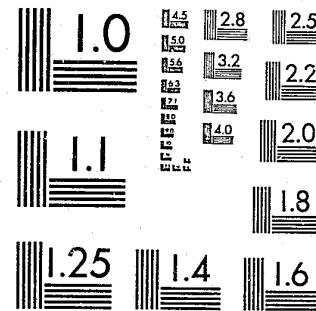


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11/3/83

# Public Attitudes to Criminal Justice

R.G. Broadhurst

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**Education and Justice  
Community Research Project**

**Public Attitudes  
to Criminal Justice**  
**A West Australian Survey 1981**

**R.G. Broadhurst**



**NCJRS**

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R. G. Broadhurst,  
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PREFATORY NOTE:

This report consists of the results of the first stage of a three stage study aimed at exploring community attitudes to criminal justice. The study is a project of University Extension, University of Western Australia, funded in part by a grant from the Australian Criminology Research Council.

The first two stages of the study involved 1,500 people in a comprehensive survey of their attitudes to the seriousness of offences and their opinions of the police, courts and prisons. Our interest was also focused on the kind of information available to the community.

At a time when there is considerable review of public policy toward crime control and the criminal law this research hopefully will both compliment and broaden our understanding of the relationship between public attitudes and public policy.

ACKNOWLEDGEMENTS:

The author gratefully acknowledges the help of the staff of the Research and Planning Section of the West Australian Department of Corrections; Dr Ross Maller of the C.S.I.R.O. for providing statistical consultancy; Mr Jens Breckling of the Department of Mathematics (UWA) for his assistance with programming and Mr David Indermaur for his invaluable contribution at the outset of the study as project research officer.

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Rod Broadhurst  
August, 1981

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## INTRODUCTION

This report is divided into three parts; the first presents the results in readily understandable format and introduces the topical interest in community attitudes to crime and punishment. The second part containing the bulk of the more technical information provides much of the analysis, interpretation and discussion of the results and the study of community attitudes. The third part consists of the nuts and bolts of the study, including a summary of the relevant statute law and additional detailed results. The reader therefore depending on his interest, may pursue this report to the extent that is desired.

The reader should approach the interpretation of these results with reservation, for concern has developed over the effectiveness of methods used in the collection and reporting of criminal statistics. The way in which the statistics are obtained is as often as not more important than the statistics themselves. This concern increases when criminal statistics are applied by those who legislate, decide policy or theorize about their meaning. For the researcher however, information has to be gathered and evidence obtained. In the area of crime research it is not possible or desirable to concede to the belief that *"Intellectual labour must be performed under conditions of perfect tranquility so that the development of new ideas may proceed undisturbed .... in short, a state which authorizes and encourages a certain secession from reality"* (P. Nizan, 1971, p 84) for when information is scarce or difficult to obtain plain description is preferred to the luxury of the language of scientific certainty.

Our curiosity about what people think or hold to be true helps to test the acceptability of activities, behaviours or rules in our community. How severely we may regard certain behaviours and not others tells us about our priorities and concerns. Behaviours and activities that have been defined as criminal normally attract our greatest sanctions, imprisonment or even death. Yet it was apparent, even before criminologists began to measure public attitudes to crime and punishment that even our view of criminal behaviour can change. Since the 1920's, when statistical attempts to measure attitudes to crime began, these attitudes, after the passage of time, have remained both consistent with regard to some crimes and highly changeable with regard to many others. In terms of other factors such as cultural background, age, education, sex, religion and so on, other differences have been observed. We therefore know that measurement of attitudes to crime are reliable only over relatively short periods of time, and depend on the culture of the society.

Since the 1960's scholars have been concerned with standardizing the kinds of methods used to measure attitudes to crime and testing the reliability of such measures. These studies known as Crime Seriousness studies seek to find out to what extent a certain behaviour is considered serious or even criminal, compared to another. Sometimes these measures are called Moral Indignation studies to indicate that what is being measured is the degree of public outrage to a certain crime or behaviour. Essentially these studies entail asking a series of questions about criminal activities and the citizen responds to these crimes in terms of the penalty or sanction he or she thinks fits that crime. This is a very general way of finding out how people might react to a certain crime because many of the details of a crime that a judge and jury might consider are excluded from consideration.

Using one of the standard methods we asked about 1,000 adults on the electoral roll to tell us what kinds of penalties (if any) ought to apply to various kinds of crimes. About 400 people responded to our request to participate in the research. Their answers to these questions and other questions such as their age, sex, religion, general attitude, knowledge and so on were then statistically analysed to help interpret the results.

The results to these questions we asked and some of the more general questions we asked are summarized in the tables that follow. The percentage of people suggesting a certain penalty is given and the range of penalties originally provided has been simplified. For example, probation, community services orders, restitution are included in the category "penalty other than imprisonment" as is the penalty of a "fine" when that is not a separate category. More detailed results and the penalties prescribed in law can be obtained by referring to the main body of this paper and the Appendices.

#### THE COMMUNITY SENTENCE

The penalties suggested by our participants indicate to some extent the attitude of the community to three fundamental and perennial criticisms of the criminal law. Firstly that the law has no place in enforcing morality (e.g. gambling, drugs, abortion, homosexuality, prostitution) on the individual. Secondly that the penalties prescribed by the law are too severe to enable rehabilitation of the criminal and thirdly that severe penalties have not proven effective deterrents against the prevalence of crime. It is interesting to consider the results of the survey in terms of these criticisms.



In the tables below the questions or "crime vignettes" put to the people in the study are grouped into the following categories: violent crime, property crimes, misuse of drugs and victimless crimes.

Violent crime attracted not surprisingly, the most severe penalties, although the offences described in the questions are not the most violent or repugnant that can occur. They are the more common offences of this type.

OFFENCE	NO PENALTY	PENALTY OTHER THAN PRISON	LESS THAN 1 YEAR PRISON	1-2 YEARS PRISON	2-5 YEARS PRISON	5-15 YEARS PRISON	LIFE IMPRISONMENT	DEATH
Q.9 The offender is a man who kills his wife during an argument	0.8	5.2	3.4	4.2	15.1	40	23	8.3
Q.21 The offender is a 30 year old man who rapes a 19 year old woman	0.7	3.8	7.1	6.7	15.7	47.5	14.2	4.1
Q.13 The offender is a man who deliberately stabs his wife during a fight; she does not die	0	4.9	9.8	9.4	18.8	44	12	1.1
Q.26 The offender is a person who bashes a stranger	0.4	7.2	27.6	20.5	24.2	19.4	0.4	0.4
Q.1 The offender is a man who robs a store with a gun	0	3.8	9.8	8.3	25.8	48.1	3.4	1.5

Property Crime is separated into two categories, traditional and what has become known as 'White collar crime'. White collar crime can simply be described as stealing from a position of some privilege or public responsibility, although part of the problem of defining such crimes is the difficulty in distinguishing between smart business practice and stealing as we traditionally understand. Community attitudes to this difficulty of defining an activity as stealing or not can be gauged by the relatively high proportions of people who consider that some of these behaviours ought not be penalised, yet no one indicated that traditional stealing ought not be penalised. The results also indicate preference for sanctions other than imprisonment for the white collar criminal.

OFFENCE	NO PENALTY	FINE	PENALTY OTHER THAN PRISON	LESS THAN 1 YEAR PRISON	1-2 YEARS PRISON	2-5 YEARS PRISON	PENALTY GREATER THAN 5 YEARS
Q.2 The offender is a man who breaks into a neighbour's home to steal money	0	6	14.6	46.4	15	13	4.8
Q.18 The offender is a man who steals property (value over \$100) from a stranger	0	7.9	24.9	52.5	10.6	9.1	3.1
Q.5 The offender is a man who steals property (value less than \$50) from a stranger	0	18.5	34.3	37.8	4.2	3.0	2.4
Q.6 The offender is a young boy who steals an automobile	0	3.0	70.3	20.7	3.0	1.1	1.9

The predominant preference that a penalty other than imprisonment for the young car thief shows the recognition in the community that juvenile offenders ought not be subject to the full weight of the law and in particular an aversion to imprisonment.

OFFENCE	NO PENALTY	FINE	PENALTY OTHER THAN PRISON	LESS THAN 1 YEAR PRISON	1-2 YEARS PRISON	2-5 YEARS PRISON	MORE THAN 5 YEARS PRISON
Q.7 The offender is a businessman who attempts to bribe government officials to obtain a lucrative (\$10,000,000) government building contract for his company	4.9	9.4	5.3	15	15	15.7	33.7
Q.22 The offenders are presidents of four major petroleum companies who illegally conspire to raise the price of petroleum and gasoline products in order to increase profits	4.2	18.7	8.1	19.1	10.3	13.4	26.3
Q.10 The offender is an executive of a corporation who knows that his corporation must purchase land; he purchases the available land and sells it for a \$100,000 gain	26.8	16.1	13.4	10.8	7.7	12.6	12.7
Q.14 The offender is an auto mechanic who charges you \$300 for major engine repairs; when in fact he only replaces the spark plugs	2.6	25.2	29.7	25.5	6.4	6.4	4.2
Q.3 The offender is an individual who intentionally fails to report \$5,000 in earnings to the government and thus pays no taxes on his income	8.2	49.8	16.9	16.9	4.1	2.6	1.5
<u>White collar crime - advertising</u>							MORE THAN 2 YEARS
Q.16 The offender is the manager of a department store who advertises that prices on all items have been reduced by 50% when in fact no such price reductions have taken place	8.7	49.8	18.5	15.5	3.0	4.5	
Q.20 The offender is an executive who is responsible for an advertisement which makes false and extravagant claims about the quality of his company's product	3.8	47.1	15.2	25.5	4.2	6.2	



False advertising which until fairly recent times was not a subject of much concern to the law or seldom prosecuted attracts like tax evasion the preferred sanctions of financial penalty.

Misuse of drugs and use of drugs in our society has attracted in recent years a great deal of attention from legislators, the media and law enforcement officials. Community attitudes have been frequently portrayed as very severe and the laws passed some of the most punitive and severe. Table C shows that the community attitude is perhaps not so severe especially when compared to the drunk driver and the pharmaceutical manufacturer.

OFFENCE	NO PENALTY	FINE	PENALTY OTHER THAN PRISON	LESS THAN 1 YEAR PRISON	1- 2 YEARS PRISON	2-5 YEARS PRISON	MORE THAN 5 YEARS PRISON	DEATH PENALTY
Q.11 The offender is a person who uses marijuana	34.4	9.8	21.8	20.8	4.5	4.1	4.5	0.4
Q.23 The offender is a person who uses heroin	19.5	4.3	24.8	21.4	7.4	10.9	10.5	1.2
Q.8 The offender is a person who sells marijuana	7.2	6.8	9.0	13.0	8.2	15.0	37.8	3.0
Q.17 The offender is a person who sells heroin	0	0.7	1.2	4.5	2.2	7.5	72.1	11.9
Q.4 The offender is an executive of a drug company who allows his company to manufacture and sell a drug knowing that it may produce harmful side effects for most individuals	3.0	3.8	4	5.3	4.6	18.0	57.1	3.2
(2) MISUSE of DRUGS - THE MOTORIST								
Q.27 The offender is a drunk driver	0	27.2	19.4	39.4	4.9	5.3	9.5	0.4
Q.12 The offender is a man who hits and kills a little girl while driving his car when drunk	0.4	0.8	4.6	6.9	9.5	14.0	58.7	5.3

Very severe sanctions, in fact the most severe, were suggested for the heroin seller. Moral outrage against this offence can be compared with murder.

"Victimless" Crimes, sometimes referred to as "moral crimes" attracted the least severe sanctions and penalties. These are offences for which perhaps community attitudes have changed the most since our criminal code was framed at the turn of the century. The offence of abortion (the author does not necessarily imply that this is a "victimless" crime) attracts like homosexuality and prostitution a good deal of public controversy yet the results show that the community is reluctant to view the enforcement of private morality as a function of the criminal law.

OFFENCE	NO PENALTY	PENALTY OTHER THAN PRISON	LESS THAN 1 YEAR PRISON	1- 2 YEARS PRISON	2- 5 YEARS PRISON	MORE THAN 5 YEARS PRISON
Q.24 The offender is a female who solicits money in return for providing sex	64.9	24.4	6.9	1.5	1.9	0.4
Q.15 The offenders are two males who engage in sex together	84.7	9.3	4.4	0.4	0.8	1.6
Q.25 The offender is a person who attempts suicide	71.2	22.3	3	1.2	---	2
Q.19 The offender is a woman who had an illegal abortion	79.1	11.4	5.7	1.1	0.4	2.3

The offence of attempting suicide was removed from the Western Australian Criminal Code in 1972.

POLICE, COURTS AND PRISONS

In addition to asking people's views on the kinds of penalties they would attach to a variety of crimes we also asked them to express their opinion on a variety of statements about the operation of the criminal justice system. Participants were asked to indicate their agreement or disagreement with these statements. This was a difficult task and many of our respondents were undecided about their viewpoint. The results show the degree of contradiction and disagreement in our community about the objectives of our criminal justice system and the effectiveness of the agencies responsible for the administration of justice. In fact the amount of inconsistency in the responses makes it difficult to identify any dominant trend or overall viewpoint. The statements are grouped into three headings for consideration: the Police, Courts and Prisons.

POLICE

Our attitudes to the police who are responsible for the apprehension and prosecution of offenders are very important. The police rely on the goodwill of the community they serve and the relationship between the Police and the community can determine to a large extent the success of many police operations and functions. The results show a reluctance to extend police power and a desire that complaints against them be dealt with by a body that is seen to be independent.

While most feel the police are fair, disenchantment is widespread and with regard to this, August Vollmer (1929) (former police chief and foundation Professor of Police Science) cogently observed "*The Policeman is denounced by the public, criticized by preachers, ridiculed in the movies, berated by the newspapers ... "yet"... supposed to possess the qualifications of a soldier, doctor, lawyer, diplomat and educator*". (Morris, N., Hawkins, G. 1970, P 89)

THE POLICE			
	DISAGREE	UNCERTAIN	AGREE
The Police are fair	17.1	33.1	49.8
The Police victimize individuals	28.2	40.6	31.2
The Police should have more power	56.9	22.3	20.8
Police and prison officers should be more highly trained	13.4	20.9	65.7
Police and prison wardens should be directly under government control rather than a union's	18	22.1	59.9
Complaints against the police and prison wardens should be investigated by an independent body	6.4	1.9	91.7

Recent studies elsewhere have shown that respect and regard for police forces in general has been declining. Much of this decline has been attributed to changes in our lifestyles, traditional family relationships and attitudes to authority. In addition police forces are now a good deal more specialized, more remote and less visible than before. There is in any event a good deal of mutual suspicion between the public and the police based on the predominantly negative nature of the isolated and infrequent contact that occurs between the public and police. While improved public relations and education are frequently pointed to as solutions, the priority these important police functions enjoy are low. Indeed the re-evaluation of what role police play in our community and crime control has only recently been hesitantly posed - police force or police service?

THE COURTS

The judicial system provides the mechanism through which guilt and penalty is determined, here also lie the safeguards to individual liberty. The results to the first three statements seem to echo the popular sentiments expressed ever since Beccaria, a pioneer in criminology caustically wrote in 1762 of the venality of judges and the obscurity of law. Now as then the discretion afforded magistrates and judges to decide penalty (as distinct from guilt), even if within prescribed limits, remains a principle source of complaint, misunderstanding and concern for equity.

THE COURTS AND SENTENCES			
	DISAGREE	UNCERTAIN	AGREE
Judges and courts are fair	33.5	30.1	36.4
Judges should have more first hand experience of prison	10.8	19.3	69.9
Sentences handed out by the courts are too lenient	9	23	68
All penalties should be increased	37.8	33.7	28.5
There should be more use of imprisonment as a penalty rather than fines, work orders and good behaviour bonds	51	18.7	30.3
Crimes of violence should generally receive harsher penalties than non-violent crimes	1.9	2.2	95.9
Where a fine is imposed as a penalty the fine should be proportional to the offenders income rather than a flat rate	26.8	11.6	61.6
There should be lower penalties for all offences where there is no victim (no one is affected against their wishes, eg gambling, prostitution, drug taking)	18.3	11.6	60.1
Prison sentences should be reduced and the money saved spent on helping the offender in the community	50.6	25.2	24.2
Crimes where there is no victim should be punishable by imprisonment in some cases	18.9	17.1	64

The results show a hesitant and inconsistent attitude to punishment; courts are too lenient but we should use imprisonment less and alternatives more. The attitude to proportional fine illustrates the problem; the problems of equity and discretion are perceived to be resolved by the application of a formula based on the means to pay principle. Judges strive to strike a balance between competing "harms" and "benefits", and it is difficult to apply a rule or set of rules with regard to penalty without sometimes producing more harm for the sake of an elusive "ideal" equity. Needless to say this inherent conflict does not imply an abandonment of the development of sentencing based on rational criteria and guidelines. Judges and the legal profession as a whole have in the past opted to process and manipulate the law as if it were apart from the community and in doing so tended to convey expectations of infallibility bound to disappoint, obscure and mystify public understanding and participation.

PRISONS

Prisons and the use of them as the principle means of punishment are a relatively new phenomena. Like the organization of disciplined Police Forces or Services they began developing in the early part of the last century. Their growth and central place in the notion that criminals and others can be deterred and changed by incarceration is a consequence of the quest to reduce crime and for more humane methods of punishment. Public attitudes to prison and imprisonment have been variously described as fickle, uncaring, horrified, ashamed. Almost the full range of human emotions has been used to describe this form of punishment. Our attitudes to prisons have also been described as cyclical moving from periods of significant demand for improvement to periods of neglect and repression and then back to reform and so on. Prisons have also recently joined popular culture generating its own particular mythology and story, in much the same way the popularity of detective and courtroom dramas attracted the public's imagination.

PRISONS			
	DISAGREE	UNCERTAIN	AGREE
Prisons should be made tougher	21.9	16	62.1
We should send a person to prison only as a last resort	50	10.1	39.9
Prison provides the community with the most effective deterrent to crime	34.5	17.3	48.2
Prison rehabilitates prisoners	44.9	41.2	13.9
Imprisonment fails to prevent crime	26	25.9	48.1
As a society we should strive towards alternatives to prison	26.9	14.6	58.5
Sending a person to prison will teach him a lesson	35.4	29.9	34.7
Prisoners should be provided with more help when they are released from prison	6.7	19.3	84
Prisoners learn more about being a criminal than being a good citizen while in prison	10.8	25.2	64
In no circumstances should prisoners be able to have sexual contact with their spouse	38.6	21.6	39.8

Here again the results of the survey reveal the impact of the mixed images conveyed by the media, tradition and experience. Prison is the most effective deterrent to crime yet it fails to prevent crime or rehabilitate prisoners. Prisons need to be tougher and need not be a place of last resort. It seems as if even while we recognise as a community that imprisonment is highly undesirable and probably ineffective it is tempting to conclude that there is something wrong with what happens in prisons rather than with the idea of prison as a form of punishment.

### COMMUNITY ATTITUDES AND CRIME

What emerges from a survey designed to seek out a public viewpoint on law and punishment is that there is a very high degree of variation in the attitudes expressed; that agreement about what is a crime or not and what kinds of punishment are appropriate or not is more fragile and changeable than perhaps we have allowed ourselves to consider. In fact the only general conclusions based on these results that one could safely make is that we should approach pronouncements on what constitutes the community's attitude with considerable reservation and care, particularly before we choose to sanctify our viewpoint with the force of the law.

While agreement may well exist as to what constitutes the bulk of behaviour that can be defined criminal, how to approach control and punishment of crime is highly contentious and fundamental to the survival of a society. Laws, governmental and judicial intervention in the area of crime has been long regarded as essentially an exercise in consensus. Public policy-makers should appreciate the delicate and changeable nature of this consensus and if we are uncertain of where and how to wage the "war against crime" our chances of minimizing the harmful effects of crime are reduced to symbolic gestures and expediency.

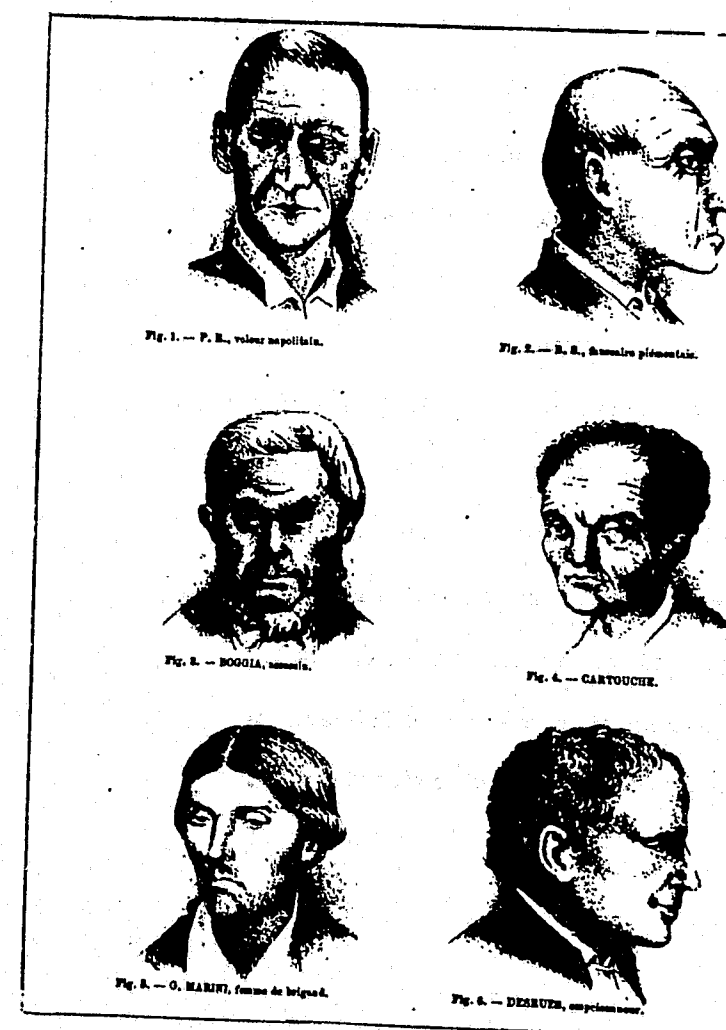
Our attitude to those responsible for the administration of the law, policemen, judges and prison officials is determined by many factors, the most important of which is our perception of them as "them". Set apart from the community, their roles and functions and problems are poorly understood and our expectations often unrealistic and unsupportive. To a large extent this situation is a creation of the nature of those roles themselves, and a preference

for secrecy and a fear of criticism, in the attitudes of those administering the criminal law.

Many writers in recent times have identified a general mood of recrimination and denigration toward the criminal justice system and those working in it. Some commentators have considered the effect of this criticism on those working within the criminal justice system as the most significant crisis facing those administering criminal justice. While this recrimination is understandable for abuses remain, the criticism is frequently generalized, misdirected and often combined with plain wishful thinking. For the hard pressed policeman, judge and prison officer, "It is unjust because those dealing with crime and criminals are constantly beset by dilemmas which society as a whole has left unresolved, dependent upon resources that society has left inadequate. It is dangerous because people with the qualities and qualifications needed for these responsibilities are hard to find and keep. A constant barrage of criticism and discouragement may well leave us with only rascals and bullies to undertake such onerous tasks" (Radzinowicz and King: 1977, p 350). Stagnation, abuses and corruption are realities, our safeguards are the qualitative aspects of the people to whom we entrust these responsibilities.

THE RESEARCH - ABSTRACT

This study aims to measure public attitude to various crimes (crime seriousness ratings) and justice in general and to relate these to information and cultural variables. These variables are examined in the context of the crime control system and a model (adapted from Wilson and Brown, 1973) is proposed to integrate the main observations. A measure of public attitude to individual crimes (moral indignation or crime seriousness rating) used in a cross-cultural study by Scott and Althakeb 1977 was employed. A sample of 279 Western Australians completed questions asking them to suggest penalties for 27 crime vignettes. A moral indignation score (average number of days in jail), was then calculated and related to other variables such as information about prison, general attitude toward justice (punitive vs non punitive) and demographic factors. Results showed considerable variance in penalties for all crimes except those defined as victimless (where the suggested penalty was predominantly "no penalty"). The sample produced levels of moral indignation (averaged for all crimes) higher than those reported by Scott and Althakeb for other western countries. The general attitude groups were found to be related to moral indignation. Information about prisons was independent from moral indignation and general attitude. These results support the findings of earlier studies and are discussed in terms of the model proposed, the role of the media and crime control agencies on the formation of public attitude is emphasised.



THE IMAGE OF  
THE CRIMINAL

"Criminal types", from  
the 1887 french edition  
of "L'Uomo delinquente"  
by Cesare Lombroso (1876).

The study of criminology depends directly on the labelling and definition of certain behaviour as crime. This identification process is often assumed to reflect community attitudes to these behaviours and is the goal of moral indignation studies, Scott and Althakeb (1977): Wilson and Brown (1973): and crime seriousness rating studies, Sheley (1980): Sebba (1980): Walker (1978). Sheley (p123) suggests that this field has become "a fairly important concern in the field of criminology" and that "as research into the deterrence of crime Erickson, et al (1977): Silberman (1976): and moral commitment to societal norms (Hirschi (1969) increases, the use of crime seriousness ratings will also increase." Also as Sebba writes "since the publication of Sellin and Wolfgang's "The Measurement of Delinquency" (1964) much scholarship has been devoted to the topic of seriousness scales." Some of the studies have emphasized the validity and reliability of the scales while others have raised doubts about their methodology and usefulness, Walker (1971): McClintock (1974). Sebba looks at the effect of mental attitude of the offender on crime seriousness scales, and finds support for the hypothesis that respondents view "crime vignettes" as attributing intentionality of the offender; however the mitigation of *mens rea* is not assumed to operate as a powerful factor in most crime seriousness studies of "traditional" crimes.

The present study suggests the factor of first offence in the context of crime seriousness (study) should likewise be examined. In the Western Australian context variation of the racial description of the offender in "crime vignettes" would be worthy of additional investigation along the line developed by Walker (1978) for social class in the U.K. Walker in a study of crime seriousness varied the descriptions of offenders by social class and generally found all measures were used consistently.

Hypothesis:

This study employed the crime seriousness measure devised by Scott and Althakeb, and crime seriousness or moral indignation is operationalised as suggested sentences. The present study also measures the perception of crime seriousness (i.e. the assumed sentences for crimes) and the level of information about imprisonment. The following hypotheses were explored:

1. That more knowledge or information about imprisonment would relate to a lower moral indignation score, (information is operationalised as correct answers).
2. (i) That more generalized attitudes to the Criminal Justice System would relate to moral indignation, in that attitudes defined as punitive (D'Anjou (1978)) \*1 would relate to a higher moral indignation score, and  
(ii) would be less informed.
3. That demographic factors such as age, sex, marital status, education, income, source of information, political preference, religious preference and experience with the law as a lawbreaker would relate to moral indignation and information.

It was assumed that in general terms the community would be ill informed about the Criminal Justice System, thus our information measure sought also to determine the extent of information known about imprisonment. It was speculated that the difference between assumed and suggested sentences would measure the degree of agreement or consensus.

1: D'Anjou defines punitive as preference for maximum suffering to the offender.



Literature:

Crime seriousness studies are important in examining the relationship of current laws and sentences to community attitudes. Community attitudes are frequently an active component of government or public policy which directly affects persons convicted of those behaviours defined as criminal. Moral indignation measures "may be relevant not only in the development of criminal statistics, for which they were designed initially, but also for the decision making processes" (Sebba 1980, p 124). Further, Moral Indignation may be considered as an important attitude variable in its own right (Sheley 1980) and may help in understanding the effect of legislation (Nesdale 1980). Moral indignation studies have been applied and utilized by police forces (Charles 1980; Heller et al 1973) and considered with regard to media processes (Fishman 1978; Winnick 1978).

A number of studies attempt to investigate the relationship between a range of crime attitude measures and other variables. Jayewardene, et al (1977) looks at the relationship between knowledge of crime and punishment and attitude towards it and concludes that they are independent. Nesdale (1980) examines the effect of legislation on attitudes towards drug use. Gibbs & Erickson (1978) analysed the relationships between perceived and objective certainty of arrest, the crime rate and moral indignation and found that only when the variable (moral indignation) social condemnation was controlled was there no significant relationship between certainty of arrest either objectively or suggested and the crime rate.

D'Anjou (1978) defined punitiveness as a specific preference for legal sanctions involving the *maximum suffering of the offender*; the present study operationalised punitiveness as the preference for the *use of imprisonment*. Punitiveness is an outcome of fear in a model

proposed by Wilson and Brown and their dichotomy between "fear" and "concern" is not easily distinguished empirically. Becker's (1963)<sup>\*2</sup> concept "moral enterprise" integrates and defines the two dimension "fear"/"concern" as either directions of "... the creation of a new fragment of the moral constitution of society." Needless to say, the outcome of many non punitive alternatives to imprisonment have on evaluation been often more effective in increasing the use of imprisonment and validating its utility.

As moral indignation and attitudes toward crimes are similar and suggested as important, it would seem useful to attempt to understand this measure and study its relationship with other relevant factors such as information, perceived current legal practice, victimization, crime rates, imprisonment rates and other demographic factors. This is the purpose of the current exploratory study, to examine crime seriousness in Western Australia.

Measures of the attitude towards crime differ in orientation but basically attempt to tap respondents differential response, in seriousness, to a range of crimes. These studies are generally described as crime-seriousness rating scales (Sheley (1980): Walker (1978): Sebba (1980) or moral indignation studies (Wilson and Brown (1973): Scott and Althakeb (1977)). Significant cross cultural differences and similarities are reported in attitudes towards crime (Scott and Althakeb (1977): Newman (1976)) as are demographic factors within cultural groups, such as age, sex, marital status, educational level and income level (Nesdale (1980): Braithwaite and Biles (1980): Wilson and Brown (1973)). To this extent crime seriousness studies reflect more or less decision-making processes (from reference points learned) calibrated against a (series) range of permissible and legal control measures. Sheley (1980) p133, however,

<sup>2</sup> Cohen (1973) p11 described the source of the concept arising from the sociology of law "Sociologists such as Becker and Gusfield have taken the cases of the Marijuana Tax Act and the Prohibition laws respectively to show how public concern about a particular condition is generated, a 'symbolic crusade' mounted, which with publicity and the actions of certain interest groups, results in what Becker calls 'moral enterprise'...the creation of a new fragment of the moral constitution of society." Elsewhere Becker uses the same analysis to deal with the



concludes that *"if crime seriousness attitudes are similar to other attitudes the present findings suggest that attitudes are more concrete and less malleable (at least by questionnaire methods) than many social scientists believe... it can be legitimately argued that attitudes about crime seriousness differ from attitudes on other issues. They do not represent likes or dislikes...so much as they reflect a set of learned rights and wrongs for which there is little room for debate."*

There have been few studies examining the relationship of this variable crime seriousness to knowledge of crime and punishment or more general attitude. Jayewardene, et al, (1977) examined the relationship between attitude and knowledge and found no relationship, and his sample consisted of high school students undertaking a course designed to increase their knowledge of the law and criminal processes. Fagan (1978) examined the relationship between knowledge about the Criminal Justice and pro-Criminal Justice System sentiment and found no significant relationship. A slight relationship between higher education and income and more knowledge was noted, as was the tendency for this relationship to reduce the rate of extremely positive responses for support of the Criminal Justice System. In addition, Fagan found in his sample that the public was more informed about the correctional system than about Courts and the police. <sup>\*3</sup> The relationship of moral indignation to knowledge and general attitude may be important in the area of public education and community awareness or consciousness-raising (Van Dijk (1978)) concerning issues of crime and punishment (D'Anjou. (1978)) crime reporting by the media (Fishman (1978)) and at the neighbourhood level (McPherson (1978)).

Proponents of reform and abolition of the Criminal Justice System argue that increased knowledge and understanding will lead to less punitive and more eclectic community responses to the complex social and

<sup>3</sup>: Fagan found public support (for) was higher for the courts and police than prisons.

personal conflicts represented by criminal behaviour. Doubts raised about the efficacy of modern law enforcement, sentencing and imprisonment in particular (Tomasic and Dobinson (1979): Mitford (1976): Fogel (1976): Mathieson (1976)) has led to a search for alternatives to the orthodox deterrent-punishment model of social control. Public opinion is ill-defined in this context and when reported has been described as punitive and supportive of the deterrence-punishment approach. In addition Singh and Jaywardene (1978) suggest that respondents to attitude questionnaires display philosophical inconsistencies in response to questions that reflect reformatory or retributory orientations. Their results (p 183) *"lend support to the finding in other attitudinal survey studies of a COGNITIVE INCONSISTENCY\* in the opinions expressed."*; and they concluded *"that the adoption of a philosophically consistent or inconsistent position is the prerogative of neither those retributory oriented nor those reformation oriented. These orientations appear dependent on factors other than rational consideration of the desirable societal reactions to crime"*.

There is also no evidence to suggest that the capacity of the Criminal Justice System to change the behaviour of the criminal, despite particular "rehabilitation" programmes, is significant in reducing crime (Lipton, et al, (1975)) <sup>\*4</sup>.

Similarly there is little evidence to suggest that public attitude can be influenced so that the most punitive and counter-productive aspects of the deterrent-punishment approach can be changed (Bureau of Crime Statistics N.S.W. Report No. 17, 1974). It is plausible to argue that the Criminal Justice System ill-functions through the repetition of set responses, which do not allow for learning in the criminal, the Criminal Justice bureaucracy, or the community, so that we may assume it is self-enforcing. In a community sense, the sending of a person labelled or identified criminal to prison

\* *Emphasis added by Author*

<sup>4</sup>: This is not to say that some rehabilitation programmes are not important in preventing some prisoners from returning to gaol. Most rehabilitative programmes, regardless of their external goal, have varying utility in adjusting prisoners to the environment and providing some structure for avoiding the worst features of a purely punishment-deterrent model. A utility that is frequently challenged as counter-productive and superficial by radical criminologists.

is satisfying, regardless of the other consequences.

It is generally perceived that the crime rate rises unabated and prison systems fail, sometimes spectacularly as in Attica in the U.S.A., Portland in the U.K., and Bathurst in N.S.W., while recidivism remains high and imprisonment rates prove difficult to reduce. \*5

This has led to efforts to examine crime in the context of the wider society rather than the clientele of the Criminal Justice System and "crime control" is seen as a system of power, authority, control and exploitation (Ditton (1979): Wilson and Braithwaite (1978): Mathieson (1976): Pearce (1976)). As well it has led to concerted efforts on internal reforms such as management sponsored changes to correctional programmes, custodial strategies, training and individual "treatment".

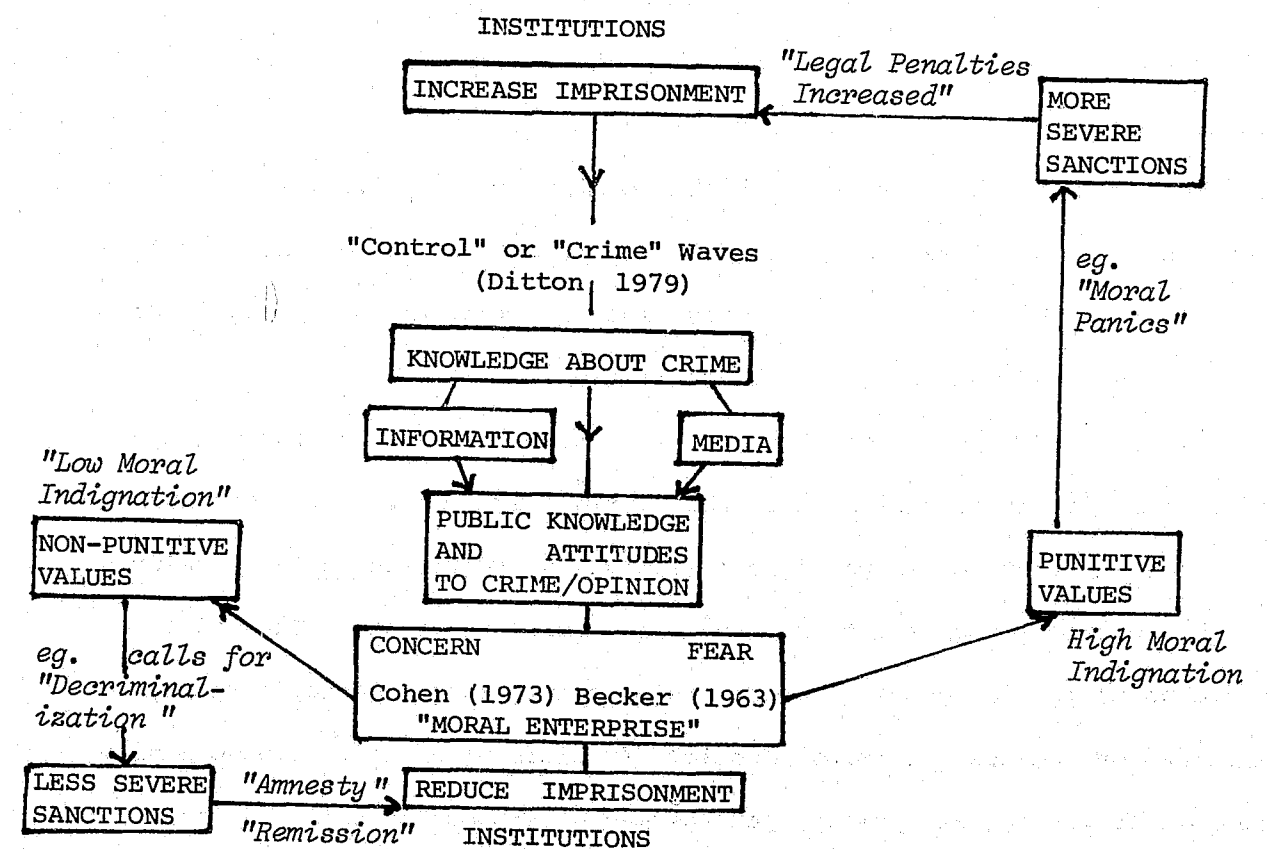
The roles of the mass media and politico-legal processes have been seen as important factors in the determination of what is crime and what are appropriate responses to it (Ditton (1979) and Winnick (1978): Mathieson (1976): Wilson and Brown (1973)). Although there is uncertainty about the importance and precise role of media interaction in the criminalization process from both the methodological and theoretical aspects, there are also strong ideological differences as to the emphasis to be placed on these factors (Schichor (1980): Ditton (1979)). These factors affect and are affected by community attitudes and the availability of information on crime. The role of jury service as the actual and symbolic representation of moral indignation has not been the subject of much research and as an avenue of community participation and consensus little explored. The "jury" is strongly criticized and the role of community attitude or public 'opinion' ignored by Police Forces in particular (Hain, et al, (1979)) \*5 yet is a treasured symbol of justice.

\*5: (See for example W.A. Imprisonment Inquiry (1981) and Parliamentary All-Party Affairs Group (1980) "Too Many Prisoners".

\*5: (Hain, et al, (1979) p4) "The attacks on the jury system spearheaded by the police have been particularly disturbing. Sir Robert Mark argued when he was Metropolitan Police Commissioner that juries acquitted too many defendants - from which he concluded that the jury system was faulty."

Figure I shows this study's adaptation of Wilson and Brown's model of community attitudes relationship to crime and other factors. The model suggests public attitudes to crime originate from either a "fear of crime" or "concern about crime" and that these positions are sources of "moral enterprise" with essentially different consequences; in particular the "fear" response leading to a punitive attitude, high moral indignation and an increased use of imprisonment.

FIGURE I



In Figure I Wilson and Brown's model is adapted to focus on the values stemming from "moral enterprise", (Cohen (1973), Becker (1963) arising from a fear/concern of crime. The role of knowledge and attitudes is developed and mediated by information sources and the media; for example "Crime Waves". (Ditton (1979): Fishman (1978)) and official statistics.

McPherson (1978) examined fear of crime in relation to perception of crime, actual victimization and attitudes to the police. He found that fear of crime related to actual incidence of crime and the provision of accurate information had a high potential for reducing fear. Policies designed to reduce crime, concluded McPherson, should simultaneously reduce fear.

Although Jaywardene, et al, (1977) attempted to relate attitude to knowledge or information accuracy, there is little understanding of the relationship of moral indignation to attitude or information: Fagan (1978) was not able to confirm a dependent relationship between knowledge and support for the Criminal Justice System. As Van Dijk (1978) reports, in the case of the Netherlands the relationship between fear of crime and actual victimization is not as strongly connected as suggested by other studies. For levels of fear are high, despite the relatively low crime rate and fear of crime was not expressed uniformly or universally. Van Dijk found high levels of fear mostly amongst women, the middle-aged and those with conservative political affiliations.

Ditton (1979) argues that "crime" is principally revealed through the activities of the control agents, the Criminal Justice institutions and agencies and that "crime waves" are (including statistical error) measures of the control agencies rather than crime "real" or actual. The media responds to the incidence of crime predominantly through control agency information sources. Criminal Justice officials frequently cite community support for action and policy, yet the media response to crime distorts the information available to the community (Fishman (1978) and Humphries (1981)) on which public policy might evolve. <sup>\*7</sup>

<sup>7</sup>: See Eysenck H.J. and D.K.B. Nias (1980) for a fairly comprehensive review of research connecting television with violence and crime. Winnick (1978) and others report a large percentage of television broadcast or newsprint content is given over to the incidence of crime and the Criminal Justice process.

A survey of knowledge and attitudes to crime and punishment in Western Australia is pertinent in view of the high rate of imprisonment compared to other Australian states\*, the high rate of aboriginal imprisonment\*\*, a higher rate of reported victimization than other states (Braithwaite and Biles (1980)) and it remains the only Australian state to retain the death penalty (for 43 offences). In terms of the above discussion, these factors are related to the deterrent-punishment model derived from a punitive attitude stemming from active "moral enterprise". Further, much publicity has been given to recent calls for the implementation of the death penalty, changes to the legislation affecting drug use and capital offenders, recent industrial strife within the prison service and a reported over-crowding in prisons.\*\*\*

If, as Scott and Althakeb tentatively concluded, the level of moral indignation does not relate to correctional practice or government policy as perhaps measured by imprisonment rate, but to actual risk of victimization, then we would expect a high level of moral indignation in the Western Australian sample based on the findings of Braithwaite and Biles (1980)). Moral indignation might also reflect attitudinal positions despite governmental practice, policies or changes. Therefore it was speculated that a high level of moral indignation might also reflect a high rate of imprisonment as well as a high level of victimization.

#### Methodology:

The present study was designed specifically to survey the level of *suggested penalty* in a sample of Western Australian voters and to attempt to measure the level of information and relate these measures. Also a separate *general attitude (severity to crime)* measure was developed to

\* Australian Institute of Criminology Statistical Reports (1980)

\*\* Annual Report, Department of Corrections: (1978-79), (1977-78)

\*\*\* Annual Report, Department of Corrections: (1978-79), (1977-78)

allow the formation of punitive and non punitive attitude groups and to test their relationship with moral indignation and knowledge scores.

A measure of *assumed penalty* was taken to allow further analysis of the meaning of moral indignation scores, information and the non punitive, punitive groupings. The moral indignation scale used was designed by Scott and Althakeb to allow a comparison with a range of cultural samples. This measure related to the Wilson and Brown (1973) crime attitude survey in the Eastern Australian States, though the results are not directly comparable.

Western Australian voters formed the population surveyed, and was derived by randomly generating 1,000 electoral roll numbers from all federal electoral divisions in Western Australia, except Kalgoorlie. The survey questionnaire was pre-tested by fifty students and clerical assistants; alterations to the instructions were made inviting respondents to "guess" as questions were expected to be difficult in Section I - Information, in response to the reluctance of our pilot sample to submit possible 'incorrect' answers to questions. It was estimated that between 45 minutes - 60 minutes was required on average to complete the questionnaire. (Questionnaire completion time ranged from 15 minutes to one hour and 45 minutes).

A comprehensive questionnaire consisting of 143 items (see Appendix I) was mailed out to the sample with a cover note requesting co-operation and enclosing a postage paid reply envelope. The response rate of 27.9% completed questionnaires was achieved six weeks after post out date. A follow up sample of 90 non-respondents was undertaken in order to compare non-respondent scores with respondent scores. The sample of non-respondents

did not significantly differ in the moral indignation score or other factors measured \*8.

TABLE I  
COMPARISON OF DEMOGRAPHIC QUALITIES  
SAMPLE WITH W.A. CENSUS FIGURES

		SURVEY	
		SAMPLE	W.A.
SEX	MALE	44.8	50
	FEMALE	55.2	50
EDUCATION LEVEL	PRIMARY	4.7	3
	SECONDARY	55.5	70
	TERTIARY	26.6	8
	TECHNICAL	13.3	19
INCOME LEV <sup>W</sup>	LOW	38.3	53
	MEDIUM	48.0	44
	HIGH	13.7	3
MARITAL STATUS	SINGLE	12.0	26
	WIDOW DIVORCED SEPARATED	10.0	11
	MARRIED	77.0	63
AGE	UNDER 26	15.1	16
	26 - 35	29.8	20
	35 - 50	27.1	29
	OVER 50	27.9	34

Table I shows the demographic composition of the respondent sample against Australian Bureau of Statistics (A.B.S.) figures derived from the 1976 Census. Although the survey sample seems in general terms comparable to the A.B.S. figures, the sample consists of more female respondents; more tertiary educated and higher income individuals; less single and

8. Details and Breakdown

RETURN RATE:

27.9*	completed questionnaires )	
22	incomplete questionnaires )	initial survey response
42	returned undelivered )	

44	completed questionnaires )	
3	incomplete questionnaires )	non-respondent survey response

390 questionnaires accounted for

It was noted that the female bias in the completed questionnaires returned by the non-respondents was further amplified  
\*235 persons indicated willingness to participate in follow up study

more married people. The sample closely approximated the age variable except for a bias toward the 26-35 age group. In view of the mail out strategy, complexity of the questionnaire and relatively low response rate, the sample bias shown in Table I is consistent with problems associated with the mail-out strategy. Generalization from the sample therefore requires caution; perhaps the sample could be described as being slightly biased towards the more educated and presumably the informed and concerned within the community.

#### QUESTIONNAIRE - METHODOLOGY AND DESCRIPTIVE RESULTS

The questionnaire booklet containing 143 items consisted of:-

(see Appendix I for full details)

#### INFORMATION:

- A. (25 multichoice questions)  
correct answers

#### SENTENCING ATTITUDES:

- B. (Moral Indignation) (27 crime vignettes)  
suggested penalty

#### SENTENCING INFORMATION:

- C. (Assumed Penalties) (the same 27 crime vignettes)  
(as in moral indignation )

#### OPINION:

- D. General Attitude (41 statements, 5 point scale,  
(Severity) strongly agree - strongly disagree)

#### OPTIONAL:

- E. Demographic (14 items  
age, sex, through to political  
preference and experience with  
the law)

#### A. INFORMATION:

Developing a relevant and objective knowledge questionnaire in the area of Criminal Justice and imprisonment was problematic in view of the paucity of reliable statistically accurate and definable data. However an attempt was made to include items that may tap areas of misinformation and may be

important in the formation of attitudes toward crime and punishment. The information section consisted of 15 multichoice and 10 scale questions. The sample was asked to provide the correct answer to a range of questions dealing with the knowledge of imprisonment. Answers were scored right or wrong on Q1-15, except on Q13 where an adjusted closest correct answer was provided in view of the initial nil correct response rate. Scale questions (Q16-Q25) were scored correct on a  $\pm 10\%$  tolerance <sup>\*9</sup>. Each individual was assigned a score representing his number of "correct answers" on the basis of those tolerances. The frequency of alternative responses for each answer was calculated. <sup>\*10</sup>. Initially, lower tolerances were set for some of the scale questions (variation: tolerance at  $\pm 5\%$  and  $\pm 10\%$ ), and Table II shows the accuracy at these lower tolerances, for each question and overall, as well as the adjusted accuracy score after calculating the chances of getting the correct answer if picked at random. The number of correct answers for each question and in total was cross-tabulated with the Suggested Penalty score (B), Assumed Penalty score (C), General Attitude (Severity) (D) and the Demographic data (E).

#### B. MORAL INDIGNATION - (SENTENCING ATTITUDE)

Section 2 of the questionnaire consisted of a two part response, the first asking respondents to indicate the *suggested sentence* (or penalty) for 27 crimes presented in vignette style, by the question "What sentence do you think he or she should get?" and secondly asking respondents to indicate what they assumed the penalty to be (see C). The scale measured the respondents attitude to the crimes listed by asking them to suggest the appropriate penalty or sentence.

This penalties measure is a crime seriousness or moral indignation scale,

<sup>9</sup>: It should be noted that Q23 "What percentage of crimes or offences are reported to the police" could not be scored in this way except quite arbitrarily. Respondents were scored correct if their "answer" or estimate fell in the range  $60\% \pm 10\%$ .

<sup>10</sup>: In a proposed further study the hypothesis suggesting a relationship between knowledge and moral indignation is to be examined in relation to the definition of "critical knowledge", that is those questions in which the non punitive group was more correct than the punitive group.

**TABLE II**

**INFORMATION**

**AVERAGE ACCURACY FOR INDIVIDUAL ITEMS**

(Items are rank ordered from the item with the lowest level of accuracy to the highest)

The overall raw accuracy scale for all knowledge questions is 27.28%

Number or frequency of right questions expected is 5.48 questions right (random)

<u>Question No.</u>	<u>Rank No.</u>	<u>Item Content</u>	<u>Raw Average Accuracy %</u>	<u>Adjusted Average Accuracy %</u>
7	1	Previous occupation of most prisoners .. .. .	84.8	64.8
11	2	Accurately described parole .. .. .	75.1	50.1
14	3	Rate of imprisonment in W.A. compared to other states .. .. .	46.5	13.2
6	4	Time in Fremantle Prison visits allowed .. .. .	44.2	28.2
23	5	% of crimes or offences are reported to police .. .. .	43.1	23.1
1	6	Superintendent must be at least ... .. .	41.6	21.6
25	7	% of prisoners sent to prison are unemployed .. .. .	37.9	27.9
3	8	Length of time prison warders are trained for .. .. .	37.9	21.7
20	9	What % of prisoners' offences are directly related to alcohol .. .. .	31.2	21.2
12	10	What is the average length of time most prisoners spend in prison .. .. .	30.5	5.5
9	11	How old are most prisoners .. .. .	30.1	10.1
18	12	% of prisoners are aboriginal .. .. .	28.6	18.6
21	13	% of prisoners' offences are driving offences .. .. .	27.5	17.5
5	14	How much does it cost to keep a prisoner in jail .. .. .	26.8	10.8
24	15	% of reported crimes that are solved .. .. .	23.4	13.4
4	16	Average number of prisoners in W.A. jails .. .. .	21.6	5.6
19	17	% of prisoners' offences are directly related to drugs .. .. .	19.3	9.3
16	18	A prisoner's chances of returning to prison .. .. .	17.5	7.5
2	19	How many prisons are there in W.A. .. .. .	18.2	2.2
8	20	Offences most prisoners are in prison for .. .. .	13.8	-11.2
10	21	How many offences were reported to the police .. .. .	12.6	- 3.4
17	22	Number of women in prison .. .. .	11.9	1.9
22	23	Number of prisoners actively employed in prison .. .. .	9.7	- 0.3
15	24	Number of escapees .. .. .	8.6	- 7.4
13	25	Ratio of staff to prisoners .. .. .	0	-14.3



as used by Scott and Althakeb (1977) who had 24 crimes in vignette style. For the present study a further three questions were added (Q25-Q27). Question (Q25) "The offender is a person who attempts suicide" was included to provide a control measure for the moral indignation score. Suicide is not an offence in Western Australia, but 25 respondents recommended imprisonment for it. This may measure the degree to which bias forming the assumption "if a behaviour is defined as criminal then it is worthy of imprisonment" is present in the responses. Two hundred and thirty four people did not recommend imprisonment for this now defunct statute.

In Scott and Althakeb's study, eleven penalties were provided ranging from no penalty to execution. In our questionnaire this range was expanded by the addition of five extra penalties: should not be a crime (Wilson and Brown's (1973) category): one weekend in prison: restitution: community service order: probation.

For some analyses the 27 crime vignettes were grouped into categories as shown in Table IIIa. An individual's suggested sentences for each category were converted to a single moral indignation score by taking the median score in days for each penalty advocated and averaging over the vignettes in the category. Each individual's assumed penalty was treated similarly. No penalty and the five extra penalties mentioned above were all treated as advocating zero days in prison. The other penalties were scored as follows: one weekend in gaol = 2 days: thirty days or less = 16 days: 5-515 years = 3650 days (10 years): life imprisonment = 7300 days (20 years): execution = 9125 days (25 years).

The placement of crime vignettes was randomised in order to reduce content effects, although Sheley (1980) p133 reports *"very little evidence is found to suggest that questionnaire form and general and immediate item context distort crime seriousness ratings more than minimally."* Some allowance was made to vary and allow for *"mens rea"* (Sebba (1980)) although not all "crime vignettes" specified or referred to the intentions of the





34  
 offender. Walker's (1978) variance of the description of the offender in terms of social class was not used as, in concert with Walker's findings, this was thought not to be useful discrimination. In view of the high rate of aboriginal imprisonment a variation on the racial description of the offender might prove more pertinent in Western Australia. \*11.

Scores calculated using the Scott and Althakeb conversion were also compared with other countries for all 27 crimes - see Table IIIa - and the results are summarised in Table IIIb, including Kuwait.

#### C. SENTENCING INFORMATION: (ASSUMED PENALTIES)

Using the same crime vignettes and penalty range as in the moral indignation scale, respondents were asked to indicate "what sentence do you think he or she does get now?" This question provides an indication of what the assumed or expected sentence would be for each crime and in total. This enabled a comparison between the suggested sentences (Moral Indignation) and knowledge of sentences or *assumed sentences* to be made. Assumed sentences were converted to days in gaol \*12, as per Scott and Althakeb. The assumed sentence (C) measure used as an adjunct to the suggested sentence (B) provides for a calculation of respondents' expectations of current sentences or penalties for the crimes listed. In addition it allows the correlation between Information (A), Moral Indignation (B), Attitude (D) and Demographic Data (E) to be further explored.

#### D. GENERAL ATTITUDE (SEVERITY)

General attitude towards crime and punishment was measured on 41 statements concerning crime and punishment. They were scored on a five-point Leichhardt scale from strongly agree (5), agree (4), uncertain (3), disagree (2) to strongly disagree (1). These were drafted to accord with

<sup>11</sup>: For example of the problem of interpretation alone see Wilson, P.R. "What is Deviant Language?" in Wilson, P.R., Braithwaite, J., eds. *Two Faces of Deviance*, University of Queensland Press, St Lucia, 1978.

<sup>12</sup>: Assumed sentences could not be assessed for accuracy as consistent current actual sentencing data is not available - see Daunton-Fear (1977) *Rate of Imprisonment* (1981) Inquiry. The problem is further compounded by the difficulty of equating each crime vignette with the appropriate WA Criminal Statute. However it is possible to explore this additional parameter by scoring "*assumed sentence*" right or wrong, if you choose to nominate the mid point for statute minimum and maximum penalty as the correct answer. Appendix II summarizes the penalties possible under West Australian Statutes (and the Customs Act).

some common assertions about crime and justice and were balanced for both strength and attitude (punitive, non punitive and neutral) \*13. Thus there were 16 punitive valued, 16 non punitive valued and 9 neutral statements, and they were positioned so that no two items of the same valence were placed together.

Punitive value statements were scored 1-5 strongly disagree - strongly agree and non punitive valued statements were scored in reverse. An individual's total score was calculated and then placed into one of three groups: a punitive group (score > 101): a non punitive group (score < 91): and a neutral group (score > 91 < 101). The punitive group consisted of 83 (40.7%) respondents and the non punitive group of 121 (59.3%) respondents. This was a refined group consisting of those respondents left after neutral statements and scores closest to the mean score of 96 were removed. (Prior to refinement, the original breakdown consisted of 112 (45.2%) persons in the punitive group and 136 (54.8%) in the non punitive group). The general attitude (or severity, non punitive/punitive) result was then cross-tabulated with the number of correct answers (A), Moral Indignation (B), Assumed Sentences (C), and the Demographic Data (E).

#### E. DEMOGRAPHIC:

Demographic data was collected on fourteen items by providing an optional section on the back page of the questionnaire booklet. In addition an allowance was made for respondents to volunteer general comments or suggestions. A selection of these comments and suggestions is reported in Appendix III.

Demographic data was collected in order to determine representativeness and to examine six demographic variables (location, sex, marital status, education level and political preference), treated as factors in an analysis of variance in relation to the other measures. A rating of

<sup>13</sup>: Allocation of attitude was based on our operating definition of punitiveness: as selecting imprisonment as preferred measure of control.

various national problems was also included (adapted from the Wilson and Brown (1973) study), in order to see the importance of crime in relation to other issues such as inflation, unemployment, etc. (see Table IV). Crime did not rate as highly as in previous studies.

Other data collected was occupation, source of information and religious preference.

TABLE IV  
NATIONAL ISSUES

\*1 The sample was asked to rank order the issues from the most important = 1 to least important = 7. The scores were added and the total for each issue was then used to rank order the issues for the total sample.

\*2 Comparison with Wilson and Brown's study is not possible as respondents were not asked to rank order, nor was foreign affairs included in the range of issues provided by the study:

Rank ordered in terms of importance\*1

ISSUE	RANK ORDER FOR SAMPLE	SUM OF SCORES*1	% OF SAMPLE INDICATING ISSUE AS MOST IMPORTANT
Unemployment	1	185	48.4
Inflation	2	315	20.6
Education	3	428	8.7
Crime	4	437	4.8
Race Relations	5	538	1.2
Foreign Affairs	6	574	4.4
Poverty	7	583	11.9
			<u>100.0%</u>

W.A. (1981)

Unemployment	48.4%
Inflation	20.6
Poverty	11.9
Education	8.7
Crime	4.8
Foreign Affairs	4.4
Race Relations	1.2
	<u>100.0%</u>

Wilson & Brown (1973)\*2

Education	58
Crime	45
Race Relations	43
Poverty	40
Inflation	38
Unemployment	21

Results:

An important objective of this study was to examine the relationships between an individual's knowledge of the prison system and his relative punitive attitude. For the analysis of the present data set this can be operationalised as testing for the presence of correlations between the number of correct questions, the person's suggested and assumed sentence for each crime category (S1...S7, A1...A7) - see Table IIIa, and his severity (punitive/non punitive attitude). These correlations might be expected to be modified, possibly strengthened or weakened, by the effects of the six demographic factors location, age, sex, marital status, educational level, political preference.

(i) Information:

The number of correct questions was found not to be significantly affected by any of the six demographic factors or by punitive/non punitive attitude, except that males scored significantly more (9.6/25 correct) than females (8.7/25 correct). The number of correct answers was normally distributed around a mean of 9.1 with a standard deviation of 2.4 questions. It was found to be significantly ( $p < 0.01$ ) correlated with suggested sentence for each crime category, and the correlation was negative, i.e. more correct questions were associated with lower suggested sentences. However although these correlations were statistically significant they accounted for a very small percentage of the variation observed; the most accounted for was 11% for tertiary educated people, when correlating suggested sentence for serious crimes with the number of correct questions. Thus the number of correct questions has very little predictive power for suggested sentence.

The two least known information items were to do with staff ratio and escapes. People thought the ratio of prisoners to staff to be much greater than it actually is. Not one of the 279 respondents correctly estimated the answer to this question. Likewise respondents gave responses to suggest

an expectation of much fewer escapes than there actually are. (See Appendix IV for details).

(ii) Sentencing information - suggested and assumed:

Suggested sentence was significantly positively correlated with assumed sentence for most crime categories, but again the percentage of variance accounted for was extremely small.

The effects of the demographic factors on suggested and assumed sentences were assessed by analyses of variance, sometimes after a log or square root transform, and sometimes on subsets of the data (e.g. for victimless crimes; see later). One curious point noticed immediately was that 11 individuals of unknown age in the sample caused a significant age effect in seven out of twelve analyses. These individuals always suggested or assumed considerably higher sentences than the others, who usually did not differ significantly, although young people consistently suggested and assumed higher sentences than old.

Sentences suggested tended to be much higher than in other western countries (see Table IIIa). The overall level of moral indignation was in fact higher than in any other country measured except Kuwait. On crimes of rape, robbery, aggravated assault and heroin sale, the level of suggested sentence exceeded all countries including Kuwait, which is usually the most severe on each crime. On two crimes, tax evasion and false advertising regarding costs, the sample overall suggested sentence was lower than all other countries measured.

Suggested sentences for Category 1 (Serious Crimes) also differed according to education, politics and severity; the mean suggested sentences in days (with the number of individuals contributing to that mean in brackets) is outlined in Table Va below.

TABLE Va

## SUGGESTED SENTENCE: SERIOUS CRIME (1)

Educational level		Political preference		Severity	
	av no of days		av no of days		av no of days
Primary (11)	3300	Liberal (107)	2500	Non punitive (119)	2400
Secondary (140)	2900	Labour (76)	3200	Punitive (81)	3100
Technical (32)	2600	Other (30)	2500	Neutral (62)	3000
Tertiary (67)	2300	Unknown (50)	2800		
Unknown (13)	3500				

Note the downward trend evident for education. The standard error of one of these observations is 4500 days, so the standard error of the primary education mean for example is  $4500/\sqrt{11} = 1400$  days. Except for the category "unknown ages", assumed sentences did not differ for demographic factors or punitive/non punitive. The average assumed sentence was 1400 days, and the standard error of one assumed sentence was 900 days.

Sentences for victimless crimes was an instance for which the data was analysed in two subsets. 233 people suggested less than 30 days for this group, with the mean number of days suggested actually being less than two days; the remainder, 24 of them, suggested an average of 1100 days. There were no significant effects of the other factors, and in particular non punitive people's average score was not different from the punitive group. For this category, 189 assumed less than 10 days sentence; the other 70 averaged about 70 days.

Drug users (Category 5) were also analysed in this way: 133 people suggested less than 30 days, the average actually being less than 2 days; the remaining 129 suggested a median sentence of 500 days.

There was a significant effect of severity in this category. 93% of non punitive, but only 82% of punitive, suggested less than 30 days. Assumed sentence averaged 400 days.

By contrast Drug Sellers were assumed to attract sentences averaging 1500 days, while suggested sentence was much higher (3540 days); an individual's standard error was 2000 days. There were marital, political

TABLE VIA

## GENERAL ATTITUDE: SUMMARY

General Attitude mean scores are provided for the sample overall, rank ordered for popularity (1-41) and mean scores for the severity sub-groups punitive and non punitive.  
1 = strongly disagree; 2 = disagree; 3 = uncertain; 4 = agree; 5 = strongly agree

Statement Number	Statement	Rank Order	Overall Mean	Punitive Mean	Non Punitive Mean
1	Prisons should be made tougher	(15)	3.63	4.37	2.99
26	Police should have more power	(37)	2.57	3.12	2.14
8	Judges and Courts are fair	(28)	2.98	3.17	2.93
2	We should send a person to prison only as a last resort	(31)	2.88	2.14	3.5
12	Prisoners should be provided with more help when they are released	(7)	3.97	3.66	4.3
32	Complaints against the police and prison warders should be investigated by an independent body	(5)	4.18	3.73	4.36
16	Prisoners should have the right to form a union	(41)	1.90	1.34	2.33
36	In no circumstances should prisoners be able to have sexual contact with their spouse	(24)	3.02	3.67	2.47
3	We should increase the size and scope of compensation for victims of crime	(2)	4.25	4.2	4.35
7	Our treatment of offenders should be less harsh	(40)	2.05	1.67	2.3
25	Judges should have more first hand experience of prison	(11)	3.74	3.47	3.89
39	I am more afraid of crime than interested in it	(26)	3.00	3.00	2.99
10	Prison provides the community with the most effective deterrent to crime	(22)	3.16	3.58	2.59

and severity effects ( $p < 0.01$ ) in the suggested sentences:

TABLE Vb

SUGGESTED DAYS DRUG SUPPLIERS (6)					
Political	days	Marital Status	days	Severity Group	days
Liberal (107)	3600	Single (28)	2400	Non punitive (119)	3000
Labour (76)	3600	S-D-W (25)	3500	Punitive (82)	4400
Other (30)	3300	Married (143)	3800	Neutral (62)	3700
Unknown (50)	4000	Unknown (77)	4200		

The discrepancy between assumed and suggested sentences revealed a tendency to want harsher penalties than already perceived. This was greatest for the crime involving the drug company executive selling a drug with known side effects. However for the following crimes an overall reduction of penalty was indicated. These are, in order of magnitude calculated, prostitution; homosexuality; abortion; using heroin; tax evasion and using marijuana.

## (iii) Attitudes - (Tables VIA and VIB)

The punitive/non punitive distinction (based on the scores on the 32 valued items) produced a greater number of respondents in the non punitive category as might be expected in view of the general acceptability of these statements. The most popular attitude statements were "crimes of violence should generally receive harsher penalties than non-violent crimes" and "size and scope of compensation schemes for victims should be increased". Fourth on the list was "people do not know enough about prisons". The most unpopular statements were "prisoners should have the right to form a union"; "our treatment of offenders should be less harsh"; "the community is sufficiently informed about prisons"; "I am satisfied with the Criminal Justice System"; and "the police should have more powers". Table VIA shows the overall mean and subset mean score for some attitude statements.

TABLE VIb

	No 11 - Use Marijuana	No 18 - Steal >100	No 15 - Homosexual	No 19 - Abortion	No 23 - Use Heroin
Non punitive	24	69	3	7	42
Punitive	45	60	11	13	53
Total suggested Imprisonment	69 (26%)	129 (48%)	14 (5%)	20 (7%)	95 (35%)
Total in sample	269	269	269	269	269

Numbers (and percentages in brackets) of people suggesting one or more days imprisonment for selected crime vignettes.

Cross-tabulation and analysis of variance were conducted for the attitude groups (punitive/non punitive) by each attitude statement. The results of the analysis of means showed that our predicted or assumed attitude groups were appropriate except for seven of our statements where the "a priori" attitude group was not confirmed by the analysis of variance of means. The percentage of the sample suggesting imprisonment for some of the crime vignettes is shown in Table VIb, broken down by severity attitude. There was a significant effect of severity ( $X^2$ ,  $p < 0.05$ ) for each of these vignettes.

#### (iv) Demographic Factors

The results to the question asking respondents to indicate their main source of information showed clearly the media as almost the only source of information most people (96%) had about the Criminal Justice System. Political preference and religious preference showed no significant relationship with other variables. It should be noted here that more respondents (109 or 50%) were identified with the liberal party.

The demographic qualities of the severity groups, punitive and non punitive, differed significantly by chi-square analysis; on sex (chi-square  $p = < .02$ ) with females (35/108) tending to be less punitive than males (42/84); marital status (chi-square  $p = < .01$ ) with single and separated

respondents tending to be non punitive. Income was significant with poorer (chi-square  $p = .05$ ) people tending to be less punitive, and education (chi-square  $p = .05$ ), with the higher educated people tending to be less punitive, approached significance at the 5% level.

#### Discussion:

A significant relationship occurred between the subgroups punitive and non punitive and the suggested sentences, indicating that respondents who had a generally punitive attitude as defined by our general attitude statements, reflected this in their higher overall score for number of days in gaol on the 27 crime vignettes. The reverse also occurs with the non punitive group showing a lower overall suggested sentence score. Support for our hypothesis is therefore evident in that generalised attitudes to the Criminal Justice System would relate to moral indignation, and that the section of the sample defined as punitive would suggest higher sentences.

While the overall trend supports this comparison, individual crimes vary somewhat. With victimless crimes and drug use the overall tendency was also for punitive people to suggest lower penalties.

Both the punitive and non punitive groups scored around the same overall in the assumed sentences (or knowledge of sentences). The difference in suggested sentences between the non punitive and punitive attitude group is thus not a result of differences in what they assume to be the penalties for the crimes as such, although a slight tendency for those who suggest lower sentences to assume higher sentences is noted. Perhaps it is because those who favour a non punitive approach may see the Criminal Justice System as harsher than those who hold more punitive values. It was not possible to measure the level of moral indignation as expressed by court action. It was possible, however, to establish a moral indignation score for the legislative expression of the community's measure of crime



seriousness \* 14. The value of moral indignation measured in this way in Western Australia was higher than the overall average moral indignation (suggested sentence) score for the sample. Thus there is not indicated in the response a need for a legislative increase in the penalty overall. There is a strong indication that some penalties are considered inadequate (e.g. violent crime) and some too severe (e.g. victimless/moral crime).

A close relationship was not found to exist between (lower) suggested sentences and the number of correct answers, although a significant tendency in this direction was noted. There also did not exist a relationship between attitude expressed by the punitive/non punitive groups and knowledge based on the number of correct answers, yet again there was a tendency for the non punitive group to be correct more often. The relationship between correct answers (knowledge) and assumed sentences was also not close, and therefore our first hypothesis that more accurate information would relate to moral indignation is not supported strongly by the results; while there is a tendency for more correct answers to relate to lower suggested sentences the degree of variance does not allow confident prediction.

Both Fagan's (1978) and Jayewardene's et al (1977) results are therefore confirmed, yet like Fagan a tendency for knowledge to relate to attitude was observed. The relationship between knowledge and attitude also cannot be expressed through the strong relationship between suggested sentence (moral indignation) and general attitude to the Criminal Justice System. This survey's results do suggest that further examination of the

14: By calculating the mid point of each crime against the relevant W.A. statute, for example the maximum sentence for the first crime was calculated as seven years in prison which is the midpoint of the possible maximum for the offence - 14 years. There are problems with this method, yet it can be said that such a conversion might measure a comparable level of moral indignation as defined by the politico-legislative process. Such is the underlying assumption of the discrepancy score (defined by the mid point for each statute). In this case the mean of the "legislature" score would be assumed more accurate. Insufficient knowledge of actual court statistics is available at present. In fact some of the crimes are seldom evoked therefore penalties would not be measureable in any case despite occasional incidents.

relationship between knowledge and general attitude is warranted in crime seriousness studies. The difficulties encountered in preparing and interpreting an adequate knowledge questionnaire, the general low accuracy rates and general low response rate make it very difficult to explore a presumed relationship between knowledge and moral indignation using survey methodology. In view of the importance of this variable, knowledge, to fear and its possible relationship to crime seriousness, a wider and more sensitive knowledge measure will be required than was provided in the present study. The lack of a stable and agreed set of values very much affects the quality of information available. As it is, "reliable and objective" data is limited and not generally available or is open to misinterpretation.

Significant relationships between demographic factors and other variables occurred, with higher education and sex particularly relevant to correct information and moral indignation. They support our hypothesis, that these factors would be related to moral indignation and information, as would be expected given the results of similar surveys elsewhere.

The strong reliance on the media (e.g. television, daily press, radio) as the principle sources of information on crime and punishment for our respondents further implicates the role of the media in the development and verification of attitudes to crime. In a community where the ownership of media is concentrated in a few hands the diversity of information sources is thus limited, additional responsibilities for the dissemination of more accurate and contextual information about crime and punishment falls elsewhere. While distortion of news is a recognised consequence of selection, criteria for selection is seldom able to be appraised. (Humphries, 1981) \*15.

15: See for examples of media representations involving selection and distortion: "Time" magazine (March 30, 1981) which features amongst others, crime statistics as soaring, blood dripping graphs; and see "The Daily News" (Wednesday June 3, 1981) headlines "Tighter Drug Laws Urged" as the results of a gallop poll asking the question "do you think that the use of each of these should be more or less strictly controlled by law than at present, about Tobacco, Alcohol, Marijuana, and Heroin, Hashish, Cannabis and other hard drugs." \* Not surprisingly 90% of respondents wanted more strict legal controls for the last category "hard drugs". Interestingly some 60% of respondents thought more strict legal controls on the use of alcohol (an increase) was required than at present and 70% thought more strict legal controls on the use of marijuana was required at present, no increase from a previous survey.

\*Author's emphasis.



Overall general attitude when polarized into punitive and non punitive groups relates strongly to moral indignation and in turn moral indignation is independent of assumed sentences. This is useful as the values expressed assist in distinguishing the disagreement within our community.

Identifying a profile of attitudes that relates to lower imprisonment or higher imprisonment is the necessary precursor of community education programmes aimed at sensitizing public attitude to the problems involved in confronting crime and punishment in the community and ultimately reducing the rate of imprisonment. The general attitude statements and the division of the respondents into punitive and non punitive groups was therefore helpful and could be refined considerably in further studies of this type.

One trend that emerges out of the rank ordering of attitude statements is that the sample feels that the community does not know enough about prisons and the Criminal Justice System and they are cautious of the police, and opposed to increases in their power<sup>\*16</sup>. Generally the sample, based on the results of the opinion section, wants harsher sentences (as was indicated in the difference between assumed and suggested sentences), and are prepared to accept this despite the likelihood of increasing the chances of the offender committing more crime. (See Appendix IV for details of general attitude results).

It is preferable that additional crime seriousness studies incorporate a measure of the fear/concern dichotomy more specific than used by the current study and that such investigation also occur at the neighbourhood level, as it is probable that state-wide surveys do not apply to local level (Lewis and Maxfield (1980); McPherson (1978) crime prevention strategies.

<sup>16</sup>: Despite "For the fact the general public has a rosy view of the police force - a "Z-Cars" image - which has little to do with real life, and this view is reflected in most writing about British Police, where the dominant standpoint is one of legitimizing their role, rather than questioning, analyzing and challenging it" Peter Hain "Policing the Police": Vol 1 (1979) p 1.

One of the most important limitations, apart from the paucity of the appropriate objective data, of generalizing from the present moral indignation study is the restricted measure moral indignation provides, and this is particularly so as the study was designed for cross-cultural purposes applied to a fairly homogenous setting. Significant "crimes" were omitted from the questionnaire (e.g. pollution, safety regulation violations; official brutality and/or incompetence; professional malpractice; acts of terrorism, and so on).

A moral indignation scale that does not attempt to account for these wider factors confines itself to the examination of the traditional definitions of crime. The present study is thus considerably restricted in its measure of crime seriousness.

In general terms the survey provided important data on the community's attitude, moral indignation and knowledge of the Criminal Justice System. The results enabled some very generalized comparisons to be made with other countries. The uniformity of moral indignation on crime often purported to exist was not evident, particularly in terms of victimless crimes and drug offences. These crimes are exemplified by the large variances noted and low scores. The overall result indicates that the community in general was punitive, but that the punitiveness was directed toward very serious crime (particularly those of violence).

In addition what is known by the community about the Criminal Justice System is not the preserve of any one set of attitudes. Perhaps the relationship between knowledge, correct information and moral indignation might become significant with increased accuracy on the part of respondents, the community. Narrowly based "objective" type knowledge questionnaires are inadequate measures of community knowledge. The availability of factual information itself may not bear on the community's attitude to punish or not, yet so little is available that such a conclusion does not allow for the potential. If, as Sheley (1980) comments

in regard to Crime Seriousness Studies "*attitudes reflect a set of learned rights and wrongs*", then the role of knowledge and accuracy of information involved in a person's moral indignation score becomes important. If, as McPherson (1978) has demonstrated, educational programmes at the neighbourhood level can reduce fear by providing people with more accurate information, then the possibility exists also for the mitigation or reduction of extremes in moral indignation.

The point is that Crime Seriousness Studies can represent an important link in the necessary investigation of crime and the development of appropriate social control measures. The data shows that considerable differences exist between what people want and what they think is occurring. In relation to crimes where consensus is fragile, the application of criminal sanctions or the use of imprisonment or the failure to use imprisonment represents a strongly felt dissatisfaction with the Justice System as it is seen to stand.

Crime Seriousness or moral indignation in a community should ideally represent a uniformity of consensus and a consistency of action, yet in this study this picture cannot be drawn. A number of findings suggest that our adaptation of Wilson and Brown's model of public opinion and crime is viable. The attitude groups did however significantly relate to moral indignation suggesting that this was the more relevant variable. It is likely that the kind of punitiveness or attitude measured by the moral indignation scale is different from that measured by our punitiveness scale, and that this measure may be more relevant to information accuracy. This indicates that information accuracy and the presentation of crime information are factors that should be examined further.<sup>\*17</sup> The model shows action and attitudes flowing from either a fear or concern about crime,

17; Burrow, J., and Heal, K., (1979) in their evaluation of a police publicity campaign on car security concluded that "*police publicity proved to have no effect on drivers' locking behaviour; and second its effect on auto-crime was not to reduce it, but possibly modify its form*" p10. Auto-crime became directed at unprotected vehicles.

summarized by the concept of "Moral Enterprise". It seems plausible to view our sample's predominant response as stemming from both fear and concern, reliant on information made available through the media and personal experience.

The utility and value of Crime Seriousness Studies such as the present remain (beyond the intrinsic purposes) controversial. Seeba (1980) p135 writes "*The implications of studies of the measurement of offence seriousness have become acutely relevant in contemporary criminal policy in light of the trend away from rehabilitation toward a more retributitional justice model of sentencing, with its emphasis on proportionality between the gravity of the offence and the severity of the sentence*".

Attributing some relevance to the meaning of moral indignation and its effect on sentencing depends on the value attached to public opinion in the determination of judges and legislatures. Buchner (1979) shows that many factors are taken into account by judges determining the degree of severity in a sentence, especially the effect on the offender and the utility of the institutions to which ultimately offenders are temporarily disposed, yet little is known of the value judges attach to public opinion, although it is frequently referred to in decisions of judges<sup>\*18</sup>. So the value of public opinion or public moral indignation can take a significant role.

The considered view however is expressed aptly by Schulhoper (1976) (in Seeba (1980) p135) "*unless it can be shown that a departure from EMPHASIS ON RESULTS\* would substantially undermine respect for the law, it would seem popular attitude as such should be ignored, and the approach should be one that is considered sound in principle*". Such was, for example, the reasoning behind Britain's refusal to re-introduce

\* Emphasis added by author

18: In view of Western Australia's strong statutory basis (a code state) for criminal law, current public attitude may play only a minor role in judge's decisions (see Herlihy, J.M., Kenny, R.C. (1978) yet may play a more important role in lower courts and by Justices of the Peace.

capital punishment despite strong public opinion favouring the return of the law.

The clear problem is that on occasion the law fails to have popular support or community consensus and therefore respect for the law is jeopardized. Acceptance of the notion that laws need frequent changing was high and non-partisan in our sample, and in cases where unpopularity of certain laws lessens respect of the law, the redefinition of some "crimes" as not criminal and defining other activities as "crimes", has the effect of reflecting concerns and fears (as they change) of society seeking justice. Popular support for some of the crimes measured in the present study might be considered low enough or high enough to justify change in law and its administration.

Sheley (1980 pl33) noting the high standard deviations on the ratings of less serious crimes (e.g. homosexuality, marijuana use, loitering, prostitution, abortion, pornography, etc.) in a range of surveys, concludes that *"it is clear that they are behaviours about which there is little consensus in society and little direction from socialization, media and law"*. This finding however should be modified in the light of our data. In fact the distributions of suggested sentences for victimless crime including drug users, clearly split into two groups, one suggesting lower sentences, the other much smaller group suggesting very high sentences. The high variance noted by Sheley is entirely caused by a few individuals suggesting extremely high sentences in contrast to the main body of the sample (see Appendix IV for distributions of suggested sentences).

Despite these exceptions with regard to the less serious offences Sheley (1980) argues that *"the socialization process, media reporting, and general knowledge of the penalties for various crimes may render surveys of crime seriousness attitudes merely tests of information known by respondents - no matter what instructions precede the survey"*.

The present study cannot support this proposition entirely as assumed sentence differed as expected from the moral indignation or crime seriousness of respondents, and the specific measure for information showed that crime seriousness studies are not likely to be mere tests of information, perhaps reflective of the socialization process.

Community attitudes, if reflected by this study, are more uncertain and ill-informed in general than perhaps frequently represented, and in some specific crime categories the discrepancy between assumed and suggested sentences indicates at least a perceived removal of the Justice System from the moral indignation of the community. Whether this discrepancy can be arguably seen as a measure of consensus or a measure of moral enterprise as hypothesized cannot be effectively ascertained by this study alone, although the suggestion that it can has been made, and the results of this study indicate such a conclusion. Scott and Althakeb (1977) had concluded that correctional change did not need to be tied to opinion and yet they report that even countries that have very low imprisonment rates (for example the Netherlands) are described as having moderate levels of moral indignation rather than a low or "liberal" view of crime. It cannot therefore be strongly suggested that high moral indignation relates to higher rates of imprisonment, yet the general tendency of lower incarceration rates and lower crime seriousness scores is observed <sup>\*19</sup>. Incarceration rates may more truly reflect the activities of control agents rather than criminality in the community or community attitudes to crime and therefore we would not expect a close relationship to victimization and moral

19 Rates of Incarceration by Jurisdiction/100,000 Residents (from Scott and Althakeb 1977)

Country	Incarcerated population/ 100,000	Moral Indignation (days in prison)
Netherlands	22	709
Norway	51	740
Sweden	62	653
Denmark	71	807
Finland	90	734
England	110	1011
Western Australia	120	1162
Australia	70	
Ohio (USA)	270	1042

The criminal justice system is inherently complex and Bowker (1981) warns "any correlation of rates produced by two of the system elements in isolation is bound to be spurious and misleading."

indignation. \*20

Scott and Althakeb suggest that the level of moral indignation does not directly relate to actual correctional practice but rather actual victimization rates. We can observe that in a State where the imprisonment rate is high compared to other states and where the victimization rate is higher than other states there is also a high level of moral indignation.

While it has been argued that increased punitiveness is a reasonable and ethical response to increases in crime the available empirical evidence is insufficient to support this conclusion. Bowker (1981) warns policy makers *"when the evidence is weak and contradictory it is foolish to plunge ahead as if the direction for sensible social policy were clear"*

Western Australia's level of moral indignation can therefore be placed in the context that Braithwaite and Biles (1980) place Western Australia's high rate of imprisonment and victimization. *"It would be foolish to assert a causal connection between the high Western Australian imprisonment rate and high victimization rate. Nevertheless, what we can say is that if the citizens of Perth think that they are protected from criminals because they have locked them away in gaol, then they are mistaken."*

Conclusion:

It has been several years since Wilson and Brown (1973) published *"Crime and the Community"* and it is surprising that their work did not generate more study, research and discussion in Australia. Our conclusion some several years later with regard to Community Attitudes to Crime Seriousness in Western Australia does not differ significantly from their pessimistic conclusion (p107) that *"Unless public fear of crime is reduced,*

\*20 The tendency to attribute public attitudes or fear of crime principally or solely to the activities of control agents should be avoided (Bayer 1981)

*frustration will grow among those troubled by crime, and demands for invidious repression and curtailment of civil liberties will ensue" and "should this be allowed to happen, Australians will discover just how fear of crime could substantially affect the quality of life in this country."*

While there have been encouraging endeavours with community education and participation in the Criminal Justice process in other countries, there is little evidence that much has been achieved in Australia. There has been little co-ordination of effort to allay fear or to provide accurate information for the community in Western Australia or other States. This is partly due to the Criminal Justice System's lack of internal consistency and inter-agency co-operation which is frequently illustrated by the conflicts between police and correctional agencies in the way in which the 'criminal' is represented to the public.

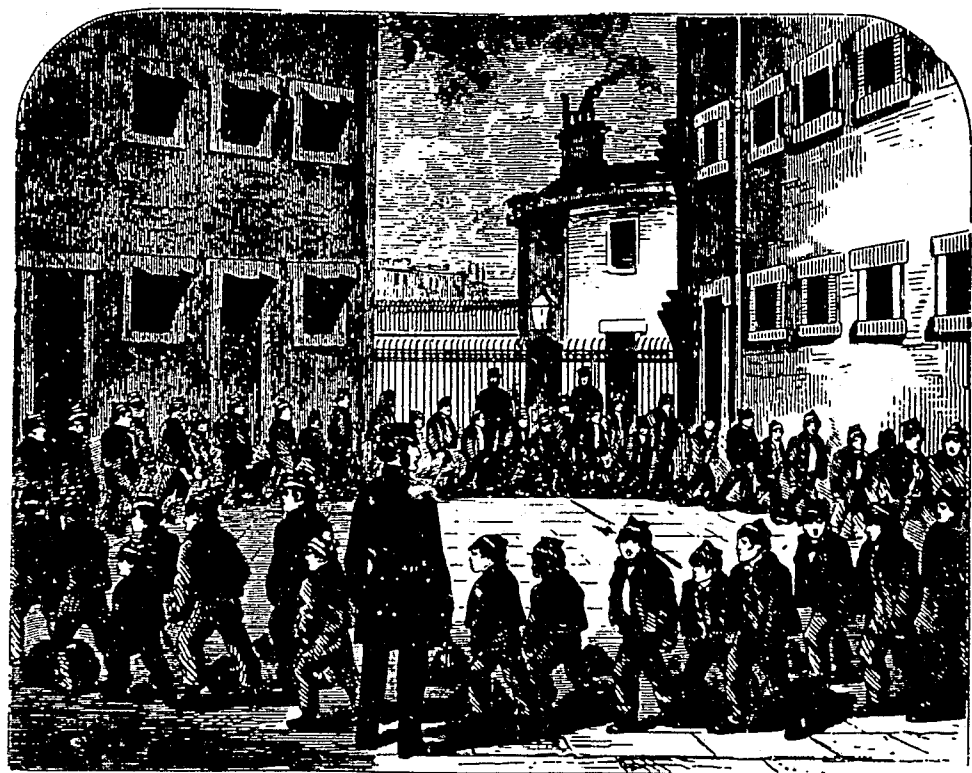
Co-operation in providing information on the Criminal Justice System as a whole is only intermittently addressed to the problem of fear within the community and rarely undertaken as a goal for its own sake. Add to this the effect of distortion caused by media and official selection and categorization, (information accuracy is low,) and the generation of "control waves" or "crime waves" is possible (Ditton (1979), Cohen and Young (1973)). Organisational ends usually override the need to direct concern and allay public fear or to arrest the counter productive effects of moral enterprise. Fear and concern of crime is exploited to increase budgets and staff allocations. The sometimes justifiable needs of Criminal Justice agencies need not be rationalized by resort to stimulating public fear, as such tactics or 'appeals' are rarely co-ordinated and jeopardize the detachment of these agencies to make considered decisions and set appropriate priorities over the long term.

Criminal Justice agencies are not the sole elements prone to exploit crime. *"Politicians have been prepared to exploit fear of crime"* as well and *"few political leaders or academics have undertaken the difficult task of reassuring the public that crime is not necessarily the product of social change. Indeed the absence of social change rather than its presence is more likely explanation for the high incidence of crime in our society"* (Wilson and Brown (1973) p 106). It is the filtered version, the exploitive view of crime that tends to be promoted by Criminal Justice agencies and politicians and is what is most likely to constitute the information transferred to the community by the media. This information is then to a very large extent reinforced by the selective reporting of the incidence of various crimes in concert with official versions and priorities which determine a significant proportion of the information or "news" that reaches the community (Fishman (1978)) and on which the community is almost solely reliant. The desirability of manipulating public attitudes and repugnancy as a supportive and useful factor in crime prevention must be set against the enhancement of wide-spread fear and concern of crime that tends to increase the reliance upon punitive sanctions. Exaggeration and amplification of the probability of victimization increase fear and concern and mitigates against the effective role of the community in the implementation and control of justice. The meaning of "public opinion" and its measurement remains relatively unexplored in the context of the Criminal Justice System.

The challenge of crime in the community therefore lies not simply in its active repression by ever increasing numbers of officials and experts assigned the onerous and powerful responsibility for its control, but the community itself on whom, after all, the effectiveness of Criminal Justice agencies depend. The community is, by and large, a peaceful one and need

not be driven into fear in an effort to control the unpredictability of fear itself and the ecological situations that lead to traditional violent crime. The quality of life in communities is dependent on factors other than these.

A P P E N D I C E S



From Charles Goring, "The English Convict: a Statistical Study", H.M.S.O. London 1913. Courtesy, Fremantle Prison Museum

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APPENDIX II The Crime Statutes and Crime Vignettes .....P 61

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INFORMATION AND ATTITUDE SURVEY

This survey is divided into three sections: information, sentencing (penalties) and opinions (attitudes). It is important that all questions are answered so that results can be calculated fairly.

It is likely that you will find many questions difficult to answer, in these cases please make a guess anyway and don't worry about it — your response is just as valuable.

All questions refer to conditions in Western Australia for 1980. Questions about prisons concern the adult jails and not the juvenile institutions.

If you would like to help by participating in a follow up survey please enter your name and address here, or even just your address. (In order to ensure privacy all names will be coded for statistical purposes and then destroyed at the completion of the survey).

Name: .....

Address: .....

Section 1  
INFORMATION

Here are a number of questions about prisons and crime in Western Australia. Please put a cross or a tick in the box next to the answer you think is correct. Example :

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. To become a Superintendent (Governor) of a prison a person must be at least?</p> <p><input type="checkbox"/> A person qualified in the field of human behaviour</p> <p><input type="checkbox"/> A person with a University degree</p> <p><input type="checkbox"/> A senior prison warden with many years experience</p> <p><input type="checkbox"/> An ex-commissioned officer in the armed services</p> <p><input type="checkbox"/> Don't know</p> | <p>4. What is the average number of prisoners in all WA prisons at any one time?</p> <p><input type="checkbox"/> 2800</p> <p><input type="checkbox"/> 1900</p> <p><input type="checkbox"/> 1400</p> <p><input type="checkbox"/> 1100</p> <p><input type="checkbox"/> 800</p> <p><input type="checkbox"/> 500</p>                                                                                                                                                                   |
| <p>2. How many prisons are there in WA?</p> <p><input type="checkbox"/> 24</p> <p><input type="checkbox"/> 17</p> <p><input type="checkbox"/> 12</p> <p><input type="checkbox"/> 6</p> <p><input type="checkbox"/> 3</p> <p><input type="checkbox"/> Don't know</p>                                                                                                                                                                                       | <p>5. How much does it cost to keep a prisoner in prison each day?</p> <p><input type="checkbox"/> \$53</p> <p><input type="checkbox"/> \$39</p> <p><input type="checkbox"/> \$26</p> <p><input type="checkbox"/> \$18</p> <p><input type="checkbox"/> \$13</p> <p><input type="checkbox"/> \$ 9</p>                                                                                                                                                                               |
| <p>3. What length of time are prison warders usually trained for before commencing duty?</p> <p><input type="checkbox"/> 24 weeks</p> <p><input type="checkbox"/> 12 weeks</p> <p><input type="checkbox"/> 6 weeks</p> <p><input type="checkbox"/> 3 weeks</p> <p><input type="checkbox"/> 1 week</p> <p><input type="checkbox"/> No training at all</p>                                                                                                  | <p>6. How much time are prisoners in Fremantle prison allowed for visits from relatives or friends?</p> <p><input type="checkbox"/> one, 40 minute visit per month</p> <p><input type="checkbox"/> one, 40 minute visit per week</p> <p><input type="checkbox"/> one, 60 minute visit every 3 months</p> <p><input type="checkbox"/> one, 30 minute visit per day</p> <p><input type="checkbox"/> one 60 minute visit per week</p> <p><input type="checkbox"/> no time allowed</p> |

7. What is the previous occupation most common for those people sent to prison?

- skilled tradesman
- unskilled labourer
- self-employed
- semi-skilled tradesman
- clerical workers

8. Most prisoners are in prison for offences relating to:

- violence to persons
- property (theft etc)
- drugs (excluding alcohol)
- against good order (eg traffic offences, drunk and disorderly etc)

9. How old are most prisoners?

- under 25
- 26 - 34
- 35 - 44
- 45 - 54
- over 55

10. How many offences were reported to the police in 1980?

- 87,000
- 71,000
- 63,000
- 54,000
- 46,000
- 37,000

11. Which of these statements most accurately describes the parole system?

- a system where an offender makes a contract to be good instead of going to prison
- a system by which an offender reports regularly to the authorities instead of going to prison
- a system which ensures prisoners are released before their sentence has finished
- a system by which a prisoner is released on a good behaviour basis from prison.

12. What is the average length of time most prisoners serve in prison?

- less than 12 months
- between 12 - 24 months
- between 2 years and 4 years
- more than 4 years

13. What is the ratio of prisoners to prison staff (Staff : Prisoners)?

- 1 : 9
- 1 : 7½
- 1 : 6
- 1 : 4½
- 1 : 3
- 1 : 1½
- 1 : 1

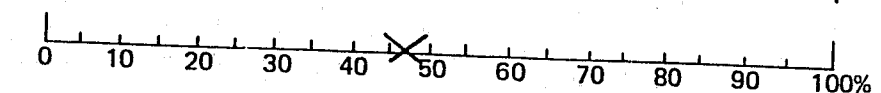
14. Per head of population the number of people imprisoned in WA compared to other states is -

- higher than other states
- lower than other states
- about the same as other states

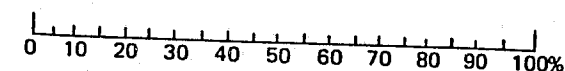
15. How many prisoners escaped from prisons in WA in 1980?

- 241
- 190
- 143
- 128
- 96
- 37

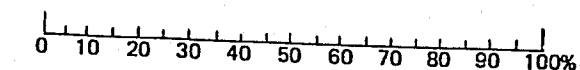
For the next questions mark your answer on the line with a cross. Example:



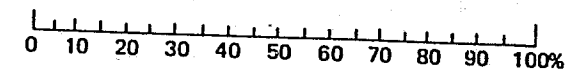
16. A prisoner's chances of returning to prison are about?



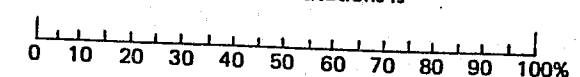
21. What percentage of prisoners offences are driving offences.



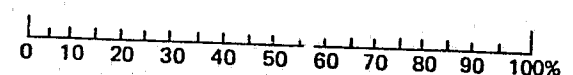
17. What percentage of prisoners are women?



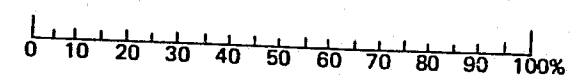
22. The percentage of prisoners who are not actively employed in prison institutions is



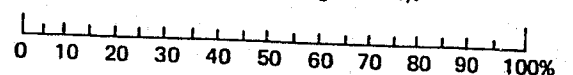
18. What percentage of prisoners are aboriginals (full blood and half caste)?



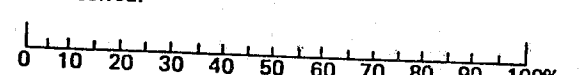
23. What percentage of crimes or offences are reported to the police?



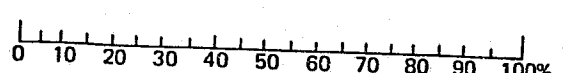
19. What percentage of prisoners offences are directly related to drugs (excluding alcohol)?



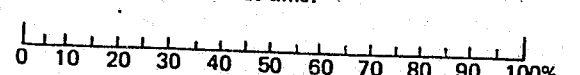
24. What is the percentage of reported crimes that are solved?



20. What percentage of prisoners offences are directly related to alcohol?



25. What percentage of persons sent to prison are unemployed at that time?



Please number the following problems facing our country to show us how important you think they are. (1 = most important, 7 = least important).

- Foreign Affairs .....
- Poverty .....
- Inflation .....
- Education .....
- Crime .....
- Race Relations .....
- Unemployment .....

Thank you. Could you please turn the page and continue with Section 2



**Section 2**  
**SENTENCING – INFORMATION AND ATTITUDE**



Please think about the crimes listed here (1–27). First decide what you think the offender should be given as a sentence or penalty. Then indicate what sentence you think he or she would receive under our present laws. Indicate the sentence by using a letter from the key given here (A–P).

For example, if the crime was shoplifting and you think the offender should be fined enter the letter C in the first column. You then put a letter in the second column to show what you think the penalty would be if the offender went to court today.

- |                                                                                         |                                          |
|-----------------------------------------------------------------------------------------|------------------------------------------|
| A = Should not be a crime at all                                                        | I = 1 month to 6 months in prison        |
| B = No penalty                                                                          | J = 6 months to 12 months in prison      |
| C = Restitution                                                                         | K = 1 year to 2 years in prison          |
| D = A fine                                                                              | L = 2 years to 5 years in prison         |
| E = Probation                                                                           | M = 5 years to 10 years in prison        |
| F = Community Service Order (ie offender must do some prescribed work in the community) | N = 10 years or more in prison           |
| G = 1 weekend in prison                                                                 | O = Life imprisonment (15 years or more) |
| H = Up to 30 days in prison                                                             | P = Execution                            |

CRIME	What sentence do you think he or she should get?	What sentence do you think he or she does get now?
1. The offender is a man who robs a store with a gun.		
2. The offender is man who breaks into a neighbour's home to steal money.		
3. The offender is an individual who intentionally fails to report \$5,000 in earnings to the Government and thus pays no taxes on his income.		
4. The offender is an executive of a drug company who allows his company to manufacture and sell a drug knowing that it may produce harmful side effects for most individuals.		
5. The offender is a man who steals property (value less than \$50) from a stranger.		
6. The offender is a young boy who steals an automobile.		
7. The offender is a businessman who attempts to bribe government officials to obtain a lucrative (\$10,000,000) government building contract for his company.		

CRIME	What sentence do you think he or she should get?	What sentence do you think he or she does get now?
8. The offender is a person who sells marijuana.		
9. The offender is a man who kills his wife during an argument.		
10. The offender is an executive of a corporation who knows that his corporation must purchase land; he purchases the available land and sells it for a \$100,000 gain.		
11. The offender is a person who uses marijuana.		
12. The offender is a man who hits and kills a little girl while driving his car when he is drunk.		
13. The offender is a man who deliberately stabs his wife during a fight; she does not die.		
14. The offender is an auto mechanic who charges you \$300 for major engine repairs, when in fact he only replaces the spark plugs.		
15. The offenders are two males who engage in sex together.		
16. The offender is the manager of a department store who advertises that prices on all items have been reduced by 50%, when in fact no such price reductions have taken place.		
17. The offender is a person who sells heroin.		
18. The offender is a man who steals property (value over \$100) from a stranger.		
19. The offender is a woman who has an illegal abortion.		
20. The offender is an executive who is responsible for an advertisement which makes false and extravagant claims about the quality of his company's product.		
21. The offender is a 30 year old man who rapes a 19 year old woman.		
22. The offenders are presidents of four major petroleum companies who illegally conspire to raise the price of petroleum and gasoline products in order to increase profits.		
23. The offender is a person who uses heroin.		
24. The offender is a female who solicits money in return for providing sex.		
25. The person is an offender who attempts suicide.		
26. The offender is a person who bashes a stranger.		
27. The offender is a drunk driver.		

**Section 3  
OPINIONS**



In this section there are a number of statements about prisons, crime and justice. Please tell us your opinion by placing a cross in the space that best indicates your feelings.

For example, look at the first statement, if you strongly feel prisons should be made tougher put a cross under the box for "strongly agree", if you are unsure about it put a cross in the middle box (uncertain) and if you thought prisons were really too tough already put a cross under "strongly disagree" to show that you thought the opposite of the statement given. If you have an opinion but don't feel so strongly about it use the "agree" or "disagree" boxes.

	STATEMENT	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
1	Prisons should be made tougher.					
2	We should send a person to prison only as a last resort.					
3	We should increase the size and scope of compensation for victims of crime.					
4	Sending a person to prison will teach him a lesson.					
5	As a society we should strive towards alternatives to prison.					
5	Crime has been getting worse in modern times.					
7	Our treatment of offenders should be less harsh.					
3	Judges and the courts are fair.					
9	Prisoners learn more about being a criminal than a good citizen while in prison.					
0	Prison provides the community with the most effective deterrent to crime.					
1	People don't know enough about prisons.					
2	Prisoners should be provided with more help when they are released from prison.					
3	Sending a person to prison will reduce the chances of him committing more crimes.					
4	Laws need frequent changing.					
5	Sentences handed out by the courts are too lenient.					
5	Prisoners should have the right to form a union.					
7	The Police are fair.					
3	There should be lower penalties for all offences where there is no victim (no one is affected against their wishes eg, gambling, prostitution, drug taking)					

	STATEMENT	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
19	Crimes where there is no victim should be punishable by imprisonment in some cases.					
20	Prison sentences should be reduced and the money saved spent on helping the offender in the community.					
21	The community in general is sufficiently informed about the criminal justice system.					
22	There should be more use of imprisonment as a penalty rather than fines, work orders and good behaviour bonds.					
23	Police and prison officers should be more highly trained.					
24	Offenders should still be sent to prison even if it does not help them.					
25	Judges should have more first hand experience of prisons.					
26	Police should have more power.					
27	More effective methods of dealing with crime need to be developed.					
28	Crimes of violence should generally receive harsher penalties than non-violent crimes.					
29	All penalties should be increased.					
30	Psychologists should have more say in the sentencing and management of offenders.					
31	Offenders should still be sent to prison even if it will increase the chances of them committing more crimes.					
32	Complaints against the police and prison warders should be investigated by an independent body.					
33	Prison rehabilitates prisoners.					
34	Where a fine is imposed as a penalty the fine should be proportional to the offenders income rather than a flat rate.					
35	The police victimize individuals.					
36	In no circumstances should prisoners be able to have sexual contact with their spouse.					
37	Imprisonment fails to prevent crime.					
38	I am interested in the issue of crime, justice and punishment.					
39	I am more afraid of crime than interested in it.					
40	Police and prison warders should be directly under government control rather than a union's.					
41	I am satisfied with our present criminal justice system.					

**OPTIONAL SECTION**

The following information will help us understand the survey results, however, if you feel that they are personal just leave them blank.

Your age  under 26      Sex  male  
 26 - 35                                       female  
 35 - 50  
 over 50      Marital status .....

Your main source of information about crime justice and prisons  
 media (TV, radio, newspapers)  
 independent reading or study  
 personal contact (what you've heard)  
 personal experience

Your Educational level      Your Income level  
 Primary School       Under \$10,000 pa  
 Secondary School       \$10,000 - \$20,000 pa  
 Tertiary       over \$20,000 pa  
 Technical

Your Political preference      Your Religious preference  
 Liberal       No religious practice  
 Labour       Christian  
 Other       Other religion

Have you had any personal experience with the police as a lawbreaker?  Yes  No  
 Have you had any personal experience of prison?  Yes  No

**GENERAL COMMENTS OR SUGGESTIONS:**

.....  
 .....  
 .....  
 .....  
 .....

APPENDIX II - SUMMARY OF STATUTES APPLICABLE TO EACH CRIME VIGNETTE

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
1. The offender is a man who robs a store with a gun	CRIMINAL CODE ACT 1913	S 393	Without wounding 14 years	With wounding or in company or use personal violence: Life imprisonment
2. The offender is a man who breaks into a neighbour's home to steal money	CRIMINAL CODE ACT 1913	S 401 (Note: D cannot elect for summary trial: S407A)	If done in day: 14 years	If at night: Life
3. The offender is an individual who intentionally fails to report \$5,000 in earnings to the Government and thus pays no taxes on his income	INCOME TAX ASSESSMENT ACT 1936-1979	S 223 (failure to furnish return)	\$4	\$200
		S 227 (false return or statement)	\$4	\$400
		S 230 (understating income)	\$50	\$4,500
		S 231 (fraudulent avoidance of tax)	\$50	\$1,000
		S 226 (2) (additional tax)	Liable to pay additional tax equal to double the difference between what D should have paid and what he did pay	
		S 251	Penalties not to relieve D's liability to pay tax	
4. The offender is an executive of a drug company who allows his company to manufacture and sell a drug knowing that it may produce harmful side effects for most individuals	HEALTH ACT 1911-1973	S 227 (if D had advertised the drug as being safe and/or having no harmful side effects)	<b>First Offence:</b> (S 241 (a)) \$40 <b>Subsequent:</b> (S 241 (b)) \$100 or 6 months	
		S 232 A + S233 (1) (sale of deficient product)	ibid	
If a person using the drug dies as a direct result of such use, which can be proved, D might be charged with criminal negligence. If convicted D would be guilty of manslaughter (penalty: life, S 287). However the state of the law under the code in regards to criminal negligence is unclear. At the least, one must prove that D owes a duty of care to V, and that he has showed such a disregard for the safety and life as to amount to a crime against the state ( <u>Callaghan v The Queen</u> (1952) 87 CLR 115; Howard, <u>Criminal Law</u> .  One might argue along the lines of criminal negligence where V suffers bodily harm or grievous bodily harm. However, this is only a suggestion. The point is moot.	POISONS ACT 1964-1970	S 38 (Sale without proper classification by Commissioner. This is vague considering the facts given).	\$200 (S 40)	

D = defendant  
 V = victim

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
5. The offender is a man who steals property (value less than \$50) from a stranger	CRIMINAL CODE ACT 1913	S 378 (5) (a)		If D elects not to be tried summarily, or if court refuses to allow D to be tried summarily (S 426 (1) (2)): 14 years If D elects to be tried summarily (S 426 (1)): 6 months or \$500 fine
6. The offender is a young boy who steals an automobile	CRIMINAL CODE ACT 1913	If over \$100 S 371 (10)		7 years, however as offender is a child, see Child Welfare Act, 1947-1977
<p>Note: Much depends on the age of the boy. If under 7 years he is not criminally responsible for his action (S 29 Crim Code) If under 14 years he is not criminally responsible for his actions unless it can be proved he knew he should not have stolen the car (S 29) The Children's Court can impose a prison sentence on the child only if he is 16 years or over, and then only for a maximum period of 3 months, irrespective of the number of offences (S 34A). In lieu of imposing a sentence the Children's Court can either (A) Place the child under control of Dept of Welfare (B) Order parent to give security (C) Dismiss the case or adjourn it (D) Release child on probation (E) Recognizance (F) Impose a fine not greater than \$500</p>				
7. The offender is a businessman who attempts to bribe government officials to obtain a lucrative (\$10,000,000) government building contract for his company	CRIMINAL CODE ACT 1913	S 82 (2) (official corruption)  S 61 (Bribery of Member of Parliament)		7 years + fine at Court's discretion (i.e. quantum)  7 years
8. The offender is a person who sells marijuana	POLICE ACT 1892-1970	S 94 B(2) (b) (sale of cannabis) S 94 B(2) (c) (if D has more than 25g)		\$4000 and/or 10 years (S 95 B(5) (b))
	POISONS ACT 1964-1970	S 41 A(3) (sale of cannabis) S 43 A (If D authorised to sell but sells to person without prescription + not authorised to possess)		\$2000 and/or 3 years \$4500 and/or 10 years
	CUSTOMS ACT 1901	S 48 (Hawking poisons) SS 223 B(1) (b) (f) (If marihuana imported, or exported, or sought to be imported or exported or reasonably suspected of being imported)		\$100 \$2000 and/or 2 years if less than 25g: (S 235 (1) (c)) \$4000 and/or 10 years if more than 25g (S 235 (1) (d)) Note: Lesser penalty imposed with regards to cannabis (R. Douglas, W.A. C of CA (1976) unreported)
<p>NOTE: Provisions to be replaced by Misuse of Drugs Act (1981). Penalties similar except quantum is now 100 g at which sale is assumed.</p>				

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
9. The offender is a man who kills his wife during an argument	CRIMINAL CODE ACT	S 278 (with intent to kill (Wilful Murder))  S 279 (1), (3) (if D intends to cause grievous bodily harm. If reckless (Some doubt see Vallance v R (1961) 108 CLR 56) (Murder))  S 280 (where killing is not excused, justified, or authorised by law but where circumstances do not amount to wilful murder or murder have manslaughter)		Death S 282 (a)  Life S 282 (b) Life S 282 (b)  Life S 287
<p>Note: Elements of (1) Provocation (S 281) (2) Automatism (3) Insanity and/or (4) Intoxication (5) Compulsion (S 31) will have effect of reducing sentence</p>				
10. The offender is an executive of a corporation who knows that his corporation must purchase land; he purchases the available land and sells it for \$100,000 gain	COMPANIES ACT	S 124 (2)		\$2000 fine. Liable to Company for profit Liable to Company for any damage suffered by it

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
11. The offender is a person who uses marijuana	POLICE ACT 1892-1970	S 94 B A (if D in possession of money or security from sale)		\$3000 and/or 3 years (S 94 E(1))
		S 94 B (1)(g) (smoking cannabis)		\$3000 and/or 3 years (S 94 E(1))
	POISONS ACT 1964-1970	S 36 S 41 A(3) (if D has cannabis plant in his possession)		\$200 (S 40) \$2000 and/or 3 years
NOTE: To be replaced by provisions of the Misuse of Drugs Act (1981)	CUSTOMS ACT 1901	S 233 B(c), (d) (if cannabis is imported)		\$2000 and/or 2 years if less than 25g (S 235 (1) (c)) \$4500 and/or 10 years if more than 25g (S 235 (1) (d))
12. The offender is a man who hits and kills a little girl while driving his car when he is drunk	ROAD TRAFFIC ACT 1974	S 59		If D elects to be tried summarily \$2500 fine or 18 months If D elects to be tried on indictment \$5000 or 4 years
Note: If there is an element of intent to cause harm to a child, see <u>Murder</u> at Q 9.				
13. The offender is a man who deliberately stabs his wife during a fight. she does not die	CRIMINAL CODE ACT	SS 553, 279 (attempt to murder i.e. if D intends to kill V or to do him/her grievous bodily harm)		7 years
		S 297 (grievous bodily harm)		7 years
	CRIMINAL CODE ACT	S 301 (1) (unlawful wounding) S 317 (assault occasioning bodily harm)		3 years 3 years D can elect to be tried summarily. Then 6 months or \$500 fine (S 324 A)
		S 322 (5) (a) (aggravated assault)		If tried summarily - 1 year. If D elects indictment - 2 years (S 322 (2))

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
14. The offender is an auto mechanic who charged you \$300 to major engine repairs when in fact he only replaced the spark plugs	CRIMINAL CODE ACT	S 409 (a) (False pretences)		If D elects to be tried summarily - \$500 fine or 6 months If D does not so elect 3 years (S 426 (f))
15. The offenders are two males who engage in sex together	CRIMINAL CODE ACT	S 184		3 years
16. The offender is the manager of a department store who advertises that prices on all items have been reduced by 50% when in fact no such price reductions have taken place	CRIMINAL CODE ACT	S 409 (1) (False pretences)		If D elects to be tried summarily - \$500 or 6 months If D does not so elect 3 years (S 426 (f))
	TRADE PRACTICES ACT 1974	S 53 (e) <sup>1</sup> (false statement as to price) S 56 (1) or (2) <sup>2</sup> (bait advertising)		\$10,000 (S 79 (1) (a)) ibid
	TRADE DESCRIPTION	S 8 (1) (a) or (b) (false advertising)		First offence: \$200 and/or 6 months (S 8 (6) (a)) Second offence: \$500 and/or 12 months (S 8 (6) (b)) Third and subsequent offences - \$500 < x < \$1000 and/or 12 months
17. The offender is a person who sells heroin	POLICE ACT 1892-1970	S 94 B(2) (b) or (c)		\$4000 and/or 10 years (S 94 B(5) (b))
To be replaced by Misuse of Drugs Act 1981. Maximum penalty 25 years and/or \$100,000.		S 94 B A (if D in possession of money or security from sale)		\$3000 and/or 3 years (S 94 E(1))
	POISONS ACT	S 48 (hawking)		\$100
	CUSTOMS ACT	S 233 B (a) - (f)		See for Q 8
18. The offender is a man who steals property (value over \$100) from a stranger	CRIMINAL CODE ACT	S 378 (5) (a)		If D elects to be tried summarily - 6 months or \$500 fine (S 426 (1)) If D elects to be tried on indictment or if Court refuses D's election SUPRA then 14 years (S 426 (1) (2))
19. The offender is a woman who has an illegal abortion	CRIMINAL CODE ACT	S 200		7 years

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
20. The offender is an executive who is responsible for an advertisement which makes false and extravagant claims about the quality of his company's product	TRADE PRACTICES ACT 1974	S 53 (a) <sup>3</sup> (False representation)		\$10,000 S 79 (1) (a)
	TRADE DISCRIMINATION AND FALSE ADVERTISEMENTS ACT 1936-1973	S 8 (1) (a) (i) (False advertising) or S 8 (1) (a) (ii) S 6 (1) (failure to give proper trade description)		Supra-16 First offence: \$200 Second offence: \$50 < x < \$200 Third offence: \$100 < x < \$400 (S 14)
21. The offender is a 30 year old man who rapes a 19 year old woman	CRIMINAL CODE ACT	S 35		Life (S 326)
		S 328 (indecent assault)		4 years
22. The offenders are presidents of four major petroleum companies who illegally conspire to raise the price of petroleum and gasoline products in order to increase profits	TRADE PRACTICES	SS 45 A(1), 45 or		Fine not exceeding \$250,000 (S 76 (1)) Note: Criminal Proceedings do not lie against Ds for breach of the sections in pt iv of the T.P.A. (S76)
		45 (2) (a) or (b)		
23. The offender is a person who uses heroin To be replaced by Misuse of Drugs Act 1981	POLICE ACT	S 94 B (2) (a)		\$2000 and/or 2 years (S 94 B(5) (a))
	POISONS ACT	S 36		\$200 (S 40)
24. The offender is a female who solicits money in return for providing sex	POLICE ACT	S 76 (f) (1)		\$100 fine or 6 months
		S 59		\$40 fine or 1 month

Notes Q20, Q16

1,2,3 Although such penalties can be brought against individuals rather than the responsible corporation, such prosecutions are difficult to sustain, and to succeed in. Recent cases where director/executive prosecuted successfully in addition to the company itself, (see 1979-80 Annual Report of Trade Practices Commission were Barter Shoes Pty Ltd and Dunlop Australia Ltd (S 48)).

Note: The Commission rarely prosecutes an individual of the company concerned. Relevant factors are:

- (i) how blatant the act was of the person
- (ii) his position in the Company, i.e. are the Company's actions his: does he hold a responsible position in the Company or is he a small cog in the wheel?

CRIME	STATUTE	SECTION	MIN PENALTY	MAX PENALTY
25. The person is an offender who attempts suicide	NOT A CRIME. S 289, CRIMINAL CODE ACT, which previously made an attempt an offence has been repealed by No. 21 of 1972 S/O			
26. The offender is a person who bashes a stranger	CRIMINAL CODE ACT	S 317 (assault occasioning bodily harm) (defined S 1)		3 years. D can elect to be tried summarily; penalty then is - \$500 fine or 6 months
		S 322 (5) (aggravated assault - if stranger a woman or male under 17)		If D elects trial on indictment, penalty is - 2 years S 322 (2)
		S 313 (minor assault)		2 years If D elects to be tried summarily - \$100 fine or 6 months (S 320 - 1)
Note: That if a crime was not attempted to be committed at time of assault, and no question as to title of land arises, then the court is empowered to convict without imposing a penalty (S 321)				
27. The offender is a drunk driver	ROAD TRAFFIC ACT 1974-1979	S 63 (if so under the influence of having proper control of the vehicle (if & alcohol in blood > 0.15) (S 63 (5))	First offence: (S 63 (2) (a)) \$200 + 6 months suspension Second offence: (S 63 (2) (6)) \$400 + 2 years suspension (S 63 (2) (c)) Third offence: \$600 + permanent suspension	\$400 or 4 months \$600 or 6 months \$800 or 12 months
	ROAD TRAFFIC ACT	S 63 S 64 (Driving with alcohol in blood > 0.08%)	Fourth and Subsequent offence: (S 63 (2) (d)) \$1000 First offence: (S 64 (2) (d)) \$100 + 3 months suspension Second offence and subsequent: (S 64 (2) (b)) \$200 + 6 months suspension	\$2000 or 18 months \$300 \$500



## APPENDIX III

## A SAMPLE OF RESPONSES (TO OPEN COMMENT)

Married Male 26-35

I believe that offenders charged with pack rape, cold blooded murder, drug peddling, child molesting should be executed.

Married (Manager) 26-35

Generally crimes of violence should be punishable by strict prison sentences. Other non violent crimes should be graded from nil punishment to medium punishment.

Married Female 26-35

I feel the judges should be harder in punishment. The execution should be brought back (used) in cases of wilful murder. The drug scene should be clamped down on and if the penalties were a lot harder perhaps this would deter more people. Alcohol: Drunk drivers who kill someone should go for wilful murder (Life - not the rope). The punishment for drunk drivers should be a lot harder. We need more police and more warders and a lot more understanding from the public.

Married Female, under 26

I have enjoyed thinking about this and also have discussed it with others (following my answers): I would be interested in knowing how my 'results' compare with the average. I feel that some of the questions need a few lines to give a short explanation as it would help to justify the answers.

Single Male, under 26

One must try and fit in punishment the best way possible, taking into consideration the severity of the crime and the circumstances. More public awareness must be sought. The only way problems can be solved is by facing them, rather than having the public stick their heads in the sand.

Married Female, over 50

It is very difficult to give a blanket judgment on some of these questions. I do believe in capital punishment in some circumstances, would recommend it for drug pushers, and would remove vehicles when drunken driving charges are proved. I do believe that in many cases community service orders should be applicable, but they should be supervised till the period of sentence is finalised. I also believe strongly in abortion on demand and 'consenting adult' male or female sex offenders should not be harrassed, though the idea makes me squirm personally.

Married Female 26-35

Prisoners should have less luxuries in gaol. I think the penalties for criminals should be a lot harsher. Capital punishment should be re-introduced and used for all people guilty of killing or seriously maiming other people. Police should be given a lot more freedom in arresting people and should be backed by their senior officers when charges against them arise.

Divorced Female 35-50

I strongly advocate that drug users (not pushers) should be put to work as orderlies in clinics or hospitals where people suffering from the effects of drugs are under treatment. This could prevent young 'users' from becoming hopeless addicts.

One question not raised here of a particularly nasty nature - child rape - is surely important enough for inclusion. My opinion re penalty would be execution, because the victim and other potential victims must be protected.

Married Male over 50

I am of the opinion that a survey of this nature is a good thing if the results are used to influence the appropriate authority to improve the present position. It seems fairly obvious from press reports that the severity of sentences presently imposed are far too lenient for many offences.

Married Female 35-50

My husband and I feel perhaps more help and attention should be given to the 'victims' of crime than is given at the present time.

Married Male 26-35

1. I believe in capital punishment
2. Much more severe sentences for drug pushers
3. Death sentence for hard drug pushers
4. There is a place for corporal punishment
5. A life sentence should be for the rest of their natural life

Married Male 35-50

Fines should be proportional to the act: i.e. the executive who steals vast sums should not expect to be on equal par with a petty thief. Deliberate killing whether direct or indirect (ie drugs) should not be allowed life or parole.

Married Male 26-35

I believe two males who want to engage in sex should not advertise it. I do not believe also in 10-16 year old girls having a baby. A child has to be brought up in a happy and mother and father environment.

Married Male over 50

I found it hard to answer some of the questions without wanting to qualify them, e.g. extenuating circumstances. I would find it very difficult to punish someone for stealing food to feed his children.

Married Male 26-35

If the penalties for non-violent crimes were made so much more harsher there would be less violent crimes and also all prisoners should be compelled to go to church services (Chapel) and be taught the true meaning of Christianity.

Single Female under 26

Capital punishment should be a thing of the past. Rapists should receive much harsher penalties in all cases. Police should be able to intervene in domestic strife. Prison conditions should be tougher - no luxuries (eg TV etc) Vandalism is an increasing problem today and offenders should receive a community service order plus imprisonment. In rape cases the majority of members of the jury should be women.

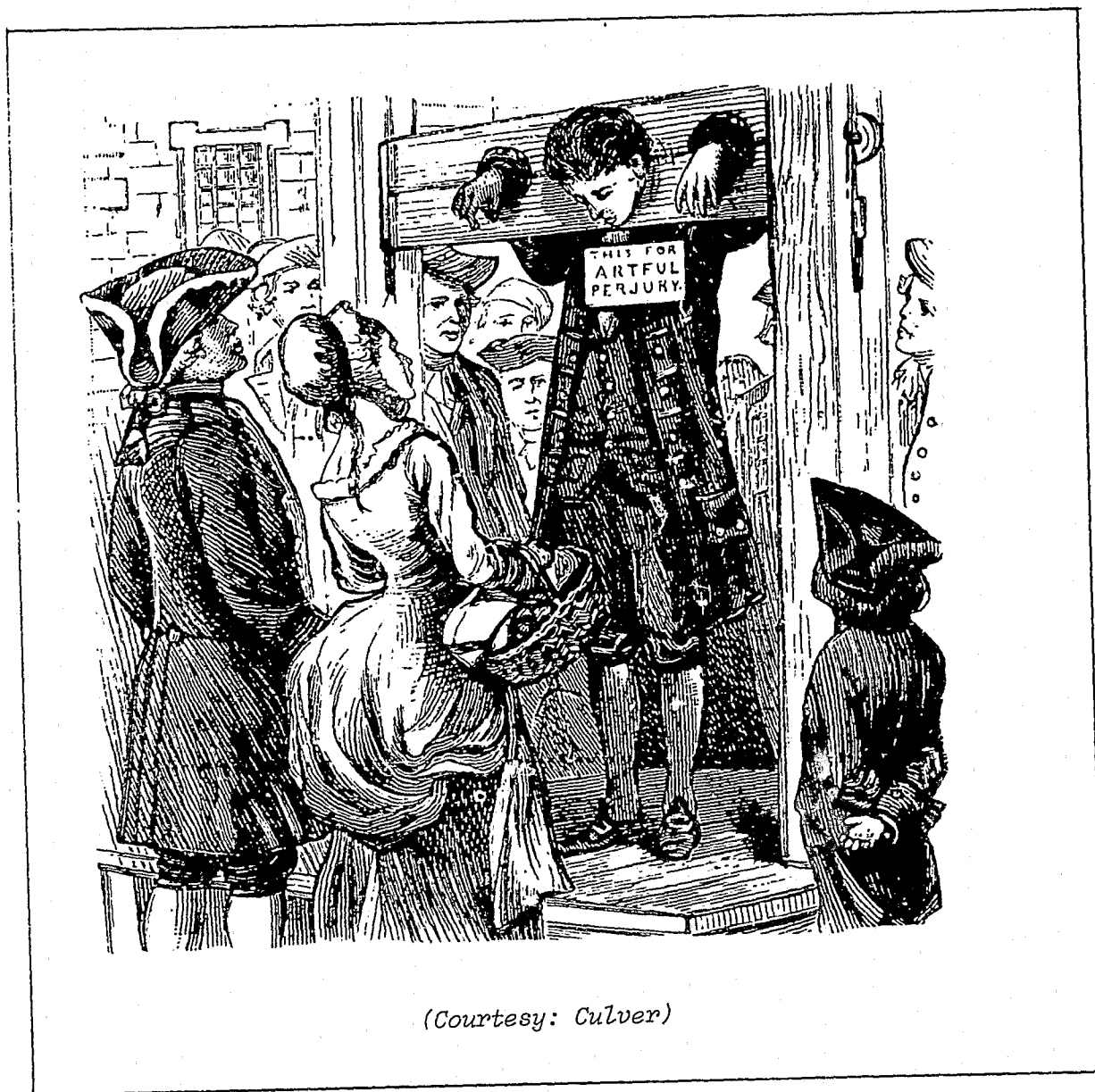
Married Female 25-45

Hanging should be reintroduced. Prisons should emphasise punishment rather than be an attractive place of rehabilitation.

Married Female 26-35

I feel the majority of people, like myself, are not very well informed about prisons. I think most people would like to see the death penalty brought back for murderers, sex crimes against young children and similar offences but would not like to be the one responsible for sentencing the criminal. We only know what the authorities let us know through the media.

APPENDIX IV - SUPPLEMENTARY RESULTS



(Courtesy: Culver)

APPENDIX IV

A. KNOWLEDGE.....P 71  
 B. SENTENCING.....P 75  
 C. OPINIONS.....P 79  
 D. KNOWLEDGE AND SENTENCES.....P 84  
 E. ATTITUDE GROUPS.....P 85

APPENDIX IVA - KNOWLEDGE

Q3 - What length of time are prison warders usually trained for before commencing duty?

	Number of Persons	Adjusted Frequency %
24 weeks	48	18.0
12 weeks (correct answer)	102	38.2
6 weeks	56	21.0
3 weeks	28	10.5
1 week	17	6.4
None	16	6.0
Missing cases	2	

Q4 - What is the average number of prisoners in all WA prisons at any one time?

	Number of Persons	Adjusted Frequency %
2800	75	28.3
1900	63	23.8
1400 (correct answer)	58	21.9
1100	39	14.7
800	16	6.0
500	14	5.3
Missing cases	4	

Q6 - How much time are prisoners in Fremantle prison allowed for visits from relatives or friends?

	Number of Persons	Adjusted Frequency %
One 40 minute visit per month	36	13.5
One 40 minute visit per week*	119	44.7
One 60 minute visit every 3 months	2	.8
One 30 minute visit per day	26	9.8
One 60 minute visit per week	83	31.2
Missing cases	3	
* Correct answer		

## APPENDIX IVA - KNOWLEDGE (cont)

Q10 - How many offences were reported to the police in 1980?

	Number of Persons	Adjusted Frequency %
87,000	23	9.0
71,000 (correct answer)	34	13.3
63,000	64	25.0
54,000	62	24.2
46,000	33	12.9
37,000	40	15.6
Missing cases	13	

Q13 - What is the ratio of prisoners to prison staff (Staff:Prisoners)?

	Number of Persons	Adjusted Frequency %
1:9	120	45.8
1:7½	21	8.0
1:6	80	30.5
1:4½	18	6.9
1:3	23	8.8
Missing cases	7	
Correct answer 1:1½ - no correct response		

Q16 - A prisoner's chances of returning to prison are about?

	Number of Persons	Adjusted Frequency %
10-20%	25	9.4
20-40%	79	30.7
40-60%	82	30.8
60-80%	69	26.0
80-100%	11	3.3
Missing cases	3	
Mean 49.94 %		

## APPENDIX IVA - KNOWLEDGE (cont)

Q18 - What percentage of prisoners are aboriginals (full blood and half caste)?

	Number of Persons	Adjusted Frequency %
5-20%	51	19.2
20-40%	101	38.2
40-60%	85	32.0
60-80%	24	9.1
80-90%	4	1.5
Missing cases	4	
Mean 39.92 %		

Q19 - What percentage of prisoners' offences are directly related to drugs (excluding alcohol)?

	Number of Persons	Adjusted Frequency %
5-10%	57	21.3
10-20%	63	23.6
20-30%	72	26.0
30-40%	46	16.2
40-85%	29	10.9
Missing cases	2	
Mean 25.73 %		

Q20 - What percentage of prisoners' offences are directly related to alcohol?

	Number of Persons	Adjusted Frequency %
5-10%	33	12.4
10-20%	55	20.7
20-30%	58	21.8
30-40%	42	15.8
40-50%	38	14.3
50-90%	40	15.0
Mean 33.82 %		

## APPENDIX IVA - KNOWLEDGE (cont)

Q21 - What percentage of prisoners' offences are driving offences?

	Number of Persons	Adjusted Frequency %
5-10%	112	42.4
10-20%	69	26.2
20-30%	43	16.2
30-40%	22	8.4
40-85%	18	6.8
Missing	5	
Mean 19.508 %		

Q23 - What percentage of crimes or offences are reported to the police?

	Number of Persons	Adjusted Frequency %
10-20%	17	6.4
20-40%	53	19.5
40-60%	84	30.6
60-80%	93	34.1
80-95%	20	7.5
Missing	3	
Mean 56.80 %		

Q24 - What is the percentage of reported crimes that are solved?

	Number of Persons	Adjusted Frequency %
10-20%	15	5.6
20-40%	45	17.0
40-60%	68	28.3
60-80%	108	40.6
80-95%	20	7.5
Missing	3	
Mean 58.38 %		

## APPENDIX IVB - SENTENCING

Penalties:

A = Should not be a crime at all

B = No penalty

C = Restitution

D = A fine

E = Probation

F = Community Service Order (ie offender must do some prescribed work in the community)

G = 1 weekend in prison

H = Up to 30 days in prison

I = 1 month - 6 months in prison

J = 6 months - 12 months in prison

K = 1 year to 2 years in prison

L = 2 years to 5 years in prison

M = 5 years to 10 years in prison

N = 10 years or more in prison

O = Life imprisonment (15 years or more)

## CATEGORY 1 - Serious Crime

Rape (No 21)

Penalty	No of people Suggest	No of people Assume
A-F	12	10
G-H	2	2
I-J	17	46
K-L	60	144
M+	176	56

## CATEGORY 2 - Property Crime

Break and Enter (No 2)

Penalty	No of people Suggest	No of people Assume
A-F	55	80
G-H	35	18
I-J	89	129
K-L	75	32
M+	13	3

## CATEGORY 3 - White Collar Crime

Tax Evasion (No 3)

Penalty	No of people Suggest	No of people Assume
A-B	32	3
C-F	178	193
G-H	14	9
I-J	31	40
K+	22	18

CATEGORY 1 - Serious Crime  
Murder (No 9)

Penalty	No. Suggesting	Assume
A-F	16	0
G-K	0	0
I-K	20	30
L-M	98	130
N-O	109	89
P	22	1
Missing	4	10

CATEGORY 3 - White Collar Crime  
False Advertising (No 16)

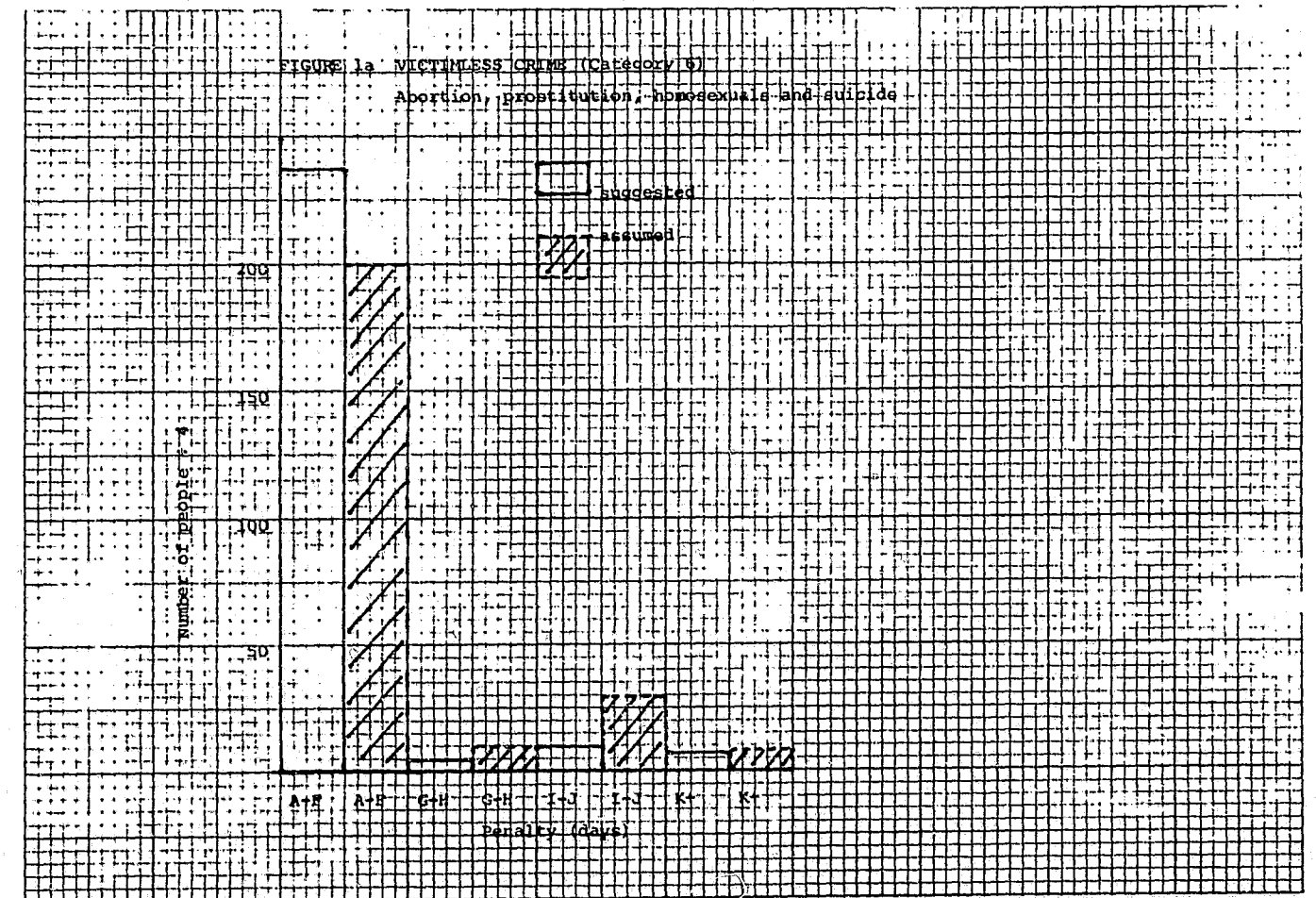
Penalty	No. Suggesting	Assume
A-B	23	85
C-D	150	135
E-F	31	13
G-H	13	4
I-J	28	12
K+	20	8
Missing	4	12

CATEGORY 7 - Other Crimes  
Drunk Driver (No 27)

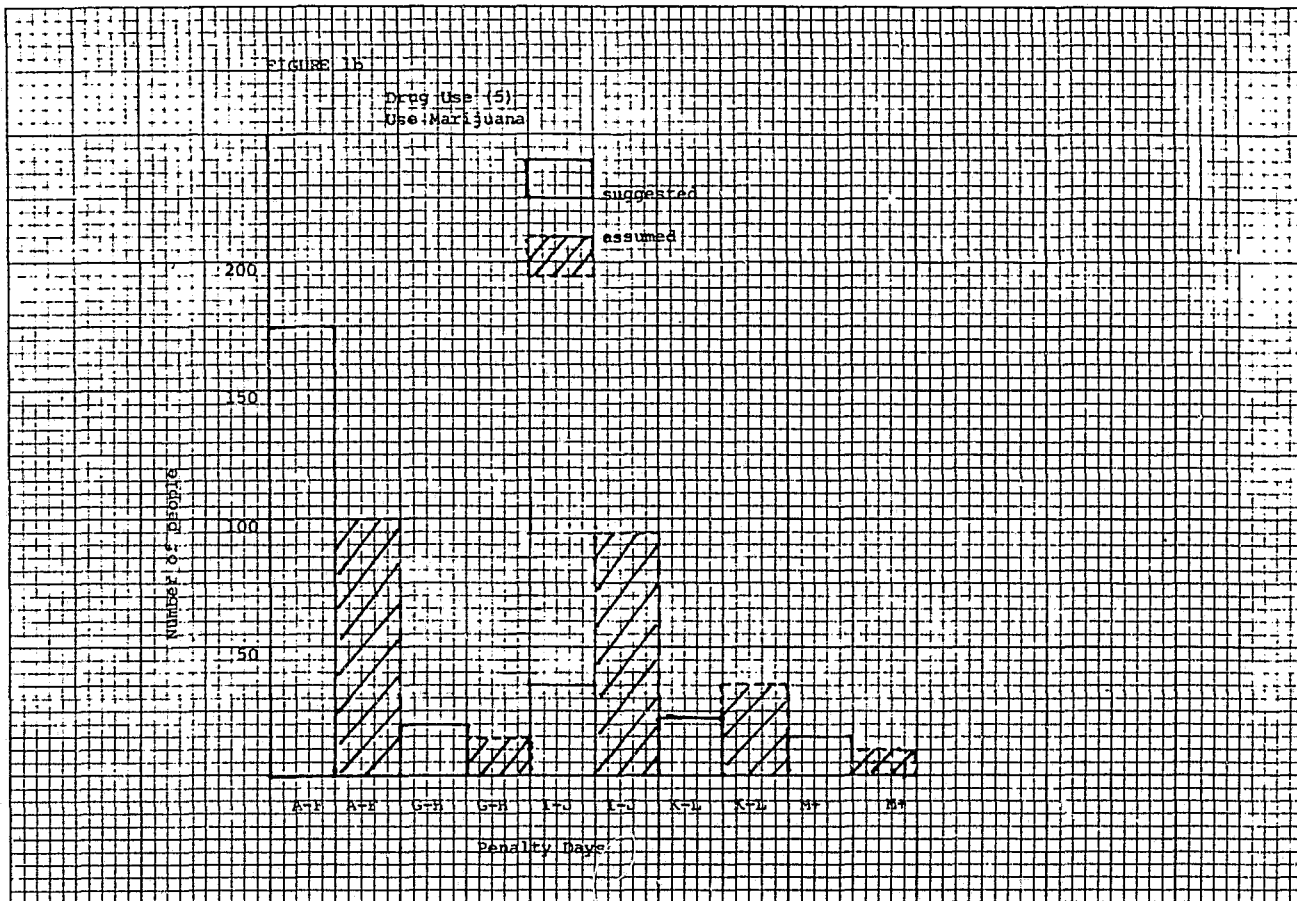
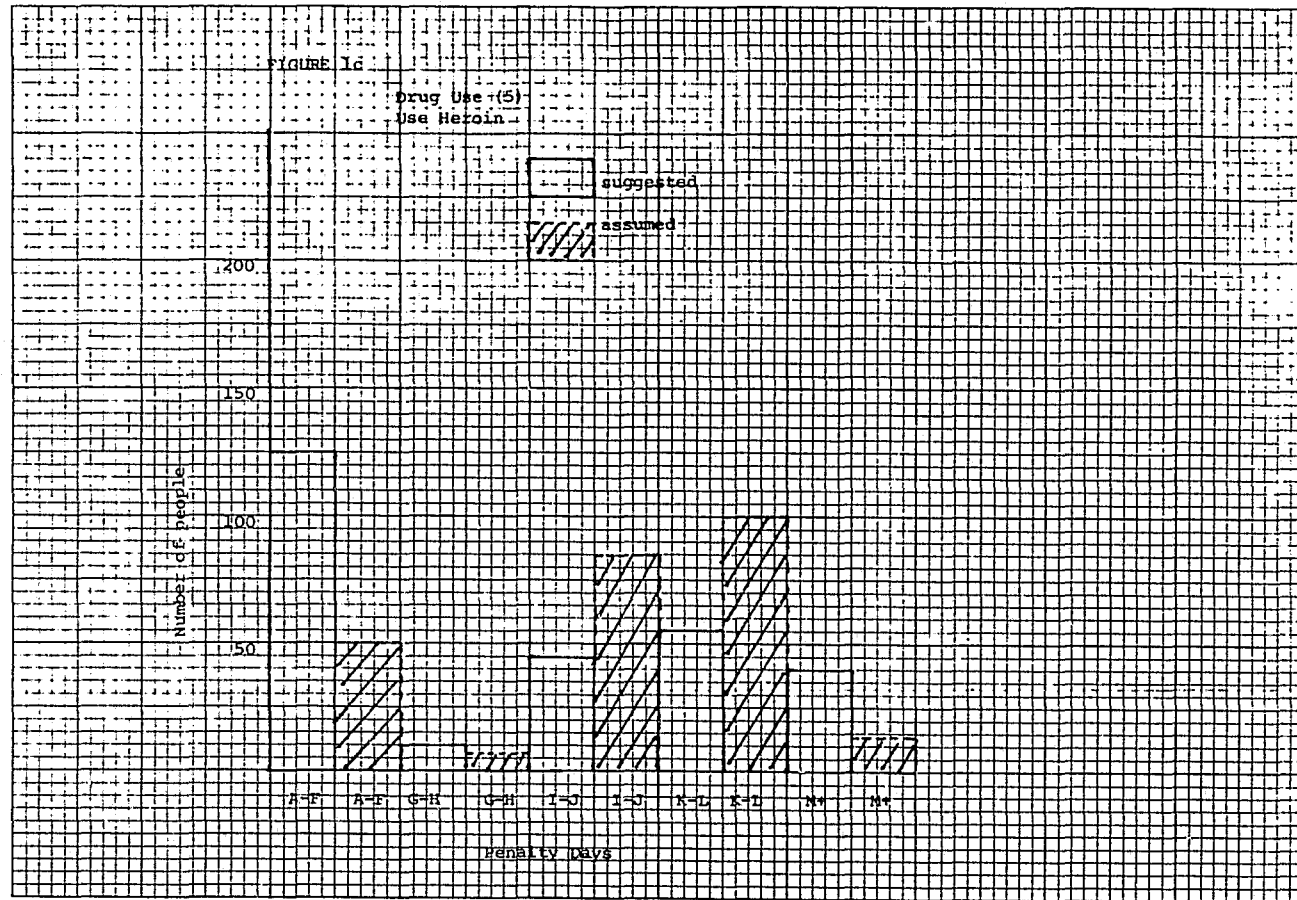
Penalty	No. Suggesting	Assume
A-B	1	0
C-D	57	155
E-F	49	11
G-H	48	25
I-J	56	52
K+	53	14
Missing	5	12

CATEGORY 6 - Sell Drugs  
Sells Marijuana (No 8)

Penalty	No. Suggesting	Assume
A-F	61	31
G-H	6	4
I-J	29	81
K-L	62	116
M+	109	30







SUMMARY OF OPINION SECTION

Rank Order	STATEMENT	% respondents					
		Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree	
1	Prisons should be made tougher.	5.2	16.7	16.0	33.8	28.3	(15)
2	We should send a person to prison only as a last resort.	11.7	38.3	10.2	29.7	10.2	(31)
3	We should increase the size and scope of compensation for victims of crime.	1.5	3.0	7.4	45	43.1	(2)
4	Sending a person to prison will teach him a lesson.	6.3	29.1	29.9	28.4	6.3	(27)
5	As a society we should strive towards alternatives to prison.	4.1	22.8	14.6	44.2	14.2	(19)
6	Crime has been getting worse in modern times.	1.9	8.2	11.9	40.1	37.9	(6)
7	Our treatment of offenders should be less harsh.	25.3	53.6	13.6	5.7	1.9	(40)
8	Judges and the courts are fair.	8.6	24.9	30.1	33.1	3.3	(28)
9	Prisoners learn more about being a criminal than a good citizen while in prison.	1.1	9.7	25.1	48.3	15.7	(13)
10	Prison provides the community with the most effective deterrent to crime.	5.6	28.9	17.3	39.8	8.3	(22)
11	People don't know enough about prisons.	0.4	1.9	3.0	66.9	27.8	(4)
12	Prisoners should be provided with more help when they are released from prison.	2.2	4.5	9.3	62.1	21.9	(7)
13	Sending a person to prison will reduce the chances of him committing more crimes.	7.4	36.1	30.1	21.2	5.2	(33)
14	Laws need frequent changing.	1.1	13.4	14.1	51.7	19.7	(10)
15	Sentences handed out by the courts are too lenient.	1.1	7.9	23.0	40.8	27.2	(8)
16	Prisoners should have the right to form a union.	43.9	34.6	10.8	8.9	1.9	(41)
17	The Police are fair.	5.9	11.2	33.1	42.8	7.1	(20)
18	There should be lower penalties for all offences where there is no victim (no one is affected against their wishes eg, gambling, prostitution, drug taking)	4.1	14.2	11.6	30.6	19.5	(14)

Numbers in brackets, ( ), rank order most popular statements.



	STATEMENT	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree	Rank Order
19	Crimes where there is no victim should be punishable by imprisonment in some cases.	3.7	15.2	17.1	59.5	4.5	(17)
20	Prison sentences should be reduced and the money saved spent on helping the offender in the community.	8.2	42.4	25.3	20.1	4.1	(35)
21	The community in general is sufficiently informed about the criminal justice system.	24.6	53.7	10.1	9.3	2.2	(39)
22	There should be more use of imprisonment as a penalty rather than fines, work orders and good behaviour bonds.	9.4	41.6	18.7	25.1	5.2	(34)
23	Police and prison officers should be more highly trained.	2.6	10.8	20.9	46.3	19.4	(12)
24	Offenders should still be sent to prison even if it does not help them.	9.0	27.6	19.0	37.7	6.7	(23)
25	Judges should have more first hand experience of prisons.	1.1	9.7	19.3	53.5	16.4	(11)
26	Police should have more power.	13.0	43.9	22.3	14.9	5.9	(37)
27	More effective methods of dealing with crime need to be developed.	1.9	2.2	3.3	54.3	38.3	(3)
28	Crimes of violence should generally receive harsher penalties than non-violent crimes.	0.4	1.5	2.2	38.2	57.7	(1)
29	All penalties should be increased.	4.5	33.3	33.7	22.5	6.0	(30)
30	Psychologists should have more say in the sentencing and management of offenders.	11.3	29.8	24.9	27.5	6.4	(32)
31	Offenders should still be sent to prison even if it will increase the chances of them committing more crimes.	7.9	31.1	25.1	29.2	6.7	(29)
32	Complaints against the police and prison warders should be investigated by an independent body.	3.4	3.0	1.9	55.4	36.3	(5)
33	Prison rehabilitates prisoners.	9.7	35.2	41.2	12.0	1.9	(36)
34	Where a fine is imposed as a penalty the fine should be proportional to the offenders income rather than a flat rate.	8.2	18.7	11.6	43.7	17.9	(18)
35	The police victimize individuals.	5.6	22.6	40.6	26.3	4.9	(25)
36	In no circumstances should prisoners be able to have sexual contact with their spouse.	10	28.6	21.6	28.3	11.5	(24)
37	Imprisonment fails to prevent crime.	4.9	21.1	25.9	41.4	6.8	(21)
38	I am interested in the issue of crime, justice and punishment.	0.4	5.3	15.8	66.4	12.1	(9)
39	I am more afraid of crime than interested in it.	5.6	37.3	15.7	34.3	7.1	(26)
40	Police and prison warders should be directly under government control rather than a union's.	4.9	13.1	22.1	35.2	24.7	(16)
41	I am satisfied with our present criminal justice system.	7.9	46.8	31.8	11.2	2.2	(38)

## APPENDIX IVC - OPINIONS

PRISONS SHOULD BE MADE TOUGHER		
	No of people	%
Strongly Disagree	14	5.2
Disagree	45	16.6
Uncertain	43	16.0
Agree	91	33.8
Strongly Agree	76	28.3

JUDGES AND COURTS ARE FAIR		
	No of people	%
Strongly Disagree	23	8.6
Disagree	67	24.9
Uncertain	81	30.1
Agree	89	33.1
Strongly Agree	9	3.3

PRISON PROVIDES MOST EFFECTIVE DETERRENT		
	No of people	%
Strongly Disagree	15	5.6
Disagree	77	28.6
Uncertain	46	17.1
Agree	106	39.4
Strongly Agree	22	8.2

PRISONERS SHOULD HAVE RIGHT TO FORM A UNION		
	No of people	%
Strongly Disagree	118	43.9
Disagree	93	34.6
Uncertain	29	10.8
Agree	24	8.9
Strongly Agree	5	1.9

**CONTINUED**

**1 OF 2**

## APPENDIX IVC - OPINIONS (CONT)

COMPLAINTS AGAINST THE POLICE AND PRISON WARDERS SHOULD BE INVESTIGATED INDEPENDENTLY		
	No of people	%
Strongly Disagree	9	3.3
Disagree	8	3.0
Uncertain	5	1.9
Agree	148	55.0
Strongly Agree	97	36.1

JUDGES SHOULD HAVE MORE EXPERIENCE OF PRISON		
	No of people	%
Strongly Disagree	3	1.1
Disagree	26	9.7
Uncertain	52	19.3
Agree	144	53.5
Strongly Agree	44	16.4

THE POLICE ARE FAIR		
	No of people	%
Strongly Disagree	16	5.9
Disagree	30	11.2
Uncertain	89	33.1
Agree	115	42.8
Strongly Agree	19	7.1

CRIME IS WORSE		
	No of people	%
Strongly Disagree	5	1.9
Disagree	22	8.2
Uncertain	32	11.9
Agree	108	40.1
Strongly Agree	102	37.9

## APPENDIX IVC - OPINIONS (CONT)

POLICE SHOULD HAVE MORE POWER		
	No of people	%
Strongly Disagree	35	13.0
Disagree	118	43.9
Uncertain	60	22.3
Agree	40	14.9
Strongly Agree	16	5.9

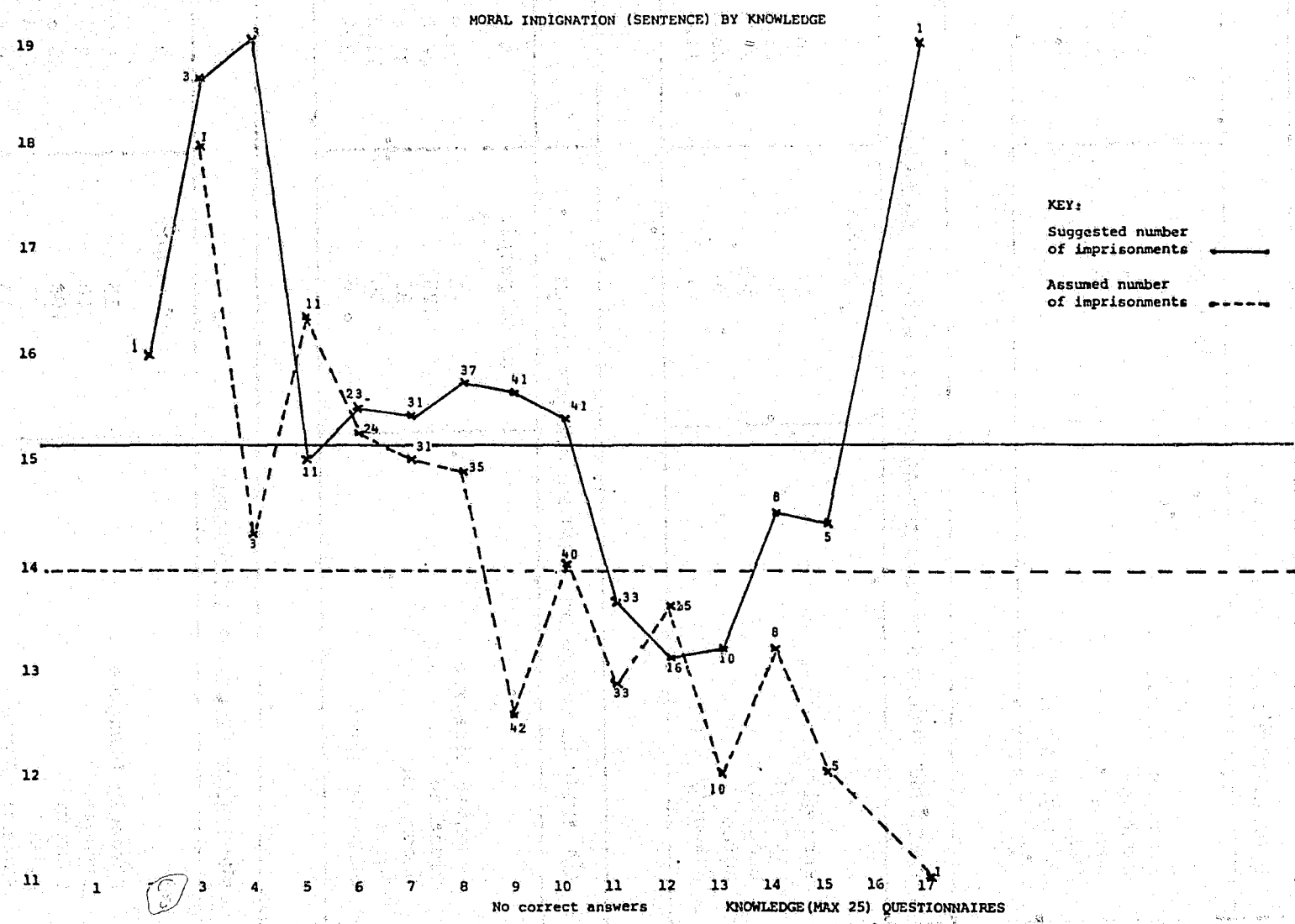
PRISONERS SHOULD NOT HAVE SEXUAL CONTACT WITH THEIR SPOUSE		
	No of people	%
Strongly Disagree	27	10.0
Disagree	77	28.4
Uncertain	58	21.6
Agree	76	28.3
Strongly Agree	31	11.5

SATISFIED WITH PRESENT CRIMINAL JUSTICE SYSTEM		
	No of people	%
Strongly Disagree	21	7.9
Disagree	125	46.8
Uncertain	85	31.8
Agree	30	11.2
Strongly Agree	6	2.2

THE POLICE VICTIMIZE INDIVIDUALS		
	No of people	%
Strongly Disagree	15	5.6
Disagree	60	22.6
Uncertain	108	40.6
Agree	70	26.3
Strongly Agree	13	4.9

APPENDIX IVD  
 FIGURE 1

NUMBER OF IMPRISONMENTS (MAX 27) CRIME VIGNETTES  
 Suggested sentences in imprisonments—mean 15.1515  
 Assumed sentences in imprisonments—mean 13.9382

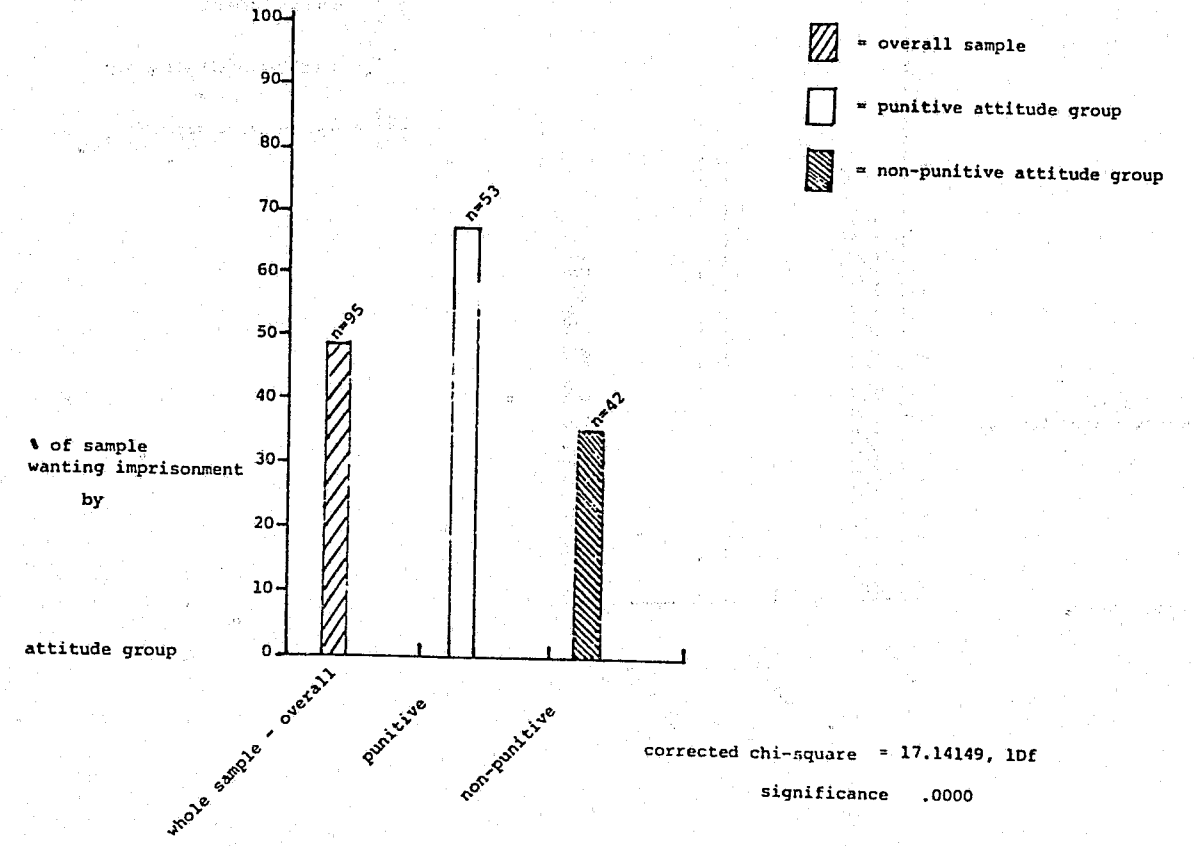


No of questions expected by chance. 5.5 questions right.

Figure 1 shows the tendency for people with more correct information to be less punitive

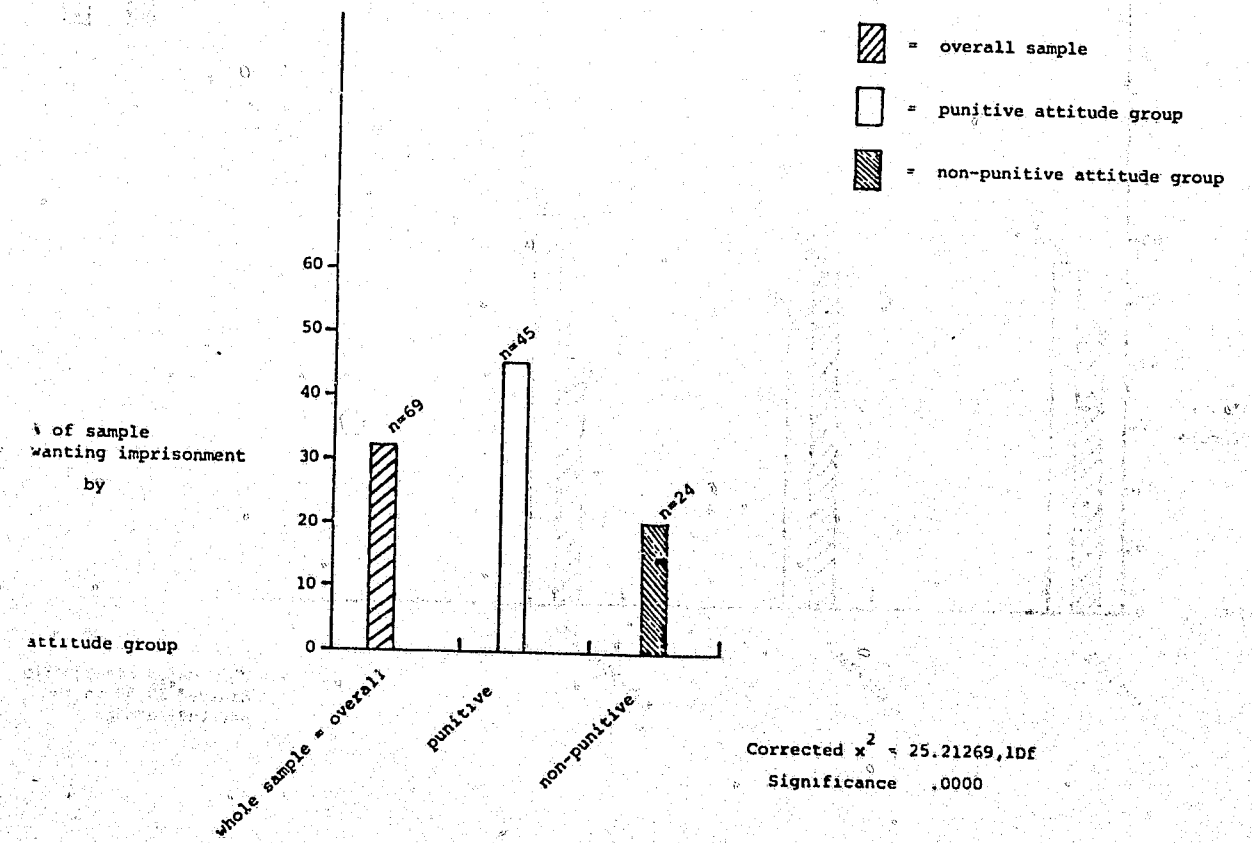
APPENDIX IVE - Figure 1a

MORAL INDIGNATION CRIME 23 (The offender is a person who uses heroin).

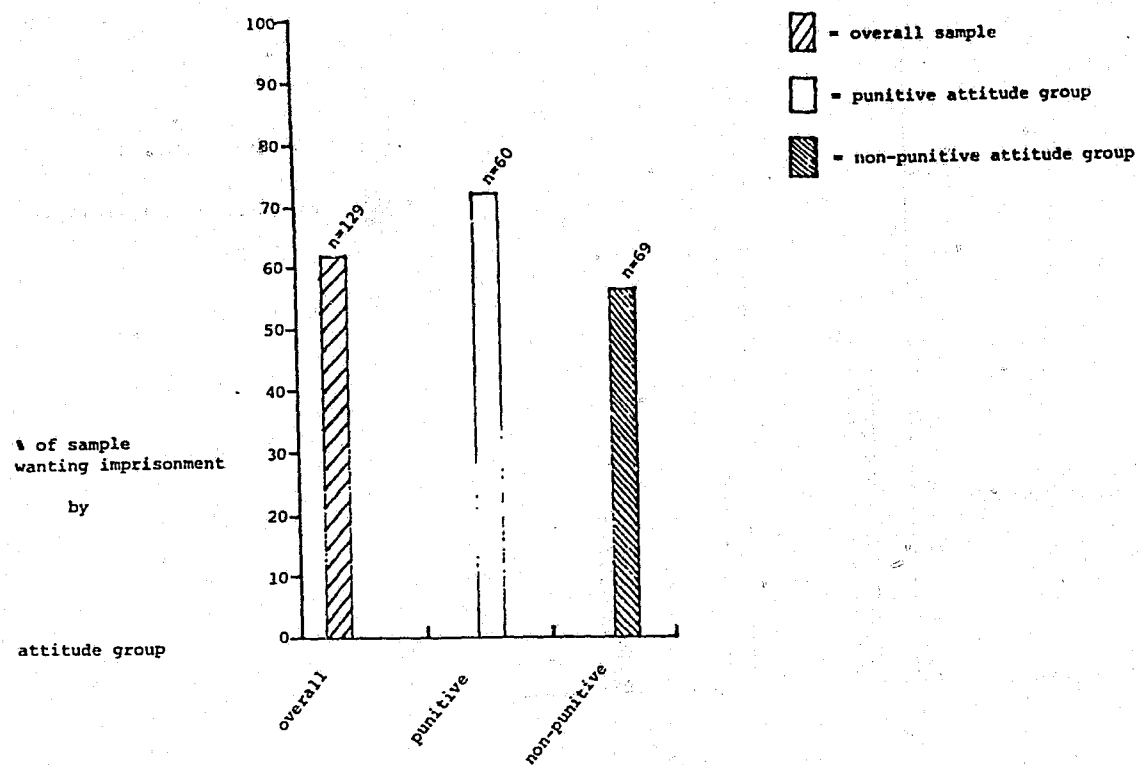


APPENDIX IVE- Figure 1b

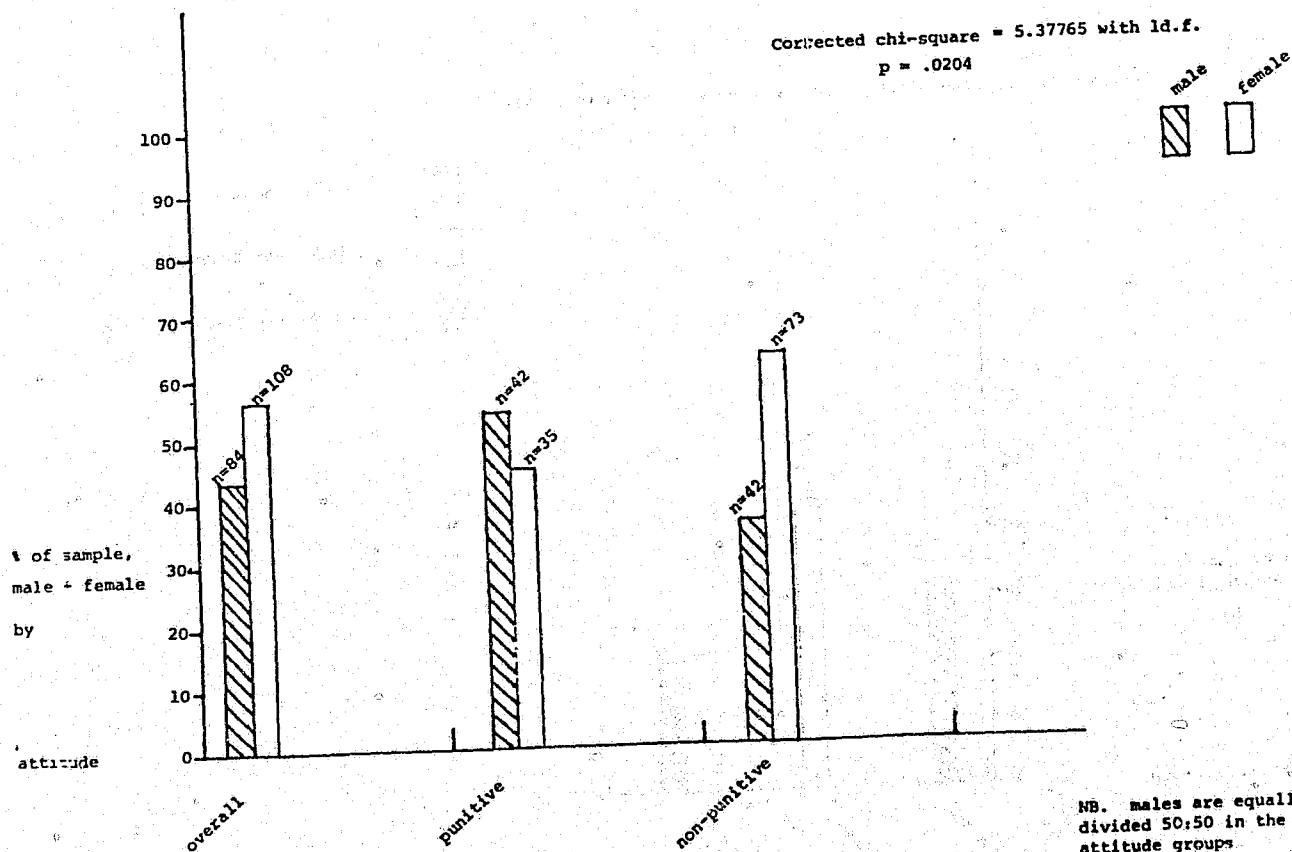
MORAL INDIGNATION CRIME 11 (The offender is a person who uses marijuana)



MORAL INDIGNATION CRIME 1B (The offender steals property greater than >\$100)



APPENDIX IV E - Figure 2  
DEMOGRAPHIC FACTORS BREAKDOWN BY ATTITUDE (Punitive, non-punitive by male, female).



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