposed in the case.

The following crime vignettes are based on those used by Lovegrove in his work. They are not reproduced verbatim but have been modified slightly to improve clarity.

A 32 year old man impulsively committed an armed robbery of $1,100 at a small gambling venue, involving minimal violence and an unloaded gun. He had a long record of dishonesty, but no violent crimes. He had used the money to support his wife and baby after losing money gambling. He wanted to reform, but his poor coping skills made life a challenge. As an informer, imprisonment would have to be in protective custody.

A young adult man raped his neighbour, a young woman, multiple times at knifepoint in her home at night. Before he left, he apologised and asked her for a date. He had a drinking problem and was drunk at the time of the offence. He had prior convictions for car theft. He was of low intellectual capacity but was able to do menial work.

An aggressive young man stabbed two men multiple times, one resulting in major surgery. The first stabbing was initiated by a comment by one of the victims that should have been inconsequential. The offender had a troubled life and had served a term in a youth training centre as a result of a previous stabbing. He had been drinking just before the offence. His 18 year old girlfriend, who had been drinking heavily, had also punched a young woman during the incident. Both were aggressive, had troubled lives and had drinking and drug problems, with poor work histories.

Two employees stole about $1 million worth of goods from the company over an extended period. The man, a senior manager, had organised the operation involving a number of offenders. He was now in debt and his family shattered. The woman acted under the man’s direction and did not benefit greatly from the crime. Her husband left the family due to her offending and she was the sole carer of two chronically sick dependant children. Both offenders were otherwise of good character.
**Courts Consulting the Community (2006)**

The 2006 round of South Australia’s Courts Consulting the Community survey included 1,003 respondents who were asked about their levels of confidence in various aspects of the court system. The actual questions are not publicly available; this information has been taken from the 2006 final report on the survey (Square Holes, 2006). As it has been drawn from a series of tables and graphs, the information is presented in simple dot point format.

Only the information that is provided in the report is available; there may have been additional questions in the survey that were not included in the final report so are not listed here. This also does not reflect every piece of information that was presented in the report – only those questions that may reflect public attitudes to sentencing are included in this list.

**Key indicators:**
- Have confidence in state courts
- Treatment of ‘people like me’ compared with other South Australians (better, same, worse)
- Would be confident of a fair trial if had a case going to court
- Could be confident that the decisions would be right
- Would be confident that the judge/magistrate would be independent
- Level of formality of the courts is ‘about right’
- Know at least a little about the courts
- Interested in knowing more about the state courts
- Keep informed about how the courts operate through the SA courts
- Aware of information provided by the courts about how they operate
- Agree that the state courts should provide such information
- Ever had dealings with the SA courts
- Dealt with SA courts over the past 2 years
- Satisfied with the experience with the courts over the past 2 years

**Confidence in institutions (a great deal, some, little, none, don’t know):**
- SA Police
- Medical Profession
- Public School System
- State Government
- State Courts
- Local Government
- Federal Government
- Lawyers
- Politicians generally
- News media

**Major problems with the Courts that influence trust and confidence in the system (unprompted responses):**
- Too soft on offenders
- Inconsistent decisions
- Cases take too long to complete/come to court
- Outcome of cases more dependent on lawyer and other tactics
- Can’t think of any
Treatment in court (better, same, worse, don’t know):
- Men
- Women
- People like me
- Youth aged under 18
- Large corporations
- Wealthy
- People on lower incomes
- Aboriginals and Torres Strait Islanders
- Middle Class
- People with physical disabilities
- People with mental disabilities
- People from non-English speaking backgrounds

Confidence in court decisions:
- Confident of a fair trial if had a case going to court
- Confident that the decision would be right
- Confident that the judge or magistrate would be independent of the prosecution

Knowledge of the courts:
- A lot
- A little
- Some
- Nothing at all

Interest in the workings of the state courts:
- Extremely interested
- Somewhat interested
- Neutral/Don’t know
- Not very interested
- Not at all interested

How the community keeps informed about how the courts operate (unprompted responses):
- Newspapers
- TV-news
- Radio
- Friends/family/word of mouth
- TV-other
- Courts
- Do not keep informed
Sources of information about what to expect in a court case and other information about the system:

- Lawyer/Solicitor
- Internet
- Courts
- Legal Aid
- Friends/family
- Police
- Don’t know

Direct experience with the South Australian courts:

- Magistrate
- District
- Supreme
- No dealings

Ways of dealing with the courts (of those who have previously dealt with courts):

- Defendant in a criminal case
- Victim
- Close relation of someone involved in a case
- Party in a civil case
- Juror
- Witness
- Other visitor or observer
- As a lawyer, prosecutor, court staff, etc.

Level of satisfaction with the experience:

- Good
- Satisfactory
- Neutral/Don’t know
- Only fair
- Poor

Satisfaction with the following aspects of their court experience (good, satisfied, neutral/don’t know, only fair, poor):

- The court facilities
- Convenience of the court location
- Ease of understanding what was happening
- Amount of time and attention the judge or magistrate gave the case
- Respecting your needs
- Fairness with which the case was handled
- Assistance from court support staff
- Availability of information
- Making you feel comfortable
- Time taken to complete the case
Perceptions of the courts (strongly agree, somewhat agree, neutral/don’t know, somewhat disagree, strongly disagree):

- The outcome of a trial is more dependent on the lawyer you have and other tactics than right and wrong
- Most juries are representative of the community
- Judges and magistrates are honest and fair in deciding cases
- The courts are too soft on offenders
- It is about time the courts caught up to the real world
- Insufficient attention is given to the right of victims
- The average age of judges and magistrates is around 55
- Disputes between individuals should be resolved by the people involved, not the Courts
- Victims of rape and physical abuse do not have their emotional wellbeing considered during court cases
- The rights of witnesses are adequately considered in court cases
- The compulsory retirement age of judges and magistrates of 70 should be reduced
- Non-English speaking court users are at a disadvantage in court cases
- The courts are unfair because they are confusing
- Judges and magistrates are influenced too much by politicians and the media
- Television and radio broadcasts of court proceedings should be permitted
- Aboriginals should be able to be sentenced according to traditional law
- The decisions made by judges and magistrates reflect the views of the community
- There are adequate physical and emotional safety measures in place for victims of crimes during court cases
- Cases are generally resolved quickly and efficiently
- The courts for people under 18 are not given the attention they deserve
- Court facilities in regional areas are neglected
- Highly qualified people without legal qualifications should also be selected as judges and magistrates
- Women are at a disadvantage in court cases
- The news media provide accurate information about court cases
- It is easy to get out of jury duty
- Judges and magistrates are not paid enough to attract the best people
- Taking a case to court is affordable
- Most juries only include unemployed and retired people

Offenders the courts are seen to be too soft on:

- Repeat offenders
- Violent offenders
- An offender who damages property
- Young offenders
- First offenders
- Drunk drivers
- Sexual offenders

The Australian Survey of Social Attitudes is a self-completed mail survey of 4,270 adults (taken from a stratified random sample of 11,380 people drawn from the 2002 Australian Electoral Commission Electoral Roll). While the survey contains measures of attitudes across a variety of areas, there are three questions that relate specifically to sentencing. These three may be combined (as in Roberts and Indermaur, 2007) to form a single punitiveness scale:

Here are some statements about crime and the law in our society. Please tell us how much you agree or disagree with each of the following statements.

- The death penalty should be the punishment for murder
- People who break the law should be given stiffer sentences

Here are some statements about law enforcement. Please tell us how much you agree or disagree with each of the following statements.

- Judges should reflect public opinion about crimes when sentencing criminals.

The response set for these three questions is:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Can’t choose

The survey also asks respondents if they believe that crime has increased or decreased or stayed the same over the past two years. Response alternatives are:

- Increased a lot
- Increased a little
- Stayed the same
- Decreased a little
- Decreased a lot
- Can’t choose

In addition, respondents are asked about the media they rely on most for their news and information. Possible sources are:

- Internet sites
- ABC and/or SBS television
- Radio
- Newspapers and news magazines
- Talkback radio
- Commercial television
- Friends and family

While the Australian Survey of Social Attitudes does not ask about confidence in the courts, it does ask respondents how much confidence they have in the police. The response set for this question is:

- A great deal of confidence
- Quite a lot of confidence
- Not very much confidence
- No confidence at all
- Can’t choose
Public Perceptions of Sentencing in Perth (1986)

In his early work, Indermaur (1987) interviewed 554 residents of Perth about their perceptions of crime and sentencing. Respondents were asked about their knowledge of crime, attitudes to sentencing, perceptions of the purposes of sentencing, fear of crime and attitudes toward alternatives to imprisonment.

Knowledge of crime was measured by four questions:

- In your opinion, what percentage of crimes in Western Australia involves violence? (numerical response).
- In your opinion, do you think the murder rate in Western Australia has increased, decreased or remained the same over the last 10 years?
- In your opinion, what percentage of prisoners released on parole in Western Australia successfully completes their parole period? (numerical response).
- In your opinion, what percentage of adults convicted of serious violent crimes in Western Australia is sent to prison? (numerical response).

Indermaur also asked respondents about their general perceptions of sentencing with the abstract question of whether sentences handed down by the courts are too severe, about right or not severe enough (including a ‘don’t know’ response). As a follow-up to this, respondents were asked the type of criminal they were thinking of when answering the general question. This was an open-ended question that was post-coded into the following categories:

- Violent crime, violence, bashing, etc
- Rape
- Murder
- Armed robbery

An open-ended question was also used for asking respondents about their perceptions of the purposes of punishment. Responses were then post-coded into the categories of retribution, incapacitation, rehabilitation and deterrence.

To measure acceptance of alternatives to imprisonment, Indermaur asked respondents whether they would accept ‘the offender doing some work for the community or the victim rather than being fined or sent to prison’ in all cases, most cases, some cases, only in very rare cases or never, for an offender convicted breaking and entering and stealing goods to the value of $500.

Respondents were also asked about how safe they feel walking alone at night in their neighbourhood and in Perth city (very safe, safe, unsafe, very unsafe). They were then asked to predict their chances of being crime victims, providing a figure out of 100 that they will have some property stolen in the next 12 months and that they will be the victim of a violent crime in the next 12 months.

The survey also included case vignettes that asked respondents to impose a sentence. Information provided to respondents varied so that half of the sample was presented with information on the offence only and half was presented with more detailed information about the case as a whole. A pre-defined response set was given to respondents on a scale from least severe to most severe.

The International Crime Victimisation Survey (ICVS) is an international project involving approximately 60 countries worldwide. It is coordinated through the United National Office on Drugs and Crime with national coordinators overseeing the project in each participating country. Five cycles of the ICVS have been conducted: 1989, 1992, 1996, 2000 and 2004. Australia participated in all but the 1996 cycle. The ICVS is designed to provide an internationally comparable set of estimates, and enables participating countries to expand on questions or sample size to suit their policy needs. Although in previous years a sample of about 2,000 people was included in Australia, in 2004 7,000 people 16 years of age and older were interviewed in a telephone survey (Johnson, 2005).

The crime vignette question that appears in the ICVS is:

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People have different ideas about the sentences which should be given to offenders.

Take for instance, the case of a 21 year old man, who is found guilty of burglary/housebreaking for the second time. This time he has taken a colour TV. Which ONE of the following do you consider the MOST appropriate for such a case? (READ OUT, REPEAT IF NECESSARY) (SINGLE RESPONSE)

IF MULTIPLE RESPONSES SAY: If you had to pick one, which one would it be?
  • A fine
  • A prison sentence
  • Community service (includes any type of compensation or restitution/paying back the victim)
  • A suspended sentence (includes probation, good behaviour bond or peace bond)
  • Some other sentence (specify)
  • (Don’t know)
  • Refused
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New Zealand Survey of Attitudes and Knowledge about the Criminal Justice System (1999)

The Ministry of Justice survey was the first national survey of public opinion on crime and the responses to crime to be conducted in New Zealand. A random sample of about 1,500 adults (1,006 in the main sample and 250 in each of two booster samples for Maori and for Pacific Peoples) was surveyed in 40 minute face-to-face interviews. For the most part the final questionnaire is based primarily on the British Crime Survey. In general, respondents were not provided with a ‘don’t know’ option but were encouraged to provide their best guess. Attitude questions were asked before knowledge questions in order to minimise the ‘test’ element of the survey.

As a face-to-face interview, the New Zealand survey has some advantages over a telephone survey. Respondents were given showcards with a list of possible responses on them and were asked to choose one (or more) responses from the list. Using this approach means that more options may be included in the response set as people do not have to hold the information in their memory.

Respondents were asked to decide on the most appropriate sentence for several crime vignettes. They were then asked what the sentence that they imposed was trying to achieve. Following this, respondents were told the actual sentence that was imposed in the case and were asked about the adequacy of that sentence. Finally, people were asked if a fine would be a suitable substitute for the actual sentence given.

The crime vignettes (and the actual sentences imposed) used in this survey were:

John, aged 45, used a client’s money which should have been held in trust, as a $50,000 deposit to buy an apartment for himself. At the time of the offence, John was a partner in a city legal firm. He has no previous convictions.

*John was sentenced to 150 hours of community service.*

Peter, aged 32, threw a vase at his partner after a night out drinking with friends. His partner required several stitches to her head and she was off work for three days. Peter, a bank clerk, has prior convictions for this type of assault.

*Peter was sentenced to 6 months’ periodic detention.*

Joe, aged 18 and a labourer, was charged with driving with an excess breath alcohol level over twice the legal limit, after a police car chase. Joe has prior traffic convictions.

*Joe was sentenced to 6 months’ periodic detention.*

Mary, a 28 year old single parent, was caught by customs officers trying to smuggle heroin into New Zealand for resale. The heroin was estimated to have a street value of $100,000. She has no previous criminal convictions.

*Mary was sentenced to 5 years’ imprisonment.*

Paul, aged 22 and unemployed, broke into an elderly couple’s house. When the elderly man got up to investigate the noise, Paul threatened him with a gun, and then fled. He has previous convictions for breaking and entering.

*Paul was sentenced to 2 years’ imprisonment.*

Jane, a 19 year old student, was arrested for smoking marijuana after police were called to a noisy party. Jane was found to have 10 grams of marijuana in her possession. She has no previous convictions.

*Jane was convicted and discharged.*
People were asked for the ‘most appropriate sentence’ for each vignette. The response set for imposing sentences was:

**Imprisonment**
- Life imprisonment
- Imprisonment of more than 10 years
- Imprisonment between 5 and 10 years
- Imprisonment between 1 and 5 years
- Imprisonment of less than 1 year

**Community based** (each of these had an explanation of the sentence)
- Periodic detention
- Community service
- Community programme
- Supervision (probation)

**Monetary** (each of these had an explanation of the sentence)
- Reparation
- Fine

**Other**
- Disqualified from driving
- Suspended prison sentence (with an explanation)
- Warning (and no other penalty given)
- No penalty given at all

People were then asked about the purpose of the sentence they imposed:

Now, in relation to the sentence you gave them, what do you think that sentence is trying to achieve? You may choose up to three, but if you think only one aim is necessary, then select only one. And of these aims, which one do you think is most important?
- Preventing the offender from committing further crimes through imprisonment
- Discouraging the offender from committing further crimes
- Providing punishment that reflects the seriousness of the offence
- Assisting the offender so that he or she won’t offend again
- Discouraging others from committing crimes
- Showing society’s disapproval of the crime
- Providing compensation to the victim where possible
The New Zealand survey also asked briefly about confidence in the criminal justice system using a response set of excellent, good, fair, poor, very poor and don’t know:

Now I’d like to talk about groups of people who do different jobs in the criminal justice system. We would like to know how good a job you think each of these groups of people are doing.

- The police
- Criminal lawyers
- Judges
- Juries
- Probation officers
- The prison service
- Groups who provide services for victims, such as Women’s Refuge, Rape Crisis, Victim Support

In the third section of the survey, fairly standard questions were used to measure people’s knowledge about crime and the criminal justice system. These included questions on the amount of crime, the cost of prison, the length of sentences and recidivism rates.
National Center for State Courts (1999)

In 1999, 1,826 Americans were asked for their opinions on the courts in their communities to establish what the American public thinks about the performance of their courts and to explain different levels of confidence in and satisfaction with the courts.

Half of the respondents were asked about their ‘confidence’ in various American institutions and half were asked about their ‘trust’ (differences between the two were not significantly different so the two were combined in the analyses). Responses were: a great deal; some; only a little; and none.

The institutions included were:

- Medical profession
- Local police
- US Supreme Court
- Office of the Governor
- Public schools
- Courts in your community
- State’s Legislature
- Media

Respondents were also asked about the manner in which courts in their community handle cases in civil, criminal, small claims, family relations and juvenile delinquency cases (with a response set of excellent, good, fair and poor).

The survey also included questions about respondents’ involvement in, knowledge of, and information sources about the courts. Respondents were asked if they had any personal involvement in the courts and, if so, if this had been as a juror, defendant, plaintiff, witness, observer or some other role. Respondents were also asked how much they know about the courts (a lot, a little, some, nothing at all).

To determine people’s source of information about the courts, respondents were asked where they most frequently get information about the courts (electronically, print, TV dramas or TV reality shows) and how often they rely on news on TV, newspapers, radio and radio talk shows for news. But in addition, the survey included a question on whether the media’s portrayal of courts is mostly accurate, with a response set of strongly agree, somewhat agree, somewhat disagree and strongly disagree.

Although some of these are beyond the scope of this paper, it is useful to consider the additional questions that asked respondents whether they agree or disagree with several statements about specific aspects of court performance (strongly agree, somewhat agree, somewhat disagree and strongly disagree):
• It is affordable to bring a case to court
• Courts make reasonable efforts to ensure that individuals have adequate attorney representation
• It would be possible for me to represent myself in court if I wanted to
• Court personnel are helpful and courteous
• Courts adequately monitor the progress of cases
• Cases are not resolved in a timely manner
• Most juries are not representative of the community
• Judges are generally honest and fair in deciding cases
• Judges do not give adequate attention and time to each individual case
• Courts protect defendants’ constitutional rights
• I would prefer that a judge ignore the law to ensure that a defendant is convicted
• Court rulings are understood by the people involved in the cases
• Courts do not make sure their orders are enforced
• When a person sues a corporation, the courts generally favour the corporation over the person
• Courts are out of touch with what’s going on in their communities
• Judges’ decisions are influenced by political considerations
• Elected judges are influenced by having to raise campaign funds

Finally, respondents were asked about differential treatment by the courts, asking whether various groups (such as the wealthy, Hispanics, African-Americans, women and ‘people like you’) receive better treatment, the same treatment or worse treatment from the courts.
The American Bar Association conducted a survey of 1,000 people across the United States about their perceptions of the US justice system. The objectives of the research were to assess the public's understanding of the justice system, identify public attitudes to the justice system, identify the drivers of those attitudes and identify the key sources of knowledge of the system.

Levels of knowledge were determined by asking respondents a self-assessment question and asking them a series of factual questions and determining the accuracy of their responses.

The self-assessment question asked respondents, ‘In general, how knowledgeable do you consider yourself to be about the US justice system?’ with four possible responses: very knowledgeable, somewhat knowledgeable, not very knowledgeable and not at all knowledgeable.

The accuracy questions asked respondents whether statements about the functions of the courts were true or false. These were questions such as ‘judges can be disciplined for misconduct’ and ‘every decision made by a state court can be reviewed and reversed by a federal court’.

Respondents were also asked about their experience with the justice system, either as an active participant (such as witness, juror, victim, plaintiff, defendant) or some other involvement (such as a spectator, an employee or taking a tour of the court).

Confidence in the justice system was measured via a five-point scale (extremely confident, very confident, somewhat confident, slightly confident, and not at all confident) and asked respondents about the following institutions:

- US Supreme Court
- Local police
- Medical profession/Doctors
- Accounting profession/Accountants
- Organised religion
- Federal courts other than the US Supreme Court
- Judiciary/Judges
- US justice system in general
- State and local courts
- Public schools
- Executive branch of federal government – Office of the President, Departments of Commerce, Defense, etc.
- Executive branches of states/local government – Office of Governors, Mayors, etc.
- State Legislatures
- Your state’s prison system
- US Congress
- Legal profession/lawyers
- Media

Public attitudes to the US justice system were ascertained via 50 statements with which respondents could strongly agree, agree, neither agree nor disagree, disagree or strongly disagree.

Statements covered the following four main areas:

- Overall system attitudes
- How groups of people are treated
- Sentencing/criminals in court
- Court/judges/lawyers doing their jobs
Statements of particular relevance include:

- The courts are just puppets of the political system
- The courts let too many convicted criminals go free on technicalities
- The courts offer convicted criminals too many opportunities for appeal
- Persons convicted of crimes are not given severe enough punishment by judges
- The justice system is always too lenient in dealing with crime
- Court decisions should reflect the majority of public opinion
- Alternative sentences, such as doing community service, should be used more often instead of sending people to prison
- The justice system is not at all concerned about rehabilitating criminals
- Lack of jail space should be considered by judges when sentencing criminal defendants
- Judges should have no leeway in how they sentence convicted criminals
- It takes too long for courts to do their job
- It costs too much to go to court
- Courts are effective in informing the public about court procedures and services
- Most judges are extremely well qualified for their jobs

To determine the source of people’s information about crime and justice, respondents were read a list of information sources and were asked, for each source, how important it was for obtaining information on the justice system. A five-point scale was used, from extremely important to not at all important. The sources offered were:

- Personal experience
- School or college courses
- Books/library
- Jury duty
- Lawyers/attorneys
- Materials available from the court
- TV news
- Family member
- TV news shows like 60 minutes
- Local daily newspaper
- National newspaper
- Radio news
- High profile cases
- Internet
- Word of mouth
- TV trials like Court TV
- Magazines
- Radio/TV talkshows
- Court programs like Judge Judy
- TV dramas
- Movies/videos
British Crime Survey (2007–08)

The British Crime Survey (BCS) has been running for many years, allowing comparisons to be made over time. In 1996 the BCS added a module on public knowledge of, and attitudes towards, sentencing and sentencers. The module was designed by two leaders in the field of public perceptions of sentencing, Mike Hough and Julian Roberts. Since the BCS adopted this module, similar changes have been made to surveys around the world (Hough and Roberts, 2007).

The measures from this module that are relevant for the current review are: perceptions of changing crime levels; worry about crime; perceived likelihood of victimisation; impact of crime in general and fear of crime on quality of life; and public confidence in the criminal justice system.

The BCS asks respondents about their perceptions of how the level of crime in the country as a whole and in their local area has changed over the previous two years:

How much would you say the crime rate here has changed since two years ago? In this area, would you say there is more crime or less crime?

PROBE: Is that a lot or a little more/less?
1. A lot more crime
2. A little more crime
3. About the same
4. A little less crime
5. A lot less crime

Respondents are asked how worried they are about a range of specific crimes:

Most of us WORRY at some time or other about being the victim of a crime.

Using one of the phrases on this card, could you tell me how worried you are about the following:

...having your home broken into and something stolen
...being mugged and robbed
...having your car stolen
...having things stolen from your car
...being raped
...being physically attacked by strangers
...being insulted or pestered by anybody, while in the street or any other public place
...being subject to a physical attack because of your skin colour, ethnic origin or religion

1. Very worried
2. Fairly worried
3. Not very worried
4. Not at all worried
5. (Not applicable)

And now thinking about all types of crime in general, how worried are you about being a victim of crime?

1. Very worried
2. Fairly worried
3. Not very worried
4. Not at all worried
5. (Not applicable)
Of the following three types of crime, which, if any, are you MOST worried about happening?

**CODE ONE ONLY**
1. Having your home broken into
2. Having your car stolen, or something stolen from it
3. Being physically or sexually attacked, or mugged
4. SPONTANEOUS ONLY: Not worried about any of these
5. SPONTANEOUS ONLY: Cannot choose one over another/ equally worried about all three

The BCS also asks respondents about their perceptions of safety, using fairly standard questions about how safe respondents feel walking alone in their area after dark/during the day or alone in their own home at night.

**How safe do you feel walking alone in this area after dark? Would you say you feel...READ OUT**

NOTE: IF RESPONDENT NEVER GOES OUT ALONE AT NIGHT, PROBE How safe WOULD you feel?

1. Very safe
2. Fairly safe
3. A bit unsafe
4. or very unsafe?

**How safe do you feel walking alone in this area during the day? Would you say you feel...READ OUT**

NOTE: IF RESPONDENT NEVER GOES OUT ALONE DURING THE DAY, PROBE How safe WOULD you feel?

1. Very safe
2. Fairly safe
3. A bit unsafe
4. or very unsafe?

**How safe do you feel when you are alone in your own home at night? Would you say you feel...READ OUT**

NOTE: IF NEVER ALONE PROBE: How safe WOULD you feel?

1. Very safe
2. Fairly safe
3. A bit unsafe
4. or very unsafe?

The BCS asks respondents to rate the impact they feel that crime in general and fear of crime has on their quality of life, regardless of whether they have been a victim of crime in the previous 12 months. Respondents rate the impact on a scale from 1 to 10, and their ratings are then classed as low, moderate or high.

**How much is YOUR OWN quality of life affected by crime, on a scale from 1 to 10, where 1 is no effect and 10 is a total effect on your quality of life?**

1...10
While the BCS had reported on public confidence in seven different aspects of the criminal justice system, these questions were changed from October 2007 to differentiate between effectiveness and fairness and to make the questions more specific.

The next few questions are about the Criminal Justice System as a whole, that is, the police, the Crown Prosecution Service, the courts, prison and probation services.

First, I’d like to ask you a few questions about different groups who come into contact with the Criminal Justice System such as those who commit crime, victims of crime, witnesses of crime and those who are accused of committing crime.

How confident are you that the Criminal Justice System is effective in bringing people who commit crimes to justice?
How confident are you that the Criminal Justice System meets the needs of victims of crime?
How confident are you that the Criminal Justice System respects the rights of people accused of committing a crime and treats them fairly?
How confident are you that the Criminal Justice System deals with cases promptly and efficiently?
How confident are you that people who come forward as witnesses are treated well by the Criminal Justice System?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident

And how effective do you think the Criminal Justice System as a whole is in reducing crime?
And how effective do you think it is in dealing with young people accused of crime?

1. Very effective
2. Fairly effective
3. Not very effective
4. Not at all effective

We would like to know how good a job you think each of the groups of people who make up the Criminal Justice System are doing.

How good a job do you think THE POLICE are doing?
How good a job do you think the CROWN PROSECUTION SERVICE, that is the body responsible for making prosecutions, is doing?
How good a job do you think JUDGES are doing?
How good a job do you think MAGISTRATES are doing?
How good a job do you think the PRISONS are doing?
How good a job do you think the PROBATION SERVICES are doing?
How good a job do you think the JUVENILE COURTS are doing?

1. Excellent
2. Good
3. Fair
4. Poor
5. Very poor

The next few questions are about the effectiveness of the Criminal Justice System. The Criminal Justice System includes the police, the Crown Prosecution Service (CPS), the courts, prisons and the probation service. We will cover each of these organisations separately and would like you to think about their performance in the country as a whole.

You don’t need to have had contact with any of these organisations to answer the questions. We are just interested in your general opinion.

Firstly, I’d like you to think about the role of the police. The police are responsible for keeping the public safe by preventing crime and catching criminals.

How confident are you that the police are effective at catching criminals?
The Crown Prosecution Service is responsible for deciding when a case should be brought to court and then prosecuting the defendants.

How confident are you that the Crown Prosecution Service is effective at prosecuting people accused of committing a crime?

Now moving on to thinking about courts. This includes the Crown Courts, Magistrates Courts and Juvenile Courts, as well as the judges and magistrates who are involved in the court proceedings.

How confident are you that the Courts are effective at dealing with cases promptly?

How confident are you that the Courts are effective at giving punishments which fit the crime?

The prison service protects the public by keeping convicted offenders in custody, ensuring they are punished and rehabilitating them.

How confident are you that prisons are effective at punishing offenders who have been convicted of a crime?

How confident are you that prisons are effective at rehabilitating offenders who have been convicted of a crime?

The probation service aims to protect the public by rehabilitating offenders given community sentences and those released from prison; and ensuring they obey any restrictions placed on them.

How confident are you that the probation service is effective at preventing criminals from re-offending?

Thinking about all of the agencies within the Criminal Justice System: the police, the Crown Prosecution Service, the courts, prisons and the probation service. How confident are you that the Criminal Justice System as a whole is effective?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don’t know

The Criminal Justice System deals with a variety of people in different circumstances such as victims and witnesses of a crime as well as those who are accused or convicted of committing a crime.

Thinking about the Criminal Justice System as a whole, please choose an answer from the card to say how much you agree or disagree with the following statements.

(How much do you agree or disagree that……….?)

A. The Criminal Justice System gives victims and witnesses the support they need
B. The Criminal Justice System treats those who have been accused of a crime as ‘innocent until proven guilty’
C. The Criminal Justice System takes into account the views of victims and witnesses
D. When handing out sentences the Criminal Justice System takes into account the circumstances surrounding the crime
E. The Criminal Justice System is too soft on those accused of committing a crime
F. The Criminal Justice System achieves the correct balance between the rights of the offender and the rights of the victim
G. The Criminal Justice System discriminates against particular groups or individuals

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
5. Don’t know

Thinking about all of the agencies within the Criminal Justice System: the police, the Crown Prosecution Service, the courts, prisons and the probation service. How confident are you that the Criminal Justice System as a whole is fair?

1. Very confident
2. Fairly confident
3. Not very confident
4. Not at all confident
5. Don’t know
In one of its follow-up modules, the BCS focuses specifically on attitudes to the criminal justice system. A sub-set of the full sample is asked the questions in this module.

<table>
<thead>
<tr>
<th>Which one of these do you think should be the highest priority for the criminal justice system as a whole, that is, the police, the Crown Prosecution Service, the courts, prison and probation services?</th>
</tr>
</thead>
<tbody>
<tr>
<td>CODE ONLY ONE</td>
</tr>
<tr>
<td>And what do you think should be the NEXT highest priority?</td>
</tr>
<tr>
<td>1. Bringing people who commit crimes to justice</td>
</tr>
<tr>
<td>2. Meeting the needs of victims of crime</td>
</tr>
<tr>
<td>3. Respecting the rights of people accused of committing a crime and treating them fairly</td>
</tr>
<tr>
<td>4. Dealing with cases promptly and efficiently</td>
</tr>
<tr>
<td>5. Reducing crime</td>
</tr>
<tr>
<td>6. Dealing with young people accused of crime</td>
</tr>
<tr>
<td>7. Reducing worry about crime</td>
</tr>
<tr>
<td>8. Something else (specify)</td>
</tr>
</tbody>
</table>

People get their information about the Criminal Justice System from many sources. Of the sources listed on this card, which ones provide you PERSONALLY with the most information about the Criminal Justice System?

| CODE ALL THAT APPLY |
| And which ONE of these would you say is your MAIN source of information on the Criminal Justice System? |
| 1. Personal experience |
| 2. Relatives’ and/or friends’ experiences |
| 3. Word of mouth/ Information from other people |
| 4. Broadsheet newspapers (e.g. Times, Guardian, Telegraph) |
| 5. Tabloid newspapers (e.g. Sun, Express, Daily Mail) |
| 6. Local newspapers |
| 7. Soaps (e.g. Eastenders, Coronation Street, The Archers) |
| 8. Films |
| 9. TV dramas |
| 10. TV documentaries |
| 11. News programmes on TV/radio |
| 12. Radio programmes |
| 13. Government publications |
| 14. Books |
| 15. Internet/world-wide-web |
| 16. School/college/evening-class |
| 17. Something else |

How confident are you that the penalties or punishments given to offenders are appropriate? Would you say that you are…

| READ OUT |
| 1. Very confident |
| 2. Fairly confident |
| 3. Not very confident |
| 4. or not at all confident? |
In general, would you say that sentences handed down by the courts, that is both the Crown Court and magistrates’ courts, are too tough, about right or too lenient?
PROBE: Is that a little too tough/lenient or much too tough/lenient?
1. Much too tough
2. A little too tough
3. About right
4. A little too lenient
5. Much too lenient

In general, would you say that the way the police and courts deal with young offenders, that is people aged 10 to 17, is too tough, too lenient or about right?
PROBE: Is that a little too tough/lenient or much too tough/lenient?
1. Much too tough
2. A little too tough
3. About right
4. A little too lenient
5. Much too lenient

I would like to ask whether you think that the level of crime in the country as a whole has changed over the past TWO YEARS. Would you say there is more crime, less crime or about the same amount (since two years ago)?
PROBE: Is that a lot or a little more/less?
PROMPT: If you don’t know, please just guess
1. A lot more crime
2. A little more crime
3. About the same
4. A little less crime
5. A lot less crime

Looking at this card where have you got the impression that crime in the country as a whole has [increased/decreased] in the past two years?
CODE ALL THAT APPLY
A. Personal experience
B. Relatives’ and/or friends’ experiences
C. Word of mouth/ Information from other people
D. Broadsheet newspapers (e.g. Times, Guardian, Telegraph)
E. Tabloid newspapers (e.g. Sun, Express, Daily Mail)
F. Local newspapers
G. Soaps (e.g. Eastenders, Coronation Street, The Archers)
H. Films
I. TV dramas
J. TV documentaries
K. News programmes on TV/radio
L. Radio programmes
M. Government publications
N. Books
O. Internet/world-wide-web
P. School/college/evening-class
Q. Something else
Looking at this card what would be the MOST important thing the Criminal Justice System could do to improve your confidence in it?
And what would be the SECOND MOST important thing the Criminal Justice System could do to improve your confidence in it?

A. Tackling anti-social behaviour and minor crime
B. Reducing the level of re-offending.
C. Treating people of all races equally.
D. Reducing worry about crime.
E. Putting the interests of victims at the heart of the system
F. Speeding up the delivery of justice.
G. Responding to what matters most to local communities
H. Tackling youth crime
I. Bringing more offenders to justice
J. Tougher sentences
K. SPONTANEOUS ONLY: None of these

The following question asks you to give an answer out of 100. If you are not sure about the number, please give your best guess. Of every 100 crimes recorded by the police, roughly what number do you think involve VIOLENCE or the THREAT of violence?

0…100

I'd now like you to think about the sentences passed by the courts.
If someone was sentenced to serve 12 months, how long, on average, do you think they will actually spend in prison?
PROMPT: If you don't know please just guess.
ENTER NUMBER OF MONTHS
0…12

Now I would like you to think about the kinds of sentence that are imposed for BURGLARY Out of every 100 MEN aged 21 or over who are tried and FOUND GUILTY of HOUSE BURGLARY, how many do you think are sent to prison?
And out of every 100 WOMEN aged 21 or over who are tried and FOUND GUILTY of HOUSE BURGLARY, how many do you think are sent to prison?
Now turning to RAPE. Out of every 100 men aged 21 or over who are tried and FOUND GUILTY of rape, how many do you think are sent to prison?

0..100

I am now going to ask you to read a card containing details of an actual crime that went to court. I will then ask you what sentence you think the offender was ACTUALLY given, and then what sentence you think the offender SHOULD have been given. Please let me know when you have finished reading the card.

[First vignette]
A man aged 23 pleaded guilty to the burglary of a cottage belonging to an elderly man whilst he was out during the day. The offender, who had two previous convictions for burglary, took a video worth £150 and a television, which he left damaged near the scene of the crime.

[Second vignette]
A man aged 21 pleaded guilty to assaulting a stranger. An argument started when the offender pushed his way into a taxi queue. When another man tried to calm the offender down, the offender hit the victim in the face, fracturing his nose. The offender did not have any previous convictions for violence.

There are a number of possible sentences which could be imposed in this case. Which type, or types, of sentence do you think the offender ACTUALLY received?
The survey then asks several questions specifically about public attitudes to youth justice, which is somewhat beyond the scope of this review.

The BCS is consistently held up as best practice for both crime victimisation surveys and surveys of public perceptions of crime and the criminal justice system. Surveys in many countries around the world have based their questions on those found in the BCS; doing so not only draws upon the many years of experience upon which the BCS is founded, but also provides the opportunity for international comparisons.
Bibliography


Other papers on this issue:

**More Myths and Misconceptions**
This paper revisits some of the key messages derived from *Myths and Misconceptions* and updates these findings with the most recent research that has been published since the paper’s release in mid-2006.

**Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing Research Paper**
The *Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing Research Paper* provides analyses of both the substantive and methodological issues in the field, with discussion of the way to progress the capacity of the Council to gauge public opinion on sentencing in Victoria.

Other publications of the Sentencing Advisory Council:

**Community Sentences in Victoria: A Statistical Profile**
This report presents an analysis of community sentences imposed in Victorian courts and commenced in the 2006–07 financial year.

**Homicide in Victoria: Offenders, Victims and Sentencing Statistical Report**
This report shows how sentencing outcomes for homicide vary on the basis of characteristics of the incident, the offender and the victim.

**Mandatory Sentencing Research Paper**
This paper aims to inform people about mandatory sentencing, which is an ongoing topic of debate in the community.

**Recidivism of Sex Offenders Research Paper**
This research paper examines the evidence about the prevalence and nature of sexual offending, characteristics of sex offenders, recidivism rates among different kinds of sex offenders and the efficacy of treatment programs.

**Suspended Sentences in Victoria: A Statistical Profile**
This report presents an analysis of suspended sentences imposed in the Magistrates’ Court and higher courts from 2000–01 to 2006–07.

**Suspended Sentences Review**
The Council’s review of Suspended Sentences has produced an Information Paper, Discussion Paper, Interim Report and two Final reports.

**Victoria’s Prison Population: 2001 to 2006**
This paper examines trends in factors associated with Victoria’s rising prison population between 2001 and 2006.