

# Attitudes to Crime and Punishment: A New Zealand Study

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# Foreword

The report presents the findings of the first comprehensive national survey of the views of a sample of adult New Zealanders about crime and the criminal justice system's response to crime. A random sample of 1500 adult New Zealanders responded to a range of questions, including questions about the relative seriousness of some crimes, the aims of sentencing and their preferred choices of sentence for some crimes. Those who answered the survey were also questioned about their knowledge of some crime and criminal justice statistics.

The survey findings are many. They suggest, for example, that while there may be general agreement among the New Zealand public in relation to the sentencing of offenders convicted of more serious crimes (such as importing heroin and aggravated burglary), there is likely to be a divergence of opinion with respect to crimes of medium seriousness.

The survey also found low levels of knowledge about some aspects of crime and sentencing. For example, in relation to sentencing, the misunderstanding of those surveyed tended to be in the direction of underestimating statutory maximum sentence lengths, actual sentence practice and time served in prison by offenders sentenced to imprisonment.

Since the survey was conducted in 1999, a major reform of the sentencing and parole regimes in New Zealand has taken place, with the commencement of the Sentencing Act 2002 and the Parole Act 2002 on 30 June 2002. These two Acts largely replace the Criminal Justice Act 1985. The Sentencing Act 2002 provides for greater clarity, consistency and transparency in sentencing legislation and rationalises community-based and other sentences. The Parole Act 2002 aims to address inconsistencies in the proportion of a custodial sentence that must be served and to improve the parole decision-making structure in New Zealand. The effects of the Sentencing Act 2002 and Parole Act 2002 will continue to be monitored.

As you will note there has been a significant delay between the conduct of the survey and the preparation of the survey findings for publication. This was primarily due to illness and other more urgent work priorities. Prior to its preparation for publication, however, the survey results were available to the Ministry's policy staff working on the Sentencing and Parole reforms.



Warren Young  
Deputy Secretary for Justice





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# Executive summary

## Introduction

This report presents the findings from the first comprehensive national survey of the views of a sample of New Zealanders about crime and the criminal justice system's response to crime. A random sample of 1500 adult New Zealanders responded to a range of questions about the relative seriousness of some crimes, the aims of sentencing, and their preferred choices of sentence for some crimes. People were also questioned about their knowledge of some crime and criminal justice statistics and their ratings of some criminal justice professionals.

## Knowledge about crime and the criminal justice system

Those surveyed tended to have an inaccurate and negative view of crime statistics and to underestimate the lengths of sentences imposed on offenders. Survey respondents perceived there to be higher levels of crime than national figures suggest. The overwhelming majority (83%) of the sample wrongly believed that the crime rate had been increasing over the two years prior to the survey.

Survey respondents substantially overestimated both violent crime and property crime statistics. Two-thirds believed that at least half of all the crime reported to the police involved violence or the threat of violence, yet police statistics show that the figure is nearer to 9%. Two-thirds of those surveyed overestimated the likelihood of a New Zealand household being burgled. Only 15% came close to the actual figure of approximately one in every 14 households burgled annually.

Forty-one percent of respondents correctly estimated the average cost of keeping a person in prison for a year at \$55,000. More than a quarter underestimated the costs, and just under a third overestimated what it costs to keep a person in prison for a year.

When asked to estimate sentence lengths for rape, respondents' misunderstandings tended to be in the direction of underestimating statutory maximum sentence lengths, underestimating the sentences actually imposed by judges and underestimating the time served in prison by offenders sentenced to imprisonment. About half the sample underestimated the maximum penalty of 20 years imprisonment for rape, the average 8-year prison sentence imposed on rapists, and the average 5-year prison sentence served by rapists.

When asked to estimate the amount of time an offender sentenced to life imprisonment actually serves, 44% correctly estimated this at between 10 and 14 years. A quarter underestimated the amount of time, and a third overestimated the actual duration of a life sentence.

Nearly half of those surveyed overestimated the proportion of offenders likely to be reconvicted of an offence within 2 years. More than half overestimated the rate of offending while on bail.

In general terms, those least informed about some crime statistics were more likely to be women, to be younger, to be Māori, to be less educated or to have a lower personal income.

## **Attitudes to criminal justice professionals**

Survey respondents were asked to rate the job done by a number of criminal justice professionals including groups who provide services for victims. Respondents rated community services and the police most highly followed by juries, probation officers and criminal lawyers. Judges and the prison service received the lowest ratings. NZ European/Pakeha respondents had a more positive view of the police than Māori or Pacific Peoples. People in older age groups were more likely to have positive views of the police, juries and the prison service.

## **Crime seriousness**

Respondents were given one-line descriptions of each of six crimes and were asked to rank them from the most serious to the least serious. These crimes were: a man assaulting his female partner; burglary with a weapon; drunk driving; importing heroin with a street value of \$100,000; fraud of \$50,000; and possession of 10 grams of marijuana. There was a large degree of variability in the ranking of crimes, although in general respondents viewed burglary with a weapon and importing heroin as more serious than the other crimes. Possession of marijuana was ranked as the least serious crime, and fraud was also viewed as less serious than the other crimes. Drunk driving and a man assaulting his female partner were most likely to be ranked in either third or fourth place in order of seriousness, although a significant minority also ranked these crimes as being of relatively high seriousness.

## **Sentencing practice**

Survey respondents were asked to sentence six people, each convicted of a crime described in a short one-line statement. Respondents were then presented with six short scenarios based on the six crimes. Each scenario contained further information about the gender, age, occupation and criminal history of the offender and some limited circumstances of the offence.

In response to the six short scenarios, over half the sample thought that imprisonment was the most appropriate sentencing option for all crimes other than possession of cannabis. The proportion who thought this ranged from 91% in the case of aggravated burglary to 53% for the offence of drunk driving. Only 9% thought someone convicted of possession of cannabis should be sentenced to a term of imprisonment. Instead, they were most likely to suggest community-based penalties.

Responses to the one-line statements were compared with responses to the scenarios to assess whether the amount of information provided about the crime and the offender made a difference to the sentence respondents chose. Respondents were most likely to give a less serious sentence in the case of the two scenarios involving women. One of the women was convicted of importing heroin and the other of possessing marijuana. Respondents were most likely to give a more serious sentence in the case of drunk driving. Additional details given in that scenario included that the person was male, with twice the legal limit and that he was involved in a car chase. In the scenarios where men had committed the offences of burglary, assault and fraud, respondents were reasonably evenly divided between those who gave a more serious sentence, those who stayed with the sentence they had given based on the one-line description and those who gave a less serious sentence. Respondents who were most likely to give a less serious sentence based on more information were women, older people, those without a university education and those not in the paid labour force.

### **Aims of sentencing**

Survey respondents wanted to achieve a mix of aims when sentencing offenders. Among the most popular aims were individual rehabilitation, deterrence and retribution. Restitution was seen as an important aim of a sentence for fraud, and incapacitation was an important aim in sentencing an offender convicted of aggravated burglary.

Respondents who had suggested a prison term as the most appropriate sentence in the scenarios given were more likely to say that incapacitation was a key aim in sentencing. Those who favoured community-based sentences were more likely to select rehabilitation as the most important aim of sentencing.





# 1 Introduction

This report presents the findings from the first comprehensive national survey of the views of a sample of adult New Zealanders about crime and the criminal justice system's response to crime. A random sample of 1500 New Zealanders aged 18 years and over responded to a range of questions, including questions about the relative seriousness of some crimes, the aims of sentencing and their preferred choices of sentence for some crimes. We also questioned them about their knowledge of some crime and criminal justice statistics.

The New Zealand public has long been fascinated with crime and the sentencing of offenders, yet no nation-wide survey has previously been specifically designed to obtain the public's views on these issues alone. We wanted to find answers to questions such as: what views do the public hold about sentencing? how much do New Zealanders know about crime and the criminal justice system?

Why canvas public opinion about crime and the criminal justice system? Roberts (1992) documented the following three reasons in his review (p. 127–129):

- 1 The criminal justice system cannot function without public participation. The effectiveness of legislation can be dependent upon the degree of public support it attracts.
- 2 If members of the public hold strongly negative views about the criminal justice system, they will be less likely to report crimes or serve as witnesses. Findings from the first New Zealand national survey of crime victims (Young et al. 1997) suggest that only about one-third of assault victims, for example, reported such offences to the police.
- 3 The views of the public can be taken into account in the development of criminal justice policies.

The public's reaction to crime and sentencing has intrigued criminologists for many years. Since the 1960s, the overseas research literature has grown enormously, reflecting increasing research activity into a wide range of topics of relevance to the criminal justice system. Several books (for example, Walker & Hough 1988; Flanagan & Longmire 1996; Roberts & Stalans 1997; Hough & Roberts 1998) and reviews (for example, Roberts 1992) have been devoted to documenting and analysing the findings of relevant polls and surveys.

## 1.1 National surveys overseas

Public opinion polls and surveys have been widely used over several decades in the United States to ascertain Americans' views concerning crime and justice. In neighbouring Canada, several nation-wide polls were conducted in the mid 1980s to elicit the views of the Canadian public on many sentencing issues (Canadian Sentencing Commission 1987). However, the polls and surveys conducted in both countries were generally conducted by researchers whose

main interests were in market research and political polling. More recently, with its National Opinion Survey on Crime and Justice, the United States conducted its first comprehensive, in-depth national assessment of public attitudes toward a wide variety of crime and criminal justice issues (Flanagan & Longmire 1996).

Over the past two decades, British and Welsh householders have been regularly surveyed about their attitudes to crime and criminal justice as part of the British Crime Survey. Set up in 1982, these large face-to-face surveys of adults living in England and Wales have been repeated in 1984, 1987, 1992, 1994, 1996 and 1998 (for the more recent surveys see, for example, Hough & Roberts 1998; Mirrlees-Black et al. 1998; Kershaw et al. 2000). While the main purpose of these surveys is to monitor trends in crimes against those living in private households, the surveys also cover a range of other topics, including attitudes to crime and criminal justice, and sentencing preferences.

In the Netherlands, the Research and Documentation Centre of the Ministry of Justice first conducted a national survey on attitudes towards crime and crime control in 1975. Key components of the survey were replicated as an annexe to the Dutch national victim survey in 1982 and as a separate survey in 1985 (van Dijk & Steinmetz 1988).

Across the Tasman, the Australian Institute of Criminology first commissioned a nation-wide survey of crime and punishment in 1986. A representative cross-section of Australians were asked to rank the seriousness of 13 crimes and to allocate their preferred punishment for each of the crimes (Wilson et al. 1986; Walker et al. 1987). The following year, two further nation-wide surveys were commissioned, about attitudes towards police and police services (Swanton et al. 1988a; Swanton et al. 1988b) and towards domestic violence (Office of the Status of Women 1988).

The findings of other research will be considered in relation to the findings of the current survey in each section of the report. Our discussion will focus in the main on findings from studies undertaken prior to the time of the current survey.

## **1.2 Research at home**

While no nation-wide survey focussing solely on attitudes towards crime and criminal justice issues has previously been conducted in New Zealand, some studies have touched on related topics. For example, in 1996, the National Survey of Crime Victims (Young et al. 1997) asked 5000 adult New Zealanders a range of questions about crime in their neighbourhoods. These questions were asked as part of a survey which was primarily designed to provide an alternative measure to police statistics of crime victimisation. This survey was repeated five years later (Morris et al. 2003).

Within the last ten years, some small ad hoc, localised studies of the public's perceptions of crime and crime seriousness have been conducted here. In the early 1990s, a study of 115 Christchurch residents was carried out to determine their perceptions of the relative seriousness of 25 crimes (Davis & Kemp 1994). Later in the decade, a study of 273 Auckland City residents was undertaken to find out Aucklanders' views about crime (Shirley et al. 1998).

Public opinion of the criminal justice system has also been the topic of a few theses. In an early study, Ransom (1981) examined public opinion on sentencing of criminal offenders. Stephen Lyon's thesis (1990) examined public opinion on the law and order issue in New Zealand since 1975. More recently, Bratcher (1997) surveyed 181 New Zealanders on their attitudes concerning the seriousness of criminal offences, appropriate sanctions and punitive and rehabilitative sentiment towards offenders.

### **1.3 The present study**

The overall aim of the present survey was to assess the public's attitudes towards, and knowledge about, crime and the criminal justice system. We also wanted to assess the public's level of knowledge about crime and some criminal justice issues, including their knowledge of the criminal law and actual sentencing practice.

Specifically, the survey objectives were to:

- 1 assess public knowledge about crime trends and some aspects of the criminal justice system;
- 2 assess public perceptions of
  - i the relative seriousness of some crimes
  - ii the preferred sentence imposed for some crimes
  - iii the aims of sentencing
  - iv the severity of the sentence likely to have been imposed for some crimes
  - v the substitution of a fine for the sentence likely to have been imposed
  - vi the performance of some occupational groups working within the criminal justice system;
- 3 assess whether the addition of a limited description of the circumstances surrounding the commission of some crimes led to a moderation of the choice of sentence imposed.

### **1.4 Methodology**

The main sample comprising 1006 adults was drawn from 1500 households in 14 locations throughout New Zealand. The locations were defined in terms of region and area type and were designed to ensure a fully representative cross-section of the New Zealand population aged 18 years and over (see Appendix 1 for details).

Only one adult per household was interviewed face to face by a trained ACNielsen interviewer between 6 March and 2 May 1999. The response rate (total completed interviews as a percentage of the total occupied households approached) was 71%.

The main sample was supplemented with 'booster' samples of 250 Māori and 250 Pacific Peoples adults aged 18 years and over. Due to their smaller total population size, the locations for the Māori and Pacific samples were reduced to five locations throughout New Zealand. Again, only one adult per household was interviewed face-to-face.

The weighting process for the survey consisted of two main steps. First, respondents were weighted to compensate for their different selection probabilities. Then rrm weighting was applied to align the survey results with known population figures for age, sex and ethnicity.

In general, respondents weren't provided with a 'don't know' option in response to a question. Rather, they were encouraged to provide a best guess. Accordingly, unless otherwise stated, a response of 'don't know' or a refusal is excluded from the analysis presented in this report.

A pre-test of the draft questionnaire was carried out in June 1998. Changes to the questionnaire were made, and the questionnaire was re-tested in a pilot survey comprising 50 interviews conducted 4–14 February 1999.

Not all the material collected as part of the survey is presented in this report. Material not included relates to some new questions developed from overseas research. An independent expert reviewer subsequently pointed out a deficiency in some aspects of the development of these questions, which relate to the severity of the sentence (including the substitution of a fine) likely to have been imposed for some crimes. For this reason, responses relating to this part of the questionnaire are not presented in this report.

## **1.5 Limitations**

### **Survey method**

We deliberately chose a stand-alone survey to obtain a broad national picture of the public's attitudes towards, and knowledge about, crime and some criminal justice issues. This gave us more precise control of the design process than simply attaching questions to an existing omnibus survey. It allowed us to cover a wide range of issues using a highly structured questionnaire administered in face-to-face interviews with 1500 adult New Zealanders. However, in canvassing such a wide range of issues in interviews of about forty minutes in length, we could not hope to obtain information of any great depth.

### **Snapshot taken in March, April and May 1999**

Public opinion on issues such as crime and sentencing is dynamic. Flanagan (1996) reminds us that opinions on these issues are 'subject to both long-term shifts and to seismic changes due to catastrophic events'.

The survey findings represent a 'snapshot' of public opinion taken during March, April and May 1999. We could not avoid the survey being conducted in the context of a news media whose crime reporting is biased towards the reporting of serious violent crimes, such as murders (McGregor 1993).<sup>1</sup> However, by holding the survey in March, April and May 1999, we hoped to avoid the period in the run-up to the general election when law and order issues, particularly discussion of the referendum question about reforming the criminal justice

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<sup>1</sup> In a small study we conducted of three daily newspapers during the data collection phase, we counted 419 crime stories – 91 related to crimes of murder.

system, were likely to be very prominent in the media. As it turned out, the survey was conducted about 6 months out from the general election in November 1999.

### **Response rate**

The findings reported here are only of those members of the public who were approached and who agreed to participate in the survey. We made a considerable effort to get a high response rate. Our efforts included a letter drop to all households likely to be involved in the main survey about 3–4 days prior to the interviewer commencing interviews in the area and an introductory letter that was available in English, Māori or Sāmoan depending on the preferences of the door-opener. Only one person per household was approached for an interview. The final response rate was 74% for the main survey, 72% for the additional Māori sample and 66% for the additional Pacific Peoples sample.

### **Question wording and ordering**

Methodological details such as question wording and question ordering are consequential in public opinion research (for example, Dyer 1996). There are an infinite number of ways to pose questions about crime and sentencing. For the most part, the final questionnaire was built up by copying and modifying questions from other national surveys – primarily from the British Crime Survey. We were aware that in making the modifications we did, we were limiting our ability to compare our findings with those of other similar surveys.

The order of the questions within the survey may influence the response (for example, Mayhew 1995). We deliberately asked the attitudes questions before those on knowledge, in an attempt to play down the ‘test’ element. Personal detail questions such as ‘Have you ever been convicted of an offence?’ were asked towards the end of the interview. Our choice of ordering may well have affected the comparability of our findings with other surveys that covered the same issues but asked questions in a different order.

### **Validity**

We do not know whether respondents gave us their honest opinions. We were advised that in a face-to-face survey situation, some Pacific Peoples respondents, in particular, might feel pressured into giving responses to please the interviewer rather than giving their own honest opinion or expressing their lack of opinion. However, following consultation with the Ministry’s Pacific Peoples focus group and some researchers with expertise in undertaking research with Pacific Peoples, we decided to proceed using a single research method that would allow us to compare findings across ethnic groups without the extra difficulty of comparing findings across different research methods. In doing so, we incorporated some ‘don’t know’ options into question responses in the hope that respondents might feel more at ease in expressing a lack of opinion.

## **1.6 Outline of report**

The report presents the main findings from the survey. Chapter two focusses on respondents' levels of knowledge about crime and the criminal justice system. Chapter three examines attitudes to criminal justice professionals and Chapter four examines perceptions of crime seriousness. Chapter five presents responses to questions asking respondents to sentence people convicted of six crimes, and Chapter six presents their views on the aims of sentencing. Results are drawn to a conclusion in Chapter seven. The first Appendix provides a detailed description of the methodology used.

## 2 Levels of knowledge about crime and the criminal justice system

Why should we be concerned about what the public knows about crime and the criminal justice system? Firstly, if public opinion is to influence criminal justice policy, then it is important to know the extent to which public perceptions are based on accurate knowledge. Secondly, it has been suggested that the effectiveness of the criminal justice system is dependent on public knowledge of the system. For example, people can only be deterred from offending if they are aware of what penalties may follow a conviction.

However, research on what the public knows about crime and the criminal justice system is an area that has generally been neglected by social scientists, who have tended to focus almost exclusively on public attitudes (Roberts & Stalans 1997). If, as Roberts (1992) suggests, the public subscribes to a crime-control model of criminal justice, then exaggerated beliefs about rising crime rates would foster the view that the criminal justice system has failed in its primary function, to reduce, or at least slow, the rate of offending.

Given the importance of placing the public's attitudes to the criminal justice system in the context of their knowledge, one section of our survey concentrated on asking respondents a series of questions regarding their knowledge of crime-related facts and statistics. These questions focussed on crime rates, the cost of prison, the sentencing process and rates of re-conviction for some offences.

### 2.1 Crime trends

Surveys in the United States, Canada and Australia have consistently found that the public has an inaccurate and negative view of crime statistics, including the general beliefs that the crime rate is rising dramatically and that a high percentage of crime involves violence (Roberts 1992; Roberts & Stalans 1997). Similar findings have also been reported in Britain (Hough & Roberts 1998).

In our first question, we asked respondents whether the amount of crime reported to the police over the country as a whole had changed during the last two years (i.e. 1996–1998). This question was modelled on one asked of the British public in the British crime survey (Hough & Roberts 1998; Mattinson & Mirlees-Black 2000).

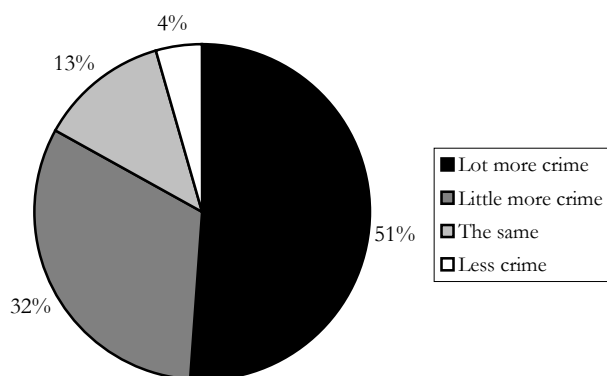
Police statistics<sup>2</sup> showed a 3.3% decrease in recorded crime between 1996 and 1998. However, it should be noted that there had been a slight increase of 2.7% in recorded crime over 1995–1996.

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<sup>2</sup> Official New Zealand Police statistics, as released on 7 May 1999.

The overwhelming majority of the sample (83%) said that the crime rate was increasing over the last 2 years. Figure 2.1 shows that half said that there was ‘a lot more crime’ and a third that there was ‘a little more crime’. Only 13% and 4% respectively said that there was about the same amount of crime or less crime. If we take the correct answer as being that the crime rate is either decreasing or staying about the same, then 83% of our sample ‘got it wrong’.

**Figure 2.1 Changes in recorded crime**



Question: Please tell me whether you think that the amount of crime reported to the police for the country as a whole has changed over the past two years. Do you think there is a lot more crime, a little more crime, about the same, a little less crime or a lot less crime than 2 years ago?

Among survey respondents, those who substantially overestimated the amount of crime were more likely to:

- be women;
- be Māori or Pacific Peoples;
- be aged over 60;
- be less educated;
- be at a lower socio-economic level;
- have a lower personal income;
- not be in paid employment;
- not have been a victim of crime.

### Comparison with other research

This finding about New Zealanders’ inaccurate view of crime trends is of a similar magnitude to findings for the British and Welsh public. The 1996 British Crime Survey found that three-quarters of the sample surveyed believed that there was more crime than 2 years ago (Hough & Roberts 1998). This proportion had decreased in the 1998 survey, though over half the sample (59%) still thought that the crime rate was increasing (Mattinson & Mirlees-Black



2000). Yet crime figures for England and Wales had shown significant falls, in fact far greater than the decrease in the crime rate here in New Zealand.

New Zealanders perceive crime trends in their own neighbourhood more realistically than for the country as a whole. Respondents to the New Zealand national survey of crime victims (Young et al. 1997)<sup>3</sup> were asked whether they thought that in the last 12 months there had been more or less crime in their neighbourhood than before or whether it had stayed about the same. More than half (58%) thought that (at least in relation to their own neighbourhood), crime had remained the same, and only 16% thought that there was more crime, with 4% saying that there was a 'lot more crime'. So, perceptions of crime trends in one's neighbourhood appear to be more in line with actual crime trends in New Zealand than perceptions of crime trends generally.

## 2.2 Proportion of crime that is violent crime

Overseas research has found that the public has a distorted view of the amount of crime that involves violence and that violence is central to people's perception of crime. When asked to estimate the amount of violent crime, the Canadian, Australian and British public overestimated by a considerable margin the proportion of crime that involved violence (Roberts & Doob 1988; Indermaur 1987; Hough & Roberts 1998). In addition, while 76% of respondents to Indermaur's survey said that sentences were not severe enough, 70% were thinking of a violent crime when they responded to the question.

Yet most crime, in most western countries, consists of offences against property. New Zealand is no different. It is likely, therefore, that the media's reporting of crime, in particular violent crime, has an impact on people's perception of how much crime involves violence. In a small study we conducted of three daily newspapers during the data collection phase, we counted 419 crime stories – 91 related to crimes of murder.

Our next question in this series asked respondents to estimate the number of crimes out of 100 reported to the police which involve violence or the threat of violence. Police statistics show that in 1998, 8.8% of all (non-traffic-related) recorded crime was grouped as violent.<sup>4</sup> The definition of violence used excludes sexual offences, which make up an additional 1.5% of all recorded crime. Ministry of Justice statistics show that in 1998, 13% of all (non-traffic-related) convictions were for violent offences (Spier 1999). The Ministry of Justice definition includes most sexual offences.

We decided that any response that estimated that between 1% and 19% of crimes involve violence would be considered within the correct range. Respondents who estimated that between 20% and 49% of crime was violent were classified as those who 'moderately

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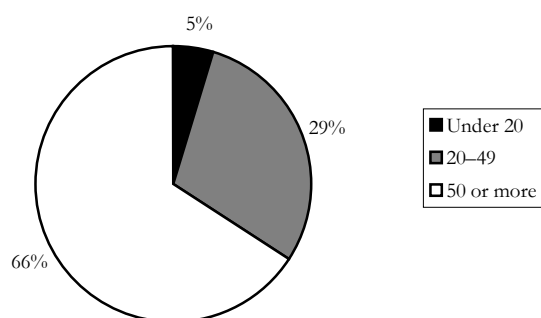
<sup>3</sup> This survey presents the findings from the first comprehensive national survey of crime victims. The survey interviewed a random sample of the population aged 15 and over and asked them not only about the extent to which they had been subject to criminal victimisation during the period since 1995, but also about the circumstances and impact of those offences and their response to them, as well as asking about a range of other crime-related information.

<sup>4</sup> This includes homicide, robbery, grievous assaults, serious assaults, minor assaults and other violent offences.

overestimated' the amount of violent crime. Respondents saying that 50% or more of crime was violent were considered to have 'substantially overestimated' the amount of violent crime.

Figure 2.2 shows that most respondents substantially overestimate the extent to which reported crimes involve violence. Excluding the 1.4% who said they did not know, two-thirds of the sample stated that 50% or more of crimes reported to the police involved violence or the threat of violence; with 50 violent crimes out of 100 being the most commonly mentioned (by 19% of the sample). One percent said that out of 100 crimes reported to the police, all involved violence or the threat of violence. A further 29% moderately overestimated the amount of violent crime, saying that between 20 and 49 crimes out of every 100 involved violence. Only 5% of the sample were within the correct range in their estimate of the amount of violent crime. The mean response was 53%.

**Figure 2.2 How much reported crime is violent?**



Question: Of every 100 crimes reported to the police, roughly what number do you think involve violence or the threat of violence?

Among survey respondents, those who substantially overestimated the proportion of violent crime were more likely to:

- be women;
- be Māori or Pacific Peoples;
- be less educated;
- be at a lower socio-economic level;
- have a lower personal income;
- not have been a victim of crime.

### Comparison with other research

Table 2.1 contains the results from surveys in Australia (Indermaur 1987), Canada (Doob & Roberts 1983) and Britain (Hough & Roberts 1998; Mattinson & Mirlees-Black 2000) that asked respondents to estimate the amount of violent crime. Results from the current survey have been included for comparison purposes.

At the time of the Australian survey, 8% of crimes involved violence (based on estimates derived from official reports and crime-victimisation survey results) and responses falling between 0% and 19% were considered accurate. Respondents who said that 40% or more of crimes involved violence were considered to have made a large overestimate. Doob and Roberts (1983) suggested that less than 10% of crimes in Canada involved violence, and in Britain at the time of the survey, around 6% of crimes were violent or sexual in nature. Both Doob and Roberts (1983) and Hough and Roberts (1998) classified as accurate any responses which stated that between 0% and 9% of crimes involve violence. Respondents who said that 30% or more of crimes involve violence were considered to have substantially overestimated the amount of violent crime.

While a 'large overestimate' has been classified differently across all the surveys, it can be seen in Table 2.1 that in each of the overseas surveys around three-quarters of the sample substantially overestimated the amount of violent crime. While the proportion is slightly lower in the New Zealand survey (66%), it must be remembered that this category includes those who estimated violent crime to be half or more of all crime. If a large overestimate is taken as those who said that 40% or more of crime involved violence, then 75% substantially overestimated the amount of violence in the New Zealand survey. This increases to 85% when saying 30% or more of crime involved violence is taken as a large overestimate.

**Table 2.1 Estimates of the amount of violent crime compared across surveys**

	Indermaur (1987)	Doob & Roberts (1988)	Hough & Roberts (1998)	Mattinson (2000)	NZ Survey 1999
Accurate	9%	3%	3%	3%	5%
Small overestimate	17%	15%	19%	19%	29%
Large overestimate	73%	74%	78%	79%	66%

### 2.3 Rate of household burglary

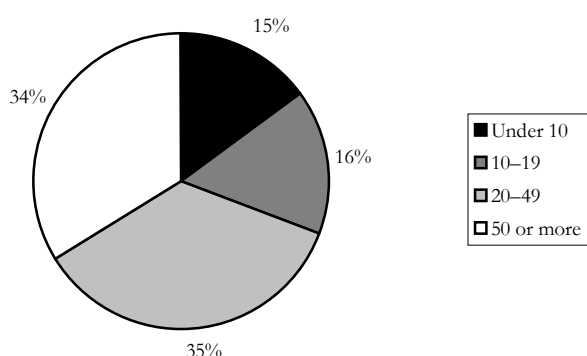
While overseas studies suggest that the public has a distorted perception of the amount of crime which involves violence, the public also appears to overestimate the rate of burglary. Roberts and Stalans (1997) report that the Canadian public perceived that the rate of burglary is increasing at a faster rate than other types of crime. Doob and Roberts (1983) and Indermaur (1987) also found that the Canadian and Australian public overestimate the property crime victimisation rate. When asked to identify what sorts of crime problems exist in their neighbourhood, New Zealanders appear to be more concerned about burglary than any other offence (Young et al. 1997).

Survey respondents were asked to estimate the number of New Zealand households out of 100 that would be burgled over 1 year. Data gathered in the New Zealand National Survey of Crime Victims 1996 suggests that on average one house in 14 will be burgled each year or 7.3 out of every 100 New Zealand households will be burgled annually.

We classified the respondents into four categories reflecting their degree of accuracy in estimating the rate of burglary. We regarded estimates as correct if they fell within the range of one to 10 households out of 100 burgled each year. Figure 2.3 shows that only 15% of the

sample gave a response that fell within the correct range for the rate of burglary in New Zealand. This excludes the 1.7% of the sample who stated that they did not know. A similar proportion slightly overestimated the rate of burglary at between 10% and 19% of New Zealand households, a third moderately overestimated the burglary rate at between 20% and 49% of households, and a third substantially overestimated the rate of burglary at 50% or more, with 11% giving 50 out of 100 as their response. As with violent crime, 1% said that out of 100 households all would be burgled over 1 year. The average response was 36%.

**Figure 2.3 Knowledge of rate of burglary**



Question: Of every 100 New Zealand households, roughly what number, on average, do you think will be burgled over one year?

Among survey respondents, those who substantially overestimated the rate of burglary were more likely to:

- be women;
- be Māori or Pacific Peoples;
- be less educated;
- be at a lower socio-economic level;
- have a lower personal income;
- not be in paid full-time employment;
- not have been a victim of crime;
- not have reported a crime to the police;
- have served on a jury.

It is worthwhile noting that those who had been victims of crime were less likely to substantially overestimate both the rate of violence and the rate of burglary. While this might seem counterintuitive, it appears that the experience of being a victim, particularly of a relatively minor offence, gives people a more realistic perception of the extent of crime. The survey findings indicate that victims of sexual offending and domestic violence were more likely than victims of other crime (primarily assault and property crime) to substantially overestimate rates of both violence and burglary. In fact, respondents who had been victims of burglary or theft were much less likely than victims of other types of offences to say that 50% or more of New Zealand households would be burgled in 1 year.

## Comparison with other research

While no other survey that we are aware of has specifically asked the public to rate the number of households burgled over a year, Indermaur (1987) asked Perth residents their chances of having property stolen in the next 12 months. In parallel with the survey findings reported here for burglary, Perth residents substantially overestimated their risk of becoming a victim of a property crime. Based on Australian victimisation-survey data, the likelihood of being a victim of a property crime in Perth was 13%. Nearly half of the Perth respondents (49%) said that their chances of having property stolen in the next 12 months was 50% or more.

The New Zealand National Survey of Crime Victims (Young et al. 1997) found that the overall risk of becoming a victim differed markedly among some socio-demographic groups. It might be supposed, therefore, that those at a higher risk of victimisation may overestimate the level of crime for the country as a whole.

Interestingly though, while the survey results show that women more often than men overestimated the amount of crime (including violent crime and burglaries) Young et al. (1997) found that the same proportion of women as men were subject to some form of violent or sexual offending on one or more occasion. In addition, there were no significant differences between men and women in terms of their experience in being a victim of a property offence. However, women were generally more likely than men to report that they were very worried about all forms of crime, particularly in relation to violent offending.

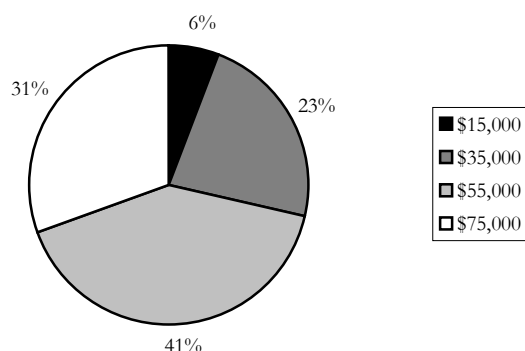
Young et al. (1997) found that Māori and Pacific Peoples respondents were generally more likely than NZ European/Pakeha to be the victim of some form of violent offending, but this same pattern did not emerge with respect to individual property offences. However, both Māori and Pacific Peoples respondents expressed high levels of anxiety about crime. Similarly, the survey findings indicate that Māori and Pacific Peoples were considerably more likely to overestimate the amount of crime than NZ European/Pakeha.

## 2.4 Cost of prison

The average cost of keeping a person in prison for one year is around \$55,000. This cost is publicised from time to time in the media. One of the questions in the survey asked respondents what they thought this cost to be. They were presented with four options listed on a show card: \$15,000, \$35,000, \$55,000 and \$75,000.

Figure 2.4 shows that 41% correctly estimated the cost of keeping a person in prison for a year. Over a quarter (29%) underestimated the cost, and 31% said it cost \$75,000 to keep a person in prison for a year.

**Figure 2.4 Cost of keeping a person in prison for one year**



Question: Using this card, what do you think is the average cost of keeping a person in prison for one year?

Among survey respondents, those who overestimated the cost of prison were more likely to:

- be NZ European/Pakeha or Māori;
- be older;
- be university qualified;
- be at a higher socio-economic level;
- have a personal income over \$50,000;
- have reported a crime to the police.

## 2.5 Length of prison sentences

Overseas research has consistently found little public awareness of statutory penalties for crimes (Roberts & Stalans 1997). Doob and Roberts (1983) found, for example, that the Canadian public tends to underestimate maximum penalties. The public also has an imprecise view of the severity of penalties actually imposed by their local courts. Research by the Canadian Sentencing Commission (1987) found that slightly over two-thirds of respondents underestimated the imprisonment rates for assault and burglary. The British Crime Survey (Hough & Roberts 1998; Mattinson & Mirlees-Black 2000) also found that most of the public underestimated the use of imprisonment for mugging, burglary and rape.

### Sentencing for rape

Respondents were asked a series of questions that explored their understanding of the criminal justice system's response to a person convicted of rape.

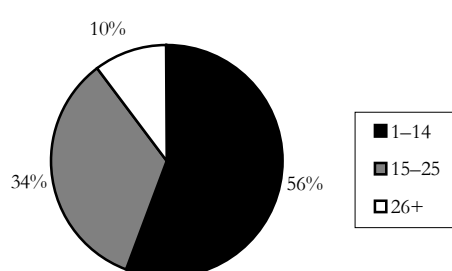
#### *The statutory maximum penalty for rape*

In the first of these questions, respondents were asked to identify the statutory maximum penalty for rape.

The correct answer is 20 years imprisonment.<sup>5</sup> Only 14% of respondents gave precisely this response. However, for the purposes of the analysis we accepted 5 years either side of 20 years as being within the correct range, that is, 15–25 years.

The majority of the sample (56%) underestimated the statutory maximum for rape at between 1 and 14 years imprisonment. Within this range, 10 years in prison was most commonly mentioned (by 29% of the sample). One-third of the sample was within the correct range. Ten percent said that the maximum penalty for rape was 26 years or more, with 7% of respondents stating that the maximum penalty was life in prison.

**Figure 2.5 Knowledge of maximum sentence for rape**



Question: What do you think is the maximum number of years in prison that a judge can sentence a rapist to?

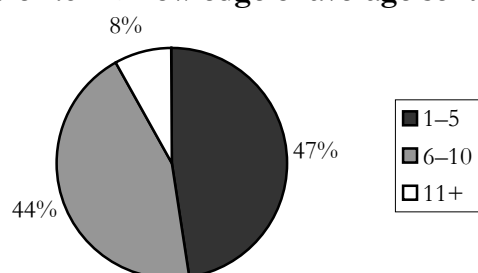
#### *Average sentence imposed for rape*

Respondents were then asked to estimate the average number of years in prison a rapist would be sentenced to serve. The average prison sentence imposed for rape in 1998 was 94.6 months or approximately 8 years. Only 9% of respondents gave a response of 8 years. As with the maximum penalty, for the purposes of this analysis we accepted respondents who came within a range either side of the correct answer, in this case accepting 6–10 years as being correct.

Figure 2.6 shows that nearly half of the respondents (48%) underestimated the average number of years to which a rapist would likely be sentenced, while a similar proportion (44%) were within the correct range. Only 8% said that a rapist would be sentenced to serve on average 11 or more years in prison, and less than 1% said that a rapist would be sentenced, on average, to life imprisonment. The mean response was 7 years.

<sup>5</sup> Section 128B of the Crimes Act 1961. Section 75 of the Criminal Justice Act 1985 states that a person convicted of rape may also be sentenced to preventive detention.

**Figure 2.6 Knowledge of average sentence for rape**



Question: If a rapist is sentenced to prison, how many years do you think he or she will be sentenced to on average?

Among survey respondents, those who underestimated the average penalty for rape were more likely to:

- be NZ European/Pakeha or Māori;
- be younger or middle aged;
- be slightly more educated;
- be a professional;
- be on an income between \$40,000 and \$50,000.

#### *Actual time in prison for rape*

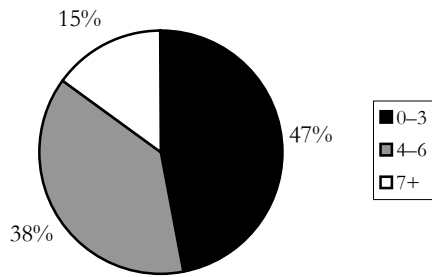
In the third question in this series, we asked respondents how long they thought a rapist would actually serve in prison. We estimated that the correct response was approximately 5 years.<sup>6</sup> For the purposes of this analysis, we accepted responses 1 year either side of 5 years (that is, 4–6 years) as being within the correct range.

Figure 2.7 shows that nearly half of the respondents underestimated the actual number of years a rapist would spend in prison. Over a third (38%) of the sample gave a response which fell into the correct range. Only 15% of the sample overestimated the number of years a rapist would spend in prison. The mean response was 5 years.

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<sup>6</sup> 'Serious violent offenders' serve two-thirds of their sentence before being released. Therefore, given that rapists are sentenced to 94.6 months in prison on average, they would spend about 63 months or approximately 5 years in prison on average.



**Figure 2.7 Knowledge of actual time spent in prison for rape**

Question: If a rapist is sentenced to prison, how many years do you think he or she will actually spend in prison on average?

Among survey respondents, those who underestimated the actual time spent in prison for rape were more likely to:

- be NZ European/Pakeha or Māori;
- be younger or middle aged;
- be university or technical/trade qualified;
- have an income over \$40,000;
- be a professional;
- be a victim of crime;
- have reported a crime to the police.

#### *Comparison with other research*

When Canadian respondents were asked to identify one of the offences carrying a minimum penalty, few were able to do so (Canadian Sentencing Commission 1987). More recently, Douglas and Ogloff (1997) found that psychology students in Western Canada overestimated the maximum penalties for crimes against the person but underestimated the maximum for crimes involving property.

The public also has an imprecise view of the severity of penalties actually imposed by their local courts. Research by the Canadian Sentencing Commission (1987) asked respondents to estimate imprisonment rates for assault and for breaking and entering, and slightly over two-thirds underestimated the rates. The British Crime Survey (Hough & Roberts 1998; Mattinson and Mirlees-Black 2000) also found that most of the public in both the 1996 and 1998 surveys underestimated the use of imprisonment for mugging, burglary and rape. Over half of their samples made large underestimates in the percentage of convictions for males aged 21 and over actually resulting in custody for each of the specified offences.

#### **Life imprisonment sentence**

In addition to asking our respondents about the sentences for rape we asked them to indicate how long they thought someone sentenced to serve a life sentence would actually spend in prison.

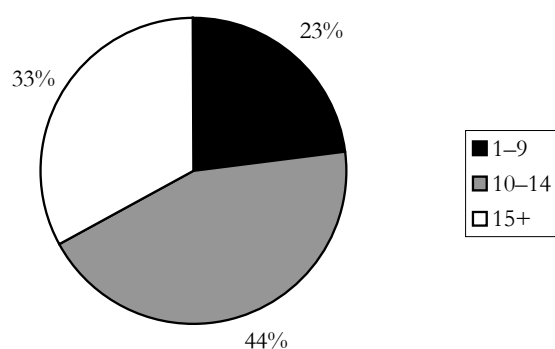
A life sentence of imprisonment is the mandatory penalty for murder and treason and is also discretionary in the case of manslaughter and dealing in Class A drugs. In 1998, 24 offenders were sentenced to life imprisonment in New Zealand (Spier 1999). Section 89 of the Criminal Justice Act 1985 provides that an offender serving life imprisonment is eligible for consideration for parole after serving 10 years of the sentence, unless a longer minimum period has been specified under section 80 of the Criminal Justice Act. Such minimum periods may be imposed in exceptional circumstances, and there is no statutory limit on the duration of the minimum period the court can impose. It is possible that such a period could be for the rest of the offender's natural life. Once a life imprisonment inmate is eligible for parole, he or she must be considered for release at least once a year. Once released, such inmates remain subject to recall to prison for the rest of their life.

The average time spent in prison by an offender sentenced to life imprisonment is about 12 years. For the purposes of the analysis, we considered responses within 2 years either side of 12 years to be within the correct range. All other responses were classified as either underestimates of the time spent in prison for life (1–9 years) or overestimates (15 years or more).

About two in five respondents (44%) correctly estimated the time spent in prison by those sentenced to life imprisonment at between 10 and 14 years. A quarter of the sample underestimated the amount of time served in prison at between 1 and 9 years; however, only 5% said that it was 5 years or less and 18% that it was between 6 and 9 years.

A third estimated that a person sentenced to life imprisonment would spend 15 years or more in prison; 15% said that it was 15 years and 9% that it was 20 years. Only 1% of the sample said that a person sentenced to life imprisonment would actually spend the rest of their life in prison. The mean was 13 years.

**Figure 2.8 Knowledge of time spent in prison for a life sentence**



Question: If someone is sentenced to serve a life sentence of imprisonment, how long do you think he or she will actually spend in prison on average?

Among survey respondents, those who underestimated the time spent in prison for a life sentence were slightly more likely to:

- be men.

## 2.6 Reconviction rates among offenders

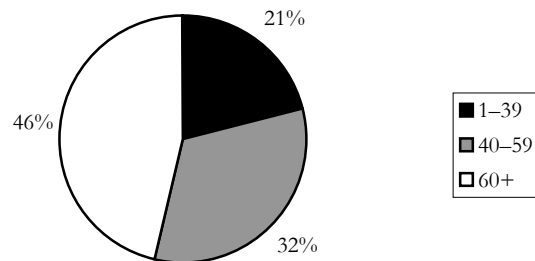
Some overseas research has shown that the public tends to have an overly pessimistic view of the proportion of offenders who reoffend (Roberts & Stalans 1997). For example, Doob and Roberts (1983) found that Canadians tended to overestimate the likelihood of recidivism for both first-time property and first-time violent offenders.

We asked the respondents to estimate the percentage of criminals who would be reconvicted of any crime within 2 years.

In a New Zealand study of offenders sentenced in 1995, 51% were reconvicted of an offence within 2 years (Spier 2000). For the purpose of our analysis any estimate between 40% and 59% was considered to be correct. A response below this range (that is 1–39%) was considered an underestimate and anything over this (60%+) an overestimate.

Figure 2.9 shows that nearly half of our sample (46%) overestimated the reconviction rate. About a third (32%) correctly estimated the number of criminals out of 100 who would be reconvicted of any crime within 2 years as being between 40 and 59, and 21% underestimated the 2 year reconviction rate. In terms of those who overestimated their response, 13% said that 60 out of 100 criminals would be reconvicted of any crime within 2 years, 10% that 70 would be reconvicted and 9% that 80 would be reconvicted. The mean response was 54.

**Figure 2.9 Knowledge of reconviction rates**



Question: For every 100 people who are convicted of any crime, roughly what number do you think are reconvicted of any crime within 2 years?

Among survey respondents, those who overestimated the 2 year reconviction rates were more likely to:

- be younger or middle aged;
- be employed full or part time;
- have reported a crime to the police.

Overseas research shows similar findings in relation to estimates of recidivism. Doob and Roberts (1983) found that only 12% of respondents were accurate in their estimates of recidivism for violent offenders and 21% were accurate for property offenders. Large

overestimates were made by 45% of the sample with respect to recidivism of violent offenders and 34% with respect to recidivism of property offenders.

A study by Roberts and White (1986), specifically examining recidivism rates, again found that their sample considerably overestimated the proportion of first-time offenders who are reconvicted. Visitors to a Canadian Science centre were asked to estimate the percentage of offenders reconvicted within 5 years of release from their current sentence. They were asked about three offence categories: non-violent property offences, offences against the person and sex offences. Respondents estimated on average that 49% of first-time property offenders, 56% of those convicted of an offence against the person and 58% of sex offenders would be reconvicted (official rates are 27% for property offenders, 17% for offences against person and 14% for sex offenders). There were few differences in knowledge of recidivism rates as a function of socio-demographic variables.

When Roberts and White (1986) asked respondents to estimate the reconviction rates for second- and third-time offenders, their estimates did not vary from first- to third-time offenders, although in reality conviction rates rise dramatically.

## 2.7 Offending while on bail

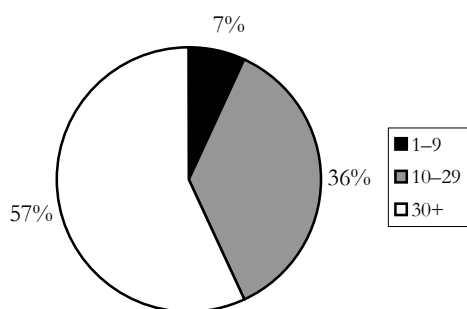
Most people charged with an offence are bailed or remanded at large if their case is not concluded at first appearance. It is a fundamental principle of justice that no one should be held in detention simply because they have been accused of a crime. However, the law also recognises that there are cases where it will be necessary for people to be remanded in custody, pending trial, for reasons of public safety and the integrity of the trial process.

A number of sensational cases of violent offending while on bail has meant that this issue has been in the public eye. The last question in this series of knowledge questions asked the respondents to estimate the rate of offending while on bail.

Research by the Ministry of Justice shows that around 20% of people who are remanded on bail until their case is heard are convicted for committing an offence while on bail. This varies only slightly from year to year, and results from a recent study show that of those granted bail in 1997, 21% offended while on bail (Spier 2000).

About one in ten respondents said that 20 out of every 100 people who are charged with an offence and remanded on bail get caught for offending while on bail. Again, we classified respondents into various categories reflecting their degree of accuracy in estimating the rate of offending while on bail. We regarded estimates as correct if responses fell from 10 to 29. Other respondents were classified into two groups according to whether they underestimated the rate of offending while on bail (1–9) or overestimated the rate (30+).

Figure 2.10 shows that the majority of respondents (57%) overestimated the rate of offending while on bail. About a third of the respondents fell into the correct range. One in 10 said that 30 people get caught for offending while on bail, 8% that 40 get caught and 16% that the rate of offending while on bail is 50%. The mean response was 36.

**Figure 2.10 Knowledge of offending while on bail**

Question: For every 100 people who are charged with an offence and remanded on bail until the case is heard, roughly what number do you think get caught for offending while on bail?

Among survey respondents, those who overestimated the proportion of people who offend while on bail were more likely to:

- be women;
- be Māori or Pacific Peoples;
- be younger or middle aged;
- not be university qualified;
- be employed part time;
- not have served on a jury.

## 2.8 Respondents who were the best and least informed

We undertook further analysis to determine the characteristics of the respondents who were the best and least informed about crime statistics. We defined the least informed (or the most likely to perceive that there was a lot more crime than is the reality) as the one in three respondents who responded with substantial overestimates to at least four of five of the knowledge questions. These questions were about the direction of crime trends, proportion of crime that is violent crime, rate of burglary, reconviction rate and rate of offending while on bail.

Among survey respondents, those who were least informed about crime statistics were more likely to:

- be women;
- be younger;
- be Māori;
- be less educated;
- have a lower personal income.

The best informed were the one in 10 who provided either correct answers or who responded with only moderate overestimates to at least four of the five questions. Survey respondents who were best informed about crime statistics were more likely to:

- be men;
- be NZ European/Pakeha;
- be university educated;
- have been a victim of crime.

## 2.9 Summary

Overall, the survey findings support findings from overseas studies that show the public has an inaccurate and negative view of crime statistics.

- The vast majority of the sample (83%) falsely thought that the crime rate was increasing.
- Two-thirds of survey respondents substantially overestimated the amount of crime that is violent and one-third substantially overestimated the rate of burglary.
- Nearly one-third (31%) wrongly thought that the average cost of imprisoning an inmate for one year was \$75,000.
- Over half (56%) underestimated the 20-year statutory maximum penalty for rape at between 1 and 14 years. Nearly half (48%) underestimated the average sentence imposed for rape, and nearly half (47%) underestimated the average time a rapist serves in prison.
- Just under a quarter (23%) underestimated and one-third (33%) overestimated the amount of time served by an offender sentenced to life imprisonment.
- Nearly half the sample (46%) thought that the rate of reconviction of offenders is higher than is the reality.
- Over half (57%) overestimated (at 30% or more) the rate of offending on bail.
- Those least informed about crime statistics were more likely to be women, be younger, be Māori, be less educated or to have a lower personal income.

# 3 Attitudes to criminal justice professionals

## 3.1 Introduction

Much of the research on attitudes to criminal justice professionals has concentrated on the public's view of the police. Results of these numerous polls show that the general public possesses favourable attitudes towards the police (Roberts 1992; Huang & Vaughn 1996; Roberts & Stalans 1997). However, the research also shows that these attitudes are mediated by demographic factors and other experience. In particular, ethnic background appears to be the strongest predictor of attitudes towards the police (Huang & Vaughn 1996).

There has also been some research examining attitudes towards other criminal justice professionals, such as judges, lawyers and the prison service. In contrast with the positive views of the police, judges tend to receive poor ratings (Roberts 1992; Hough & Roberts 1998), as do prisons in some cases (Doble & Klein 1989).

## 3.2 Ratings of criminal justice professionals

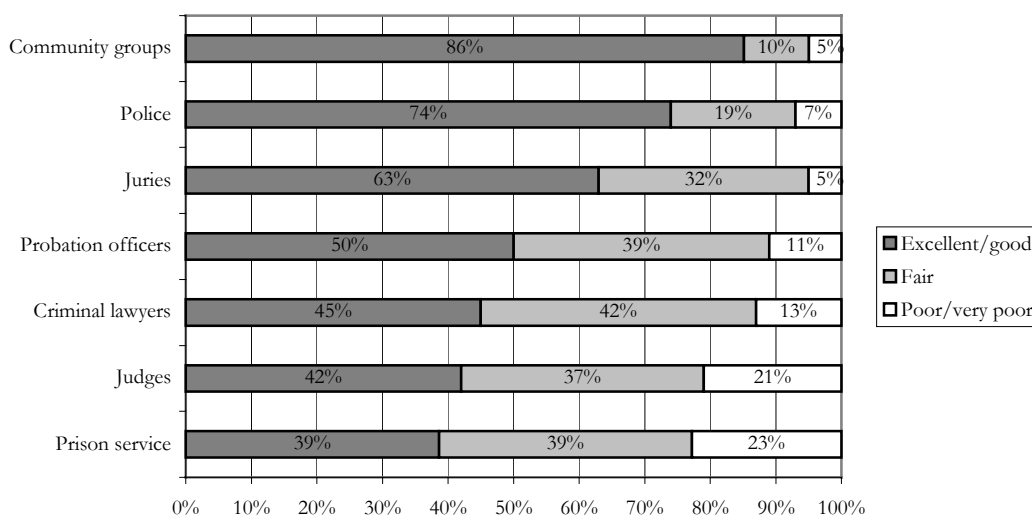
Section 2 of the questionnaire asked respondents to rate the job done by a number of criminal justice professionals, including groups who provide services for victims such as Women's Refuge, Rape Crisis, and Victim Support. They were asked to state whether these criminal justice professionals were doing an excellent, good, fair, poor or very poor job.

Figure 3.1 shows that the prison service emerges with the lowest rating of all seven groups. 'Don't know' was not provided as an option. However, a considerable number of the sample stated that they did not know how good a job the prison service (6.5%), criminal lawyers (7.2%) and probation officers (14.1%) were doing.

Excluding 'don't knows', 39% of respondents thought the prison service did an excellent or good job, 39% that they did a fair job and 23% thought they did a poor or very poor job. Judges rated second lowest, with 42% saying that judges were doing an excellent or good job and 21% that they were doing a poor or very poor job.

Survey respondents were most positive about groups providing services for victims and the police. Eighty-six percent and 74% respectively thought that community groups and the police were doing an excellent or good job. However, when the responses for 'excellent' are presented separately from those for 'good' (Table 3.1), it can be seen that respondents were more likely to say that groups providing services to victims were doing an excellent job, but that police were doing a good job. While only 10% of the sample said that juries were doing an excellent job, over half said they were doing a good job.

**Figure 3.1 How good a job are they doing? Ratings of criminal justice professionals**



Note: ‘Community groups’ refers to groups providing services for victims, such as Women’s Refuge, Rape Crisis and Victim Support.

Question: Now I would like to talk about groups of people with different jobs in the criminal justice system. We would like to know how good a job you think each of these groups of people are doing. In general, do you think (the police etc.) are doing an excellent job, a good job, a fair job, a poor job or a very poor job?

**Table 3.1 How good a job are they doing? Ratings of criminal justice professionals**

	Excellent %	Good %	Fair %	Poor %	Very poor %
Groups providing services for victims	48.6	37.2	9.8	3.4	1.1
Police	25.2	48.7	19.3	5.5	1.3
Juries	9.5	53.4	32.0	4.4	0.7
Probation officers	5.9	43.9	39.1	9.2	1.9
Criminal lawyers	6.1	38.6	42.3	10.2	2.8
Judges	6.8	35.5	36.7	16.9	4.1
Prison service	5.4	33.3	38.6	18.4	4.4

Note: ‘Don’t know’ responses: police (0.2%), criminal lawyers (7.2%), judges (1.5%), juries (3.2%), probation officers (14.1%), prison service (6.5%), community groups (2.5%).

Survey respondents who said that groups who provide services for victims were doing an excellent or good job were more likely to:

- be women;
- be in part-time employment.



Survey respondents who said the police were doing an excellent or good job were more likely to:

- be NZ European/Pakeha;
- be older;
- have no educational qualifications;
- have not been convicted of a crime.

Respondents who said juries were doing an excellent or good job were more likely to:

- be older;
- be at a lower socio-economic level.

Respondents who said probation officers were doing an excellent or good job were more likely to:

- be women;
- have a personal income under \$50,000;
- have not been a victim of crime;
- have not been convicted of a crime.

Respondents who said criminal lawyers were doing an excellent or good job were more likely to:

- be women;
- have a personal income under \$50,000;
- have not been convicted of a crime.

Respondents who said judges were doing an excellent or good job were more likely to:

- be Pacific Peoples;
- have not reported a crime to the police.

Respondents who said the prison service was doing an excellent or good job were more likely to:

- be older;
- be less well educated;
- have not been a victim of crime.

### 3.3 Comparison with other literature

These findings are similar to overseas research studies which have asked comparable questions. A study of 422 members of the Alabama public asked respondents to rate various components of the state criminal justice system, the state police, the state prisons, the courts and the juvenile justice system (Doble & Klein 1989). Respondents were most positive towards the state police and least positive towards the state prisons. Over half (55%) said that the police were doing either an excellent or a good job. No respondent said that the state prison was doing an excellent job and only 14% said they were doing a good job. A high proportion (18%) also said that they weren't sure.

The question asked in the British Crime Survey (Hough & Roberts 1998; Mattison & Mirlees-Black 2000) is the most comparable to the question we posed in this survey. The British public were asked to rate how good a job the police, prison service, magistrates, crown prosecution service, probation service, judges and juvenile courts (added in the 1998 survey) were doing. We also asked survey respondents to rate juries and groups who provide services to victims.

Table 3.2 provides a comparison of the survey findings with those of the 1996 and 1998 British Crime Surveys. Only those professional groups asked about in both surveys are included in the table. Police were rated the highest of the professional groups by both the New Zealand survey respondents and the British public. However, in general, New Zealand respondents were more likely to rate each of the criminal justice professionals more highly than the British public. Forty-two percent of New Zealand survey respondents rated judges positively, compared with only 20% and 23% of the British public in the 1996 and 1998 British Crime Surveys. While survey respondents here gave the prison service the lowest rating of all criminal justice professionals, the British public gave judges the lowest rating.

**Table 3.2 Ratings of criminal justice professionals: A comparison of findings for the New Zealand and British public<sup>1</sup>**

	Excellent/good			Fair			Poor/very poor		
	NZ	BCS 1996	BCS 1998	NZ	BCS 1996	BCS 1998	NZ	BCS 1996	BCS 1998
Police	74%	64%	61%	19%	30%	33%	7%	6%	6%
POs <sup>2</sup>	50%	26%	26%	39%	49%	49%	11%	26%	25%
Lawyers <sup>3</sup>	45%	23%	-	42%	53%	-	13%	24%	-
Judges	42%	20%	23%	37%	49%	52%	21%	32%	26%
Prison	39%	39%	32%	39%	43%	41%	23%	19%	27%

Notes:

- 1 The results of the British Crime Survey are in shaded columns.
- 2 The British Crime Survey asked about the Probation Service, the NZ survey asked about Probation Officers.
- 3 The British Crime Survey asked about the Crown Prosecution Service, the NZ survey asked about criminal lawyers.

Research has shown that African Americans in general perceive the police more negatively than white Americans (Huang & Vaughn 1996). Similarly, survey respondents in this study who identified as Māori or Pacific Peoples viewed the police less positively than those who identified as NZ European/Pakeha.

The New Zealand Police have conducted nation-wide surveys in 1993 and 1995 on the public's attitudes towards policing (MRL Research group 1993 & 1995). The public was asked a number of questions on attitudes towards crime, satisfaction with police services and perceptions on the way in which partnership with the police could be developed. In response to a general question on satisfaction with police services, three-quarters of respondents in both 1993 and 1995 indicated that they were very satisfied or satisfied with the service the police provide to the public. However, satisfaction was below average for both Māori and younger respondents. More in-depth research on Māori attitudes towards the police has shown that participants in focus groups thought that the police had strong anti-Māori attitudes and practices and that the participants had a strong distrust in the police (James 2000).

### **3.4 Summary**

- Survey respondents rated the police and community groups who provide services for victims highest compared with some other criminal justice professionals. Eighty-six percent and 74% of respondents respectively said that community groups and the police were doing an excellent or good job.
- The prison service were rated the lowest of the criminal justice professionals, with only 39% saying that they were doing an excellent or good job.
- Judges and criminal lawyers were also given lower ratings, with only 42% and 45% respectively saying that they were doing an excellent or good job.
- Two-thirds of the respondents (63%) said that juries were doing an excellent or good job and 50% that probation officers were doing an excellent or good job.
- A considerable number of the sample stated that they did not know how good a job the prison service (6.5%), criminal lawyers (7.2%) and probation officers were doing (14.1%), although 'don't know' was not provided as an option.
- NZ European/Pakeha respondents had a more positive view of the police than Māori or Pacific Peoples respondents. However, Pacific Peoples respondents were considerably more likely than either NZ European/Pakeha or Māori respondents to say that judges were doing an excellent or good job. There were few differences between ethnic groups in their perceptions of other criminal justice professionals.
- Older age groups were more likely to have a positive view of the police, juries and the prison service.
- Respondents who had been convicted of a crime in the past had a less positive view of the police, criminal lawyers and judges. Victims of crime were less likely to rate probation officers and the prison service positively but there was little difference between victims and non-victims in their perceptions of the police.



# 4 Crime seriousness

## 4.1 Introduction

There is an extensive body of literature on how the public evaluate the seriousness of different crimes. Roberts and Stalans (1997) suggest that research on public perceptions of seriousness is important for several reasons. Firstly, if the public have a very different view of the seriousness of a crime from that of judges, they are going to respond negatively to the sentences judges impose. Judges are also concerned to try to some extent to reflect public opinion in the sentences they hand down.

## 4.2 Rankings of crime seriousness

In the first question of the survey, respondents were given a list of six cards, each containing a short description of a crime:

- a man assaults his female partner;
- burglary with a weapon;
- drunk driving;
- importing heroin with a street value of \$100,000;
- fraud of \$50,000;
- possession of 10 grams of marijuana.

This question was an introductory one. That is, it was reasonably simple to answer and was a lead-in to following questions. However, we were also interested in exploring the relationship between perceived crime seriousness and sentencing practice in addition to seriousness of each crime relative to other crimes.

These crimes were selected in consultation with Ministry of Justice policy staff. They chose some crimes on the basis that they might become the subject of future policy development. Other crimes were ones that were attracting public attention at the time.

Respondents were asked to arrange the cards in order, from the most serious to the least serious. Table 4.1 presents the means, standard deviations, median and modal values for each of the six crimes. The larger the values for the standard deviation, the greater the variation between individuals in the ranking of crimes. For example, consensus amongst respondents was greatest in the ranking of possession of cannabis, where the standard deviation was 0.99. Variation between individuals was greatest for smuggling heroin, where the standard deviation was 1.42.

**Table 4.1 Mean rankings of crime seriousness**

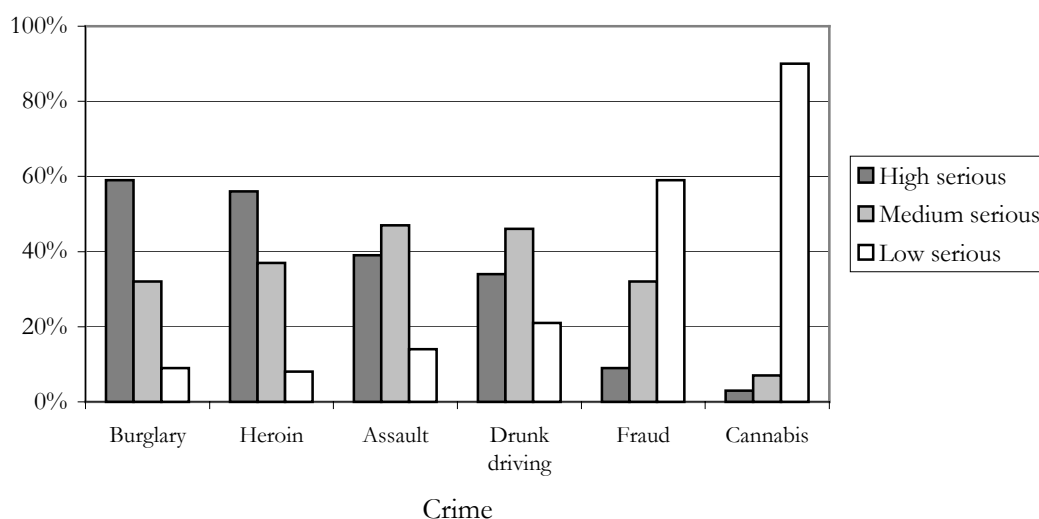
	Mean	Standard deviation	Median	Mode
Burglary with a weapon	2.41	1.33	2	1
Importing heroin	2.45	1.42	2	1
Male assaults female	2.97	1.33	3	3
Drunk driving	3.20	1.38	3	3
Fraud	4.40	1.13	5	5
Possession of marijuana	5.58	0.99	6	6

Further analysis was undertaken examining the proportion of respondents who ranked each of the crimes among the top two, in the middle, or among the bottom two. Figure 4.1 shows the results of this analysis.

While definite trends emerge, and some crimes were clearly considered to be more serious than others, it can also be seen that there was a large degree of variability in the ranking of crimes.

Both Table 4.1 and Figure 4.1 show that possession of cannabis was ranked the least serious of all the crimes, with a mean ranking of 5.58. Nearly four out of five respondents (79%) gave possession of cannabis a sixth place ranking and a further 11% gave it a fifth place ranking. Fraud of \$50,000 had a mean value of 4.40 and 59% ranked fraud as one of the two least serious crimes. Only 9% ranked fraud as first or second most serious.

**Figure 4.1 Relative rankings of crime seriousness**



Burglary with a weapon and importing heroin were ranked the most serious of the crimes, with means of 2.41 and 2.45 respectively. Over half the sample ranked these crimes either first or second. Only about one in 10 respondents considered these crimes to be of relatively low seriousness.

A man assaults his female partner and drunk driving were the crimes most likely to be ranked as being of medium seriousness. Just under half ranked these crimes in either third or fourth place. However, a significant minority also ranked these crimes as being of relatively high seriousness. The crime of male assaults female had a mean ranking of 2.97 and that of drunk driving of 3.2.

Table 4.2 further shows the variability in the ranking of the crimes. Only in the case of possession of marijuana did more than half of the respondents allocate a particular rank position. For the crimes of male assaults female and drunk driving, one-fifth to a quarter of respondents ranked the crimes in second, third or fourth position.

**Table 4.2 Relative rankings of crime seriousness**

	Burglary with a weapon	Importing heroin	Male assaults female	Drunk driving	Fraud	Possession of marijuana
Rank	%	%	%	%	%	%
1	32.2	37.8	15.5	12.6	0.8	1.2
2	27.0	17.8	23.7	21.0	8.3	2.0
3	18.6	14.9	26.8	24.8	11.7	2.9
4	13.5	21.9	19.9	21.1	19.9	3.9
5	7.4	5.8	10.9	16.7	48.5	10.9
6	1.4	1.8	3.2	4.0	10.7	79.0
Total	100.0	100.0	100.0	100.0	100.0	100.0

Note: Totals may not exactly add up to 100% due to rounding.

Respondents who ranked burglary with a weapon as one of the two **most** serious crimes were more likely to:

- be men;
- be NZ European/Pakeha;
- have an income over \$50,000.

Respondents who rated importing heroin as one of the two **most** serious crimes were more likely to:

- be Māori or NZ European/Pakeha.

Respondents who ranked male assaults female as one of the two **most** serious crimes were more likely to:

- be younger or middle aged;
- be Māori;
- have been a victim of crime;
- have reported a crime to the police.

Respondents who ranked drunk driving as one of the two **most** serious crimes were more likely to:

- be women;
- be aged 70 or over;
- be less well educated;
- not be in the paid labour force;
- have a lower personal income;
- be at a lower socio-economic level (not be legislators/administrators/managers).

Respondents who ranked fraud as one of the two **least** serious crimes were more likely to:

- be women;
- be university educated;
- have reported a crime to the police.

Respondents who ranked cannabis possession as one of the two **least** serious crimes were more likely to:

- be NZ European/Pakeha or Māori;
- be employed full time;
- have a higher personal income;
- have been victims of crime;
- have reported a crime to the police.

### **4.3 Comparison with other research**

As mentioned in the introduction to this chapter, there is a considerable body of research that has examined the question of crime seriousness. Generally, most research consists of presenting respondents with a range of crimes and asking them, using varying methodologies, to rate the seriousness of these crimes. Results generally show that violent offences are ranked seriously and victimless crimes fall near the bottom of the hierarchy (Durham III 1988).

Two New Zealand studies have examined the question of crime seriousness. Davis and Kemp (1994) surveyed 155 Christchurch residents on their perceptions of the seriousness of 25 crimes. Bratcher (1997) surveyed 181 New Zealand residents and asked participants to rate the seriousness of 10 crimes. While both studies used different methodologies to rank the seriousness of crimes, they found similar results. Offences against the person – rape, murder, child molestation and armed robbery – were the most seriously ranked crimes. Possession of cannabis or other drugs was ranked relatively low. Similarly in our survey, we found that most of the respondents ranked possession of 10 grams of marijuana as being one of the two least serious crimes.



Aggravated burglary and smuggling heroin were considered to be the most serious crimes by respondents to our survey. These findings are in keeping with Bratcher's study, where 'selling drugs' was ranked the most serious crime next to violent crimes against the person.

While there appears to be some consistency in the average rankings of crime seriousness, there is also a large degree of variation between individuals in their perceptions of crime seriousness. Durham III (1988) states that '...when the response distributions are examined without the aid of such summary techniques, it appears that popular sentiment is far from consensual' (p. 149). We found that with the exception of possession of cannabis (where the majority agreed that this was the crime of least seriousness), no other rank position for a crime was supported by more than half of the respondents. Davis and Kemp (1994) also found considerable individual variation in seriousness estimates.

#### **4.4 Summary**

- Burglary with a weapon and importing heroin were ranked as the most serious of the six crimes examined. Respondents who were male, NZ European/Pakeha or on high incomes were more likely to rank aggravated burglary as most serious. Respondents who were NZ European/Pakeha, Māori or had trade or technical qualifications were more likely to rank importing heroin among the top two most serious crimes.
- Possession of 10 grams of marijuana was clearly ranked the crime of lowest seriousness. Respondents who ranked this crime the lowest were more likely to be NZ European/Pakeha or Māori (not Pacific Peoples), be employed full time, have a higher personal income, have been a victim of crime or have reported a crime to the police.
- Fifty-nine percent of respondents ranked fraud as one of the two least serious crimes, with most ranking it as the crime of second lowest seriousness. Women, NZ European/Pakeha, Māori, university-educated respondents and those who had reported a crime to the police were more likely to rank it as a crime of low seriousness.
- A man assaults his female partner and drunk driving were the crimes most likely to be ranked of medium seriousness. Just under a half ranked these crimes in either third or fourth place. However, a significant minority also ranked these crimes as being of relatively high seriousness.



# 5 Sentencing practice

## 5.1 Introduction

One of the most commonly asked questions in overseas surveys of public opinion on sentencing is: ‘In your view are sentences too harsh, about right or not harsh enough?’ Results of these polls consistently show the public as desiring harsher penalties (Roberts 1992). However, one of the difficulties with questions such as this one is that the public tends to perceive that sentences are more lenient than is actually the case. In addition, when people are asked general questions, they will answer with the worst case in mind (Hough & Roberts 1998). Research that asked respondents the type of criminal they had in mind when giving their opinion of the severity of sentences showed that the majority were thinking of violent or repeat offenders (e.g. Brillon 1988; Doob & Roberts 1983). Most polls also present very little information to their respondents, and the results of such studies do not do justice to the public’s views (Roberts 1992). Several studies have varied the amount of information provided about the offender and the offence and the results consistently show that the more information respondents are given, the less punitive they become (Doob & Roberts, 1983; Doble & Klein 1989). Roberts suggests that if members of the public were exposed to the amount and type of information available to the sentencing judges, their satisfaction with sentencing decisions would increase.

In this section, we examine the survey respondents’ attitudes towards sentencing. Respondents were given a showcard with a list of different sentences (see Appendix 2), which included a short explanation of each option. The showcard contained five prison options of varying lengths, from imprisonment of less than 1 year to life imprisonment. The list also provided a range of community-based options<sup>7</sup>, as well as monetary penalties<sup>8</sup> and other options<sup>9</sup>. Respondents were asked to take some time to familiarise themselves with the sentences listed on the showcard. Firstly, we asked respondents to sentence a person convicted of a crime described in a short one-line statement. They were asked what they thought would be the most appropriate sentence to be served by a person convicted of crimes described in the following ways:

- a man assaulting his female partner;
- burglary with a weapon;
- drunk driving;
- importing heroin with a street value of \$100,000;
- fraud of \$50,000;
- possession of 10 grams of marijuana.

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<sup>7</sup> Periodic detention, community service, community programme and supervision.

<sup>8</sup> Reparation and fine.

<sup>9</sup> Disqualified from driving, suspended prison sentence, warning (and no other penalty given) and no penalty at all given.

Next, we presented them with six short scenarios based on the six crimes. Each scenario contained information about the age, gender, occupation and criminal history of the offender. Ideally, we would have liked to vary the details of the information provided to see whether, for example, the age of the offender made a difference to respondents' choice of sentence. However, such an experimental design would have required a much larger sample and was outside the scope of the current research.

While the scenarios contain some information about the nature of the offence and characteristics of the victim, they are still fairly limited in their descriptions. It was beyond the scope of this exercise to ensure that the respondent had all the information available to them about the case (as, for example, is available to a judge). More information about an offender's past and current circumstances may influence a respondent's choice of sentence. Certainly, the results from overseas research suggests that more information available about the circumstances surrounding the crime can make a difference to the sentence chosen (Doob & Roberts 1983; Doble & Klein 1989).

This chapter is broken down into two parts. Firstly, the respondents' choices of the most appropriate sentence are given for each scenario. Secondly, the sentences chosen in each of the scenarios are compared with those given for the one-line descriptions.

## 5.2 Scenarios

Respondents were read six scenarios about people who had committed crimes. After they had been read each scenario, respondents were asked to indicate, from Showcard 2, what they thought was the most appropriate sentence. They were able to state up to three sentencing options, but multiple responses were not encouraged.

Where respondents gave more than one sentencing option, their responses were analysed to determine which was the most serious sentence they had chosen. The sentences listed on Showcard 2 (see Appendix 2) are ordered according to the hierarchy of sentence seriousness used by the Ministry of Justice (Spier 1999).

Sentence options were also grouped into four categories: **prison** (life imprisonment, imprisonment of more than 10 years, imprisonment of between 5 and 10 years, imprisonment of between 1 and 5 years, and imprisonment of less than 1 year); **community-based sentences** (periodic detention, community service, community programme, supervision); **monetary penalties** (reparation, fine); and **other sentences** (disqualified from driving, suspended prison sentence, warning, and no penalty).

Firstly, the findings are presented at the four category level with only the most serious sentence option being included for each respondent. Secondly, the findings are presented at a more detailed level with all sentence options volunteered by respondents being included.

### Theft through fraudulent use

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

Figure 5.1 shows that the majority (64%) thought a prison sentence was the most suitable sentence for 'John', convicted of theft through fraudulent use. One in five (21%) mentioned a monetary penalty as the most serious sentence.

**Figure 5.1 Most serious sentence for 'John' – convicted of theft through fraudulent use<sup>10</sup>**

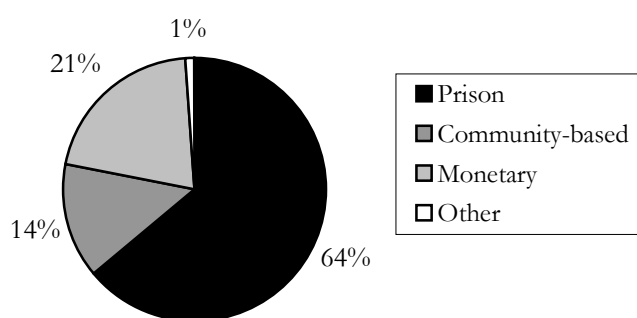


Table 5.1 presents more detailed information on respondents' choice of sentence. Slightly more than two-thirds of the sample (69%) gave only one sentence option for 'John', a quarter (26%) mentioned two and a further 5% gave three options. All the sentence options are included in the table.

About half of those who said 'John' should go to prison suggested that this should be for a term of between 1 and 5 years. Forty-four percent of respondents thought that 'John' should be sentenced to pay reparation, and 5% thought a fine should be part of his sentence. Seventeen percent mentioned reparation as their only sentence option for 'John'.

Reparation or a fine were commonly mentioned in combination with another sentence. The majority of respondents who gave more than one sentence option thought that reparation should be combined with a term of imprisonment, but a large proportion also mentioned a combination of reparation and a community-based sentence, in particular, community service or periodic detention.

<sup>10</sup> The sentences are ordered according to the hierarchy of sentence seriousness used by the Ministry of Justice (Spier 1999). This order has been imposed for this analysis and 'seriousness' does not represent respondents' choice of the most serious sentence.

**Table 5.1 Sentences selected for ‘John’ – convicted of theft through fraudulent use**

Sentences	%
Life imprisonment	0.9
Imprisonment of more than 10 years	4.6
Imprisonment between 5 and 10 years	15.3
Imprisonment between 1 and 5 years	29.6
Imprisonment of less than 1 year	14.3
Periodic detention	5.7
Community service	8.2
Community programme	2.9
Supervision	1.8
Reparation	43.9
Fine	5.3
Disqualified from driving	0.0
Suspended prison sentence	3.7
Warning (and no other penalty)	0.2
No penalty at all given	0.0

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

Respondents who thought ‘John’ should be sentenced to a term of imprisonment were most likely to:

- have no formal educational qualifications.

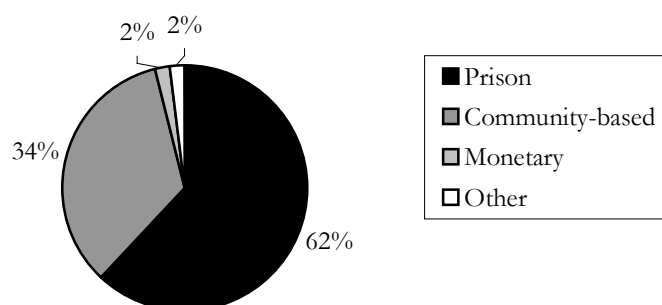
### Male assaults female

Peter, aged 32, threw a vase at his partner after a night out drinking with friends. His partner required several stitches to her head and she was off work for 3 days. Peter, a bank clerk, has prior convictions for this type of assault.

Figure 5.2 shows that nearly two-thirds of respondents (62%) thought that ‘Peter’, convicted of male assaults female, should be sentenced to a term of imprisonment, and a third (34%) mentioned a community-based sentence as the most serious sentence.

Table 5.2 shows that the majority of respondents thought that the most appropriate term of imprisonment for ‘Peter’ was between 1 and 5 years (30%) or less than 1 year (24%). About half mentioned that ‘Peter’ should be given a community-based sentence, most frequently supervision, as one of their options.

**Figure 5.2 Most serious sentence for ‘Peter’ – convicted of male assaults female**



**Table 5.2 Sentences selected for ‘Peter’ – convicted of male assaults female**

Sentences	%
Life imprisonment	0.4
Imprisonment of more than 10 years	1.9
Imprisonment between 5 and 10 years	7.4
Imprisonment between 1 and 5 years	29.5
Imprisonment of less than 1 year	23.8
Periodic detention	9.9
Community service	3.7
Community programme	9.5
Supervision	29.0
Reparation	6.5
Fine	2.0
Disqualified from driving	0.2
Suspended prison sentence	4.2
Warning (and no other penalty)	0.6
No penalty at all given	0.0

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

Three-quarters gave only one sentence option for ‘Peter’, a fifth mentioned a combination of two sentences and a further 5% gave three. Over half the respondents who gave a combination of two or more sentences thought this should be prison and a community-based sentence, primarily supervision.<sup>11</sup> However, about a fifth also mentioned a combination of community-based sentences.<sup>12</sup> About a quarter mentioned a monetary penalty in combination with either a community-based sentence or a prison sentence.

<sup>11</sup> The Criminal Justice Amendment Act 1993 allows the courts to impose a community-based sentence cumulative on a sentence of imprisonment of 12 months or less, provided that the duration of the community-based sentence does not exceed 12 months.

<sup>12</sup> Only the community-based sentences of supervision and periodic detention can be combined.

Respondents who thought ‘Peter’ should be sentenced to a term of imprisonment were most likely to:

- be younger;
- be of lower socio-economic level;
- have been a victim of crime;
- have reported a crime to the police.

Respondents who thought ‘Peter’ should be sentenced to a non-custodial sentence were most likely to:

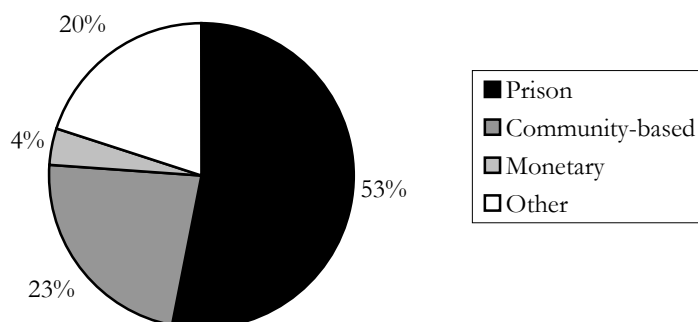
- be older;
- be of higher socio-economic level (legislators/administrators/managers or professionals);
- have not been a victim of crime;
- have not reported a crime to the police.

### Driving with excess breath alcohol

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

About half the sample (53%) said that ‘Joe’, convicted of drunk driving, should be sentenced to a term of imprisonment (see Figure 5.3). About a quarter considered ‘Joe’ should be sentenced to a community-based sentence as the most serious sentence and one in five mentioned an ‘other’ sentence. This was most commonly disqualification from driving.

**Figure 5.3 Most serious sentence for ‘Joe’ – convicted of driving with excess breath alcohol**



The most frequent term of imprisonment for ‘Joe’ was either between 1 and 5 years or less than 1 year (see Table 5.3). A third mentioned a community-based sentence as one of their sentence options, primarily periodic detention or supervision. Two out of five respondents thought ‘Joe’ should be disqualified from driving, although this was most often in



combination with another sentence. Only 14% mentioned a driving disqualification as their only sentence for 'Joe'. About one in 10 (9%) mentioned a suspended sentence as one of their sentencing options.

**Table 5.3 Sentences selected for 'Joe' – convicted of driving with excess breath alcohol**

Sentences	%
Life imprisonment	2.0
Imprisonment of more than 10 years	2.2
Imprisonment between 5 and 10 years	7.1
Imprisonment between 1 and 5 years	22.9
Imprisonment of less than 1 year	19.4
Periodic detention	10.2
Community service	3.1
Community programme	4.6
Supervision	15.3
Reparation	1.0
Fine	8.9
Disqualified from driving	40.9
Suspended prison sentence	8.6
Warning (and no other penalty)	0.0
No penalty at all given	0.0

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

Two-thirds of respondents mentioned only one sentence option for 'Joe', and 34% mentioned a combination of two or more sentences (22% gave two and a further 12% gave three). About two-thirds of the respondents who gave a combination of two or more sentences thought this should be either prison or a community-based sentence, together with a disqualification from driving. About a fifth also mentioned a combination of a prison sentence and a community-based sentence.

Respondents who sentenced 'Joe' to a term of imprisonment were most likely to:

- be male;
- be younger
- be Māori;
- be less educated;
- be at a lower socio-economic level;
- have reported a crime to the police.

Respondents who sentenced 'Joe' to an 'other' sentence were most likely to:

- be women;
- be older;
- be Pacific Peoples;
- not be in paid employment;
- not have reported a crime to the police.

### Smuggling heroin

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

Figure 5.4 shows that the majority (81%) chose to sentence 'Mary' to a term of imprisonment.

**Figure 5.4 Most serious sentence for 'Mary' – convicted of smuggling heroin**

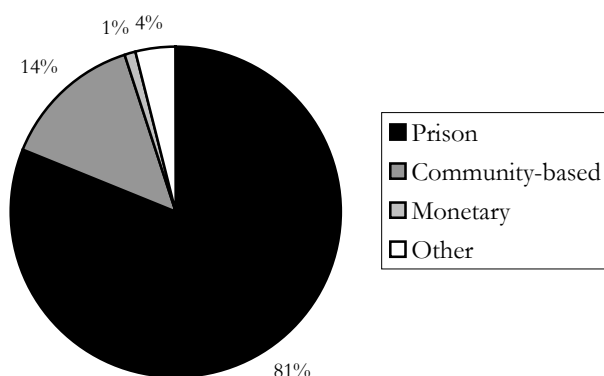


Table 5.4 shows that a third of the respondents thought the term of imprisonment for 'Mary' should be between 1 and 5 years, and a quarter thought the term should be between 5 and 10 years. A quarter mentioned a community-based sentence as one of their sentence options, although only 9% mentioned it as their only option.

Four out of five respondents (83%) mentioned only one sentence for 'Mary', who was convicted of smuggling heroin. Seventeen percent mentioned a combination of sentences (13% mentioned only two and 4% mentioned three). Most frequently, a prison sentence was combined with a community-based sentence. However, a number also mentioned a combination of either a community-based sentence or prison with a monetary penalty.

**Table 5.4 Sentences selected for ‘Mary’ – convicted of smuggling heroin**

Sentences	%
Life imprisonment	3.6
Imprisonment of more than 10 years	11.7
Imprisonment between 5 and 10 years	24.0
Imprisonment between 1 and 5 years	32.8
Imprisonment of less than 1 year	9.3
Periodic detention	6.4
Community service	3.4
Community programme	5.4
Supervision	10.6
Reparation	0.3
Fine	5.4
Disqualified from driving	0.0
Suspended prison sentence	7.3
Warning (and no other penalty)	0.6
No penalty at all given	0.0

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

Respondents who thought ‘Mary’ should be sentenced to a term of imprisonment were most likely to:

- be male;
- be Māori or NZ European/Pakeha;
- not be university qualified.

Respondents who thought ‘Mary’ should be sentenced to a community-based sentence were most likely to:

- be female;
- be university qualified.

### **Aggravated burglary**

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

The vast majority (91%) of the respondents thought ‘Paul’, convicted of aggravated burglary, should be sentenced to a term in prison. Only 8% mentioned a community-based sentence as the most serious sentence.

**Figure 5.5 Most serious sentence for ‘Paul’ – convicted of aggravated burglary**

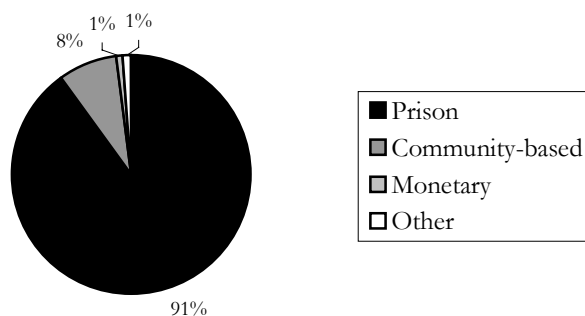


Table 5.5 shows that two-thirds thought this term of imprisonment should be between 1 and 10 years. A fifth thought that ‘Paul’ should receive a community-based sentence, but only 6% mentioned a community-based sentence as their only sentence option for ‘Paul’.

**Table 5.5 Sentences selected for ‘Paul’ – convicted of aggravated burglary**

Sentences	%
Life imprisonment	3.0
Imprisonment of more than 10 years	15.1
Imprisonment between 5 and 10 years	33.3
Imprisonment between 1 and 5 years	33.7
Imprisonment of less than 1 year	6.8
Periodic detention	5.3
Community service	2.2
Community programme	4.6
Supervision	8.0
Reparation	6.2
Fine	1.2
Disqualified from driving	0.2
Suspended prison sentence	1.9
Warning (and no other penalty)	0.1
No penalty at all given	0.0

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

The majority of respondents (84%) mentioned only one sentence for ‘Paul’. Sixteen percent mentioned a combination of sentences. Where a combination of sentences was mentioned, this was most frequently a term of imprisonment combined with a community-based sentence, primarily supervision or a community programme. Other commonly mentioned combinations included prison and a monetary penalty.

Respondents who sentenced 'Paul' to a term of imprisonment were more likely to:<sup>13</sup>

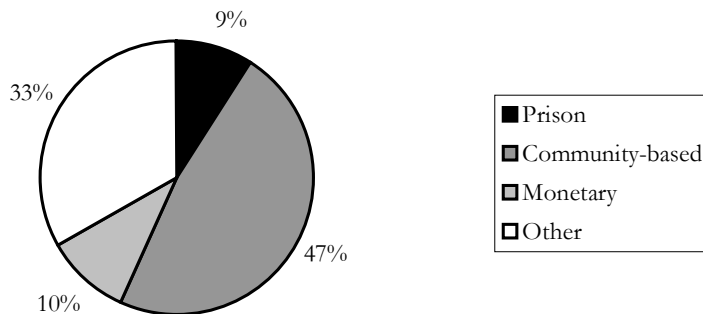
- be men;
- be younger or middle aged;
- be employed;
- have a higher personal income;
- have reported a crime to the police;
- have been convicted of a crime.

### Possession of cannabis

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

Figure 5.6 shows that about half (47%) of the respondents thought a community-based sentence was the most appropriate option for 'Jane', convicted of possession of marijuana, and a third mentioned an 'other' sentence, most commonly a warning.

**Figure 5.6 Most serious sentence for 'Jane' – convicted of possession of cannabis**



In the few cases where a term of imprisonment was considered as an option for 'Jane', this was most likely to be one of less than a year (see Table 5.6). Supervision, followed by community service, were the community-based sentences most often mentioned. Thirteen percent considered that a fine was the most appropriate sentence for 'Jane'.

Only 11% of respondents mentioned more than one sentence option for 'Jane'. This was most likely to be a combination of community-based sentences or of a community-based sentence and an 'other' penalty. Where an 'other' penalty was chosen in combination with a community-based sentence, this was likely to be a suspended term of imprisonment or a warning.

<sup>13</sup> Due to small numbers, non-custodial sentences (community-based, monetary, other) were combined for this analysis.

**Table 5.6 Sentences selected for ‘Jane’ – convicted of possession of cannabis**

Sentences	%
Life imprisonment	0.2
Imprisonment of more than 10 years	0.3
Imprisonment between 5 and 10 years	0.6
Imprisonment between 1 and 5 years	1.7
Imprisonment of less than 1 year	6.9
Periodic detention	9.5
Community service	15.0
Community programme	8.5
Supervision	18.7
Reparation	0.1
Fine	12.7
Disqualified from driving	0.0
Suspended prison sentence	5.8
Warning (and no other penalty)	26.3
No penalty at all given	7.4

Note: Percentages add up to more than 100 because people may have mentioned more than one sentence.

Respondents who sentenced ‘Jane’ to a community-based sentence were most likely to:

- be aged 60 or over;
- not be university educated;
- have a lower personal income;
- have not been victims of crime;
- have not reported a crime to the police;
- have not been convicted of a crime.

Respondents who sentenced ‘Jane’ to an ‘other’ sentence were most likely to:

- be younger or middle aged;
- be NZ European/Pakeha;
- be university qualified;
- be employed full time;
- have a higher personal income;
- have been victims of crime;
- have reported a crime to the police;
- have been convicted of a crime.

We undertook further analysis to examine the proportion of respondents choosing custodial or non-custodial sentences across the six scenarios. Seven percent selected a prison sentence for all six scenarios, and 2% selected a non-custodial sentence for all six. In general, however, respondents chose a mixture of custodial and non-custodial sentences across the scenarios.

Thirty percent of respondents tended towards imposing prison sentences (they selected a prison sentence in at least five out of the six scenarios). These respondents were more likely to:

- be Māori;
- be Pacific Peoples;
- be less well educated.

Twenty-two percent of respondents tended towards imposing non-custodial sentences (they selected a community-based, monetary, or ‘other’ sentence in at least four of the six scenarios). These respondents were more likely to:

- be women;
- be older;
- be unemployed;
- not have reported a crime to the police.

### 5.3 Does the amount of information make a difference to the sentence chosen?

Survey respondents were initially asked to sentence a person on the basis of a one-line description of six crimes, for example: ‘a man assaults his female partner’. We then provided them with a fuller description of the offence and offender in the form of a scenario and again asked the respondents to choose the most appropriate sentence for each crime.

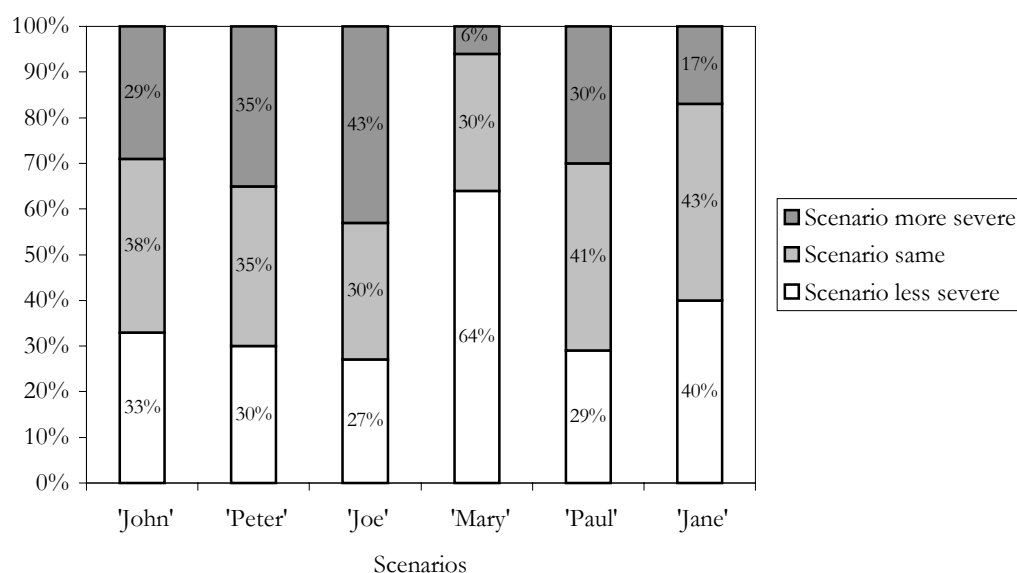
We wanted to assess whether the amount of information provided about the crime and the offender made a difference to the sentence(s) respondents chose. We therefore compared the sentences chosen for each of the scenarios with those chosen for each of the equivalent one-line descriptions. The analysis was based on a hierarchy of sentence seriousness used by the Ministry of Justice (Spier 1999). If the sentence chosen for the scenario was ranked lower than that for the one-line description (e.g. reparation for the scenario, periodic detention for the one-line description) the sentence chosen for this scenario was considered to be less serious. Similarly, if the sentence chosen for the scenario was ranked higher than that for the one-line description, the sentence chosen for the scenario was categorised as more serious.

Figure 5.7 contains the results of this analysis. It shows the proportion of respondents choosing a less serious sentence, the same sentence or a more serious sentence based on the fuller information given in the scenario.

The two scenarios where respondents were most likely to give a less serious sentence involved women as the offenders – ‘Mary’, convicted of smuggling heroin (63%), and ‘Jane’, convicted of possession of cannabis (40%). Only 6% gave ‘Mary’ a more serious sentence, and 17% gave ‘Jane’ a more serious sentence. In three-quarters of the cases where ‘Mary’ was given a less serious sentence in the scenario, this was a shorter term of imprisonment. In the case of ‘Jane’, about two-thirds of the respondents who chose a less serious sentence chose either a community-based sentence instead of a prison term, or an ‘other’ penalty (most often

a warning) instead of a community-based sentence. Respondents who chose a less serious sentence for both 'Jane' and 'Mary' were more likely to be women, aged over 60 and not university qualified.

**Figure 5.7 Seriousness of the sentence chosen for the scenario compared with for the one-line description**



In the cases of 'John', 'Peter' and 'Paul', a similar proportion gave a less serious sentence for the scenario than for the one-line description as gave a more serious sentence. A third gave 'John' convicted of theft through fraudulent use, a less serious sentence based on more information, and 38% gave him the same sentence as they did based on the one-line description. Additional information in the scenario included that he was a lawyer, with no previous convictions. Two out of five respondents who chose a less serious sentence for 'John' based on more information gave him a shorter term of imprisonment, and a quarter gave him a monetary penalty instead of a prison term. These respondents were most likely to be Pacific Peoples or Māori and not have been a victim of crime or have reported a crime to the police.

Where a less serious sentence was chosen in the scenario of 'Peter' convicted of assaulting his partner, as compared with the one-line description, in most cases respondents chose either a shorter term of imprisonment (44%) or a community-based sentence instead of a prison term (37%). The scenario contained information about the injuries to his partner and that 'Peter' had previous convictions for this type of assault. Respondents who chose a less serious sentence for 'Peter' based on more information were more likely to be aged 60 or over, whereas those who chose a more serious sentence based on more information were more likely to be middle aged.



Twenty-nine percent chose a less serious sentence when sentencing 'Paul' based on the scenario, while 30% chose a more serious sentence. Most commonly, however, respondents gave the same sentence they had given for the one-line description of 'burglary with a weapon'. Additional information in the scenario included that he had pulled a gun on an elderly couple. Where 'Paul' was given a less serious sentence than in the one line description, respondents most commonly chose a shorter term of imprisonment. Interestingly, older respondents were more likely to impose a less serious sentence based on the scenario, which involved elderly victims.

Respondents were most likely to give a more serious sentence based on additional information in the case of 'Joe' convicted of driving with excess breath alcohol (43%). 'Joe' was twice the legal limit, and his crime involved a car chase. Half of these respondents thought 'Joe' should either receive a prison term or a community-based sentence instead of being disqualified from driving. A quarter chose a less severe sentence when provided with more information than in the one-line description 'drunk driving'. In a third of these cases, the sentence chosen was a shorter term of imprisonment and, in a fifth, a community-based sentence instead of a prison term. About a quarter thought 'Joe' should be disqualified from driving rather than be sentenced to a term in prison or a community-based sentence. Respondents who gave 'Joe' a less serious sentence in the scenario version were more likely to be women, Pacific Peoples, have a lower personal income and not have been convicted of a crime.

#### **5.4 Who changes their sentence based on more information?**

Further analysis was undertaken to determine the characteristics of respondents who were consistently more likely to give a less serious sentence, the same sentence or a more serious sentence in the scenario version compared with the one-line description. Respondents who gave a less serious sentence across four or more scenarios were considered to consistently give a less serious sentence. About one in five respondents (18%) fell into this category. These respondents were significantly more likely to:

- be women;
- be aged 60 or over;
- not be university qualified;
- not be in the paid labour force.<sup>14</sup>

A similar proportion of respondents (18%) fell into the category of respondents who consistently gave the same sentence both in the one-line description and in the fuller scenario. These respondents were significantly more likely to:

- be younger.

Only 6% of respondents gave a more serious sentence in four or more of the scenarios. These respondents did not differ from other respondents based on demographic characteristics.

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<sup>14</sup> Options: unemployed or voluntary worker or not in the paid labor force.

## 5.5 Comparison with overseas research

Some overseas research has shown that when asked about specific crimes, the public is not harsher than the courts or at least not as harsh as the polls about general crime would suggest (Roberts & Stalans 1997). Roberts and Doob (1989), for example, found no significant difference overall between the courts and the public in incarceration rates, although, for some crimes, public sentencing preferences were harsher than the courts, while for others the courts were harsher.

Other overseas research has shown a tendency for respondents with a higher educational and socio-economic level to be less punitive (Grabosky et al. 1987; Hough et al. 1988). Hough et al. (1988) also found that women and younger respondents tend to be less punitive. Similarly, we found that respondents with higher educational qualifications and at a higher socio-economic level tended to sentence the offenders described in the scenarios to non-custodial sentences. We also found that Māori and Pacific Peoples respondents were more likely to consistently impose prison sentences, regardless of the type of crime. Respondents aged 60 or over were more likely to sentence someone convicted of aggravated burglary to prison and were also more likely to sentence someone convicted of possession of cannabis to prison. However, we found that overall, older respondents were more likely to impose non-custodial sentences.

Research shows that people become more punitive when the offender being sentenced has previous convictions (Mattinson & Mirlees-Black 2000). To assess the extent to which people think the type of offence, offender age and criminal history should influence sentences, respondents to the British Crime survey were asked to consider the most appropriate way to deal with a 10-year-old or 15-year-old first-time offender or persistent offender. In all scenarios (shoplifting, burglary and serious violent attack), respondents thought the severity of punishment should be more influenced by persistence of offending than by the age of the offender.

Victims appear to be no more punitive than non-victims. Hough and Roberts (1998) and Mattinson and Mirlees-Black (2000) found that victims, including victims of burglary, were just as likely to sentence someone convicted of burglary to imprisonment than non-victims. In this survey, only in the case of male assaults female did victims appear to be more punitive than non-victims. In no other scenario did victims prefer a sentence of imprisonment over non-victims.

## 5.6 Summary

- With the exception of 'Jane' who was convicted of possession of cannabis, in every scenario half or more of respondents thought the person should be sentenced to imprisonment. The rate of choice of imprisonment was highest for 'Paul' convicted of aggravated burglary (91%), and 'Mary' convicted of smuggling heroin (80%). About two-thirds thought 'John', convicted of theft through fraudulent use, and 'Peter', convicted of male assaults female, should go to prison, and half sentenced 'Joe', convicted of driving with excess breath alcohol, to a term of imprisonment.

- Forty-four percent of respondents thought that 'John', convicted of theft through fraudulent use, should be sentenced to pay reparation, and 5% thought a fine should be part of the sentence. Seventeen percent mentioned reparation as their only sentence option for 'John'. In no other scenario did a monetary penalty feature as strongly.
- About half of the respondents sentenced 'Peter' convicted of male assaults female, and 'Jane', convicted of possession of cannabis, to a community-based sentence, most frequently supervision, as one of their options.
- Respondents were most likely to give a less serious sentence based on more information in the cases of 'Mary', convicted of smuggling heroin and 'Jane' convicted of possession of cannabis. Respondents were most likely to give a more serious sentence based on additional information in the case of 'Joe', convicted of driving with excess breath alcohol.



# 6 Aims of sentencing

## 6.1 Introduction

There are a number of reasons why a society punishes offenders. These include, among others, to discourage the offender from committing further crimes (individual deterrence), to assist the offender, so that he or she won't offend again (rehabilitation), to prevent the offender from committing further crimes through imprisonment (incapacitation) and to show society's disapproval of the crime (denunciation).

Many surveys have explored public opinion on the purposes of sentencing, but reviews of the research show that there is little consistency in the findings (Roberts 1992; Roberts & Stalans 1997). Some of this inconsistency can be attributed to methodological diversity, with some surveys asking respondents to consider the purposes of sentences generally and others linking questions to a specific offence or type of offender.

Research that allows for a variety of responses, depending on the type of offence or offender, shows that members of the public want to achieve mixed aims with sentencing. Studies of the Canadian and Australian public showed that individual deterrence was the most popular aim for offenders convicted of relatively minor crimes and incapacitation was seen as more appropriate for offenders convicted of serious crimes (Roberts & Doob 1989; Indermaur 1990). In a survey of the American public, retribution was clearly seen as the most appropriate aim for adult offenders, whereas rehabilitation was the option most frequently chosen for juvenile offenders (Gerber & Engelhardt-Greer 1996).

We asked members of the public what they believed were the aims of sentencing in relation to six specific crimes, ranging from possession of cannabis through to smuggling heroin. We anticipated that the respondents' preferred aims would vary widely, depending on the crime and offender described in each scenario. Respondents were given a list of seven possible aims of sentencing and were asked to choose up to three aims in relation to the sentencing of the offender in each scenario. These aims were described in the following words:

- 'discouraging others from committing crimes' (general deterrence);<sup>15</sup>
- 'showing society's disapproval of the crime' (denunciation);<sup>16</sup>
- 'providing compensation to the victim where possible' (restitution);<sup>17</sup>

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<sup>15</sup> Deterrence-based sentencing aims to influence future levels of offending by instilling the fear of future consequences in either the individual or society at large. It is based on the notion that the threat of the sentence is a major constraint on offending.

<sup>16</sup> Denunciation is based on the premise that the wrongdoing of the offender must be publicly condemned.

<sup>17</sup> Restitution is based on the premise that the offender should put right the wrong they have done by offending. This aim is often given effect through a reparation or compensation order which may be imposed as part of sentencing. In addition to monetary payments, restitution may involve an apology or a culturally specific act of recompense. Restitution places the victim and what the victim has suffered at the centre of the sentencing process.

- preventing the offender from committing further crimes through imprisonment (incapacitation);<sup>18</sup>
- ‘discouraging the offender from committing further crimes’ (individual deterrence);<sup>15</sup>
- ‘providing punishment that reflects the seriousness of the offence’ (retribution);<sup>19</sup>
- ‘assisting the offender so that he or she won’t offend again’ (rehabilitation).<sup>20</sup>

In the previous chapter, we described six scenarios, each involving a person committing a crime. We asked respondents to indicate what they thought was the most appropriate sentence for each offender. We then asked respondents, ‘In relation to the sentence you gave them, what do you think the sentence is trying to achieve?’ Respondents were able to provide up to three aims. They were also asked to indicate what they thought was the most important aim. We will begin this chapter with a presentation of the most important aims before moving on to more detailed information for each scenario.

## 6.2 Most important aim

Table 6.1 shows that restitution, or ‘providing compensation to the victim where possible’, was clearly seen as the most important aim in sentencing ‘John’ for theft through fraudulent use. Thirty percent of respondents mentioned restitution as the most important aim. This is perhaps not surprising, given that this was the only crime where there was a victim who had suffered clear monetary loss. In all other scenarios, restitution was only mentioned by between 1% and 4% of respondents as the most important aim.

‘Assisting the offender so that he or she won’t offend again’ (rehabilitation) was mentioned most frequently as the most important aim in the cases of ‘Peter’ (31%) and ‘Jane’ (39%). The ‘Peter’ scenario involved a recidivist offender convicted of assaulting his partner, who required several stitches. The ‘Jane’ scenario involved a female student who was found to have a small amount of marijuana in her possession. In both these scenarios, rehabilitation was mentioned considerably more frequently than any other aim. Of interest is that rehabilitation featured strongly in the case of ‘Peter’ despite the fact that he had prior convictions for this type of assault. Rehabilitation was also mentioned by a substantial minority (21%) as the most important aim in sentencing ‘Joe’ for drunk driving.

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<sup>18</sup> Incapacitation aims to protect the public from future offending by the particular offender being sentenced. Incapacitation is generally perceived to be achieved through imprisonment, as this takes the offender out of society and thus deprives him or her of the opportunity to commit offences. In New Zealand, incapacitation is one of the goals traditionally pursued through the sentencing system.

<sup>19</sup> Retribution is based on the premise that the punishment is deserved because of wrongdoing.

<sup>20</sup> Rehabilitation aims to reduce future crime by changing the behavior, attitudes or skills of the offender. It assumes the offending has specific causes and the focus is on identifying and remedying these factors. Sentencing options are chosen based on the likelihood of re-socialising the offender so he or she is less likely to commit crimes.

**Table 6.1 Most important aim**

Aim of sentence	'John' (fraud) %	'Peter' (male assaults female) %	'Joe' (drunk driving) %	'Mary' (smuggling heroin) %	'Paul' (aggravated burglary) %	'Jane' (possession of cannabis) %
Incapacitation	7.2	13.7	10.4	14.1	27.2	1.1
Individual deterrence	18.4	16.8	24.7	20.0	14.6	27.9
Retribution	16.9	19.2	22.6	22.2	23.7	8.8
Rehabilitation	7.6	31.2	21.2	16.2	10.2	38.8
General deterrence	8.0	2.3	6.1	14.7	6.6	5.9
Denunciation	12.3	12.9	14.2	12.1	14.5	13.8
Restitution	29.6	3.8	0.9	0.7	3.3	0.8
Not applicable						2.9
Total	100.0	100.0	100.0	100.0	100.0	100.0

'Discouraging the offender from committing further crimes' (individual deterrence) was also mentioned by about a quarter of respondents (28%) in sentencing 'Jane', convicted of possessing marijuana. However, individual deterrence was also frequently mentioned across all six scenarios, particularly in the sentencing of 'Joe', convicted of driving with excess blood alcohol (25%), and 'Mary', convicted of smuggling heroin (20%).

Incapacitation, or 'preventing the offender from committing further crimes through imprisonment', was considered to be the most important aim by about a quarter of respondents (27%) in the sentencing of 'Paul' for aggravated burglary. In no other scenario did incapacitation stand out as the most important aim, although it was mentioned by about one in ten respondents for male assaults female (14%), drunk driving (10%) and smuggling heroin (14%).

Retribution, or 'providing punishment that reflects the seriousness of the offence', was clearly considered an important aim in sentencing across all scenarios, with the exception of 'Jane', convicted of possessing cannabis, where only 9% mentioned retribution as the most important aim.

Only a small proportion of the sample considered 'discouraging others from committing crimes' (general deterrence) to be the most important aim in sentencing offenders in any of the scenarios. The proportion mentioning it as the most important aim ranged from 2% for 'Peter' (male assaults female) to 15% for 'Mary' (smuggling heroin). Denunciation, or 'showing society's disapproval of the crime', was mentioned by about one in 10 respondents across all six scenarios.

### 6.3 Aims of sentences

#### Sentencing 'John' for theft through fraudulent use

Table 6.2 shows that restitution and individual deterrence were mentioned most frequently by respondents as one of their aims in sentencing 'John' for theft through fraudulent use. The next most frequently mentioned aims were retribution and denunciation.

**Table 6.2 Aims in sentencing 'John' for theft through fraudulent use**

Aim of sentence	Aim mentioned in one of three choices*	Most important aim
	%	%
Incapacitation	16.3	7.2
Individual deterrence	41.0	18.4
Retribution	37.1	16.9
Rehabilitation	17.8	7.6
General deterrence	24.5	8.0
Denunciation	37.1	12.3
Restitution	42.1	29.6
Total		100.0

Note: Seventy four percent of the sample mentioned at least two aims and 42% mentioned three aims.

\* This column adds up to more than 100%.

Respondents who thought restitution was the most important aim for 'John' were more likely to:

- be NZ European/Pakeha or Māori;
- be younger or middle aged;
- have some educational qualifications;
- be in full-time employment;
- be at a higher socio-economic level;
- have been a victim of crime;
- have reported a crime to the police.

#### Sentencing 'Peter' for male assaults female

Overall, 44% mentioned rehabilitation ('assisting the offender so that he or she won't offend again') as one of their three sentencing aims (see Table 6.3). Individual deterrence, retribution and denunciation were also frequently mentioned, particularly as the second and third aims, with about two in five respondents mentioning these aims in one of their three choices.



**Table 6.3 Aims in sentencing ‘Peter’ for male assaults female**

Aim of sentence	Aim mentioned in one of three options	Most important aim
	%	%
Incapacitation	24.2	13.7
Individual deterrence	38.8	16.8
Retribution	39.4	19.2
Rehabilitation	44.3	31.2
General deterrence	13.0	2.3
Denunciation	38.5	12.9
Restitution	10.9	3.8
Total	-	100.0

Note: Seventy percent of the sample mentioned at least two aims and 38% mentioned three aims.

Respondents who thought rehabilitation was the most important aim in sentencing ‘Peter’ were more likely to:

- be NZ European/Pakeha;
- have some educational qualifications;
- have a personal income under \$50,000.

### Sentencing ‘Joe’ for driving with excess breath alcohol level

Table 6.4 shows that there were wide-ranging responses to the question of what the sentence should be trying to achieve in sentencing ‘Joe’ for driving with excess breath alcohol level. Two-fifths or more of the respondents mentioned individual deterrence, retribution or denunciation as one of their three aims in sentencing ‘Joe’. About a quarter mentioned individual deterrence (‘discouraging the offender from committing further crimes’) as their first aim, and, similarly, a fifth mentioned retribution. While denunciation featured strongly as one of the three aims in sentencing ‘Peter’ – it was mentioned by 42% of respondents as one of their three aims – only 14% mentioned it as the most important aim. On the other hand, rehabilitation, which did not feature as strongly as denunciation as one of the three aims, was mentioned by 21% as the most important aim.

Respondents who thought individual deterrence was the most important aim were more likely to:

- be NZ European/Pakeha.

Respondents who thought rehabilitation was the most important aim were more likely to:

- be legislators, managers or administrators.

**Table 6.4 Aims in sentencing 'Joe' for driving with excess breath alcohol level**

Aim of sentence	Aim mentioned in one of three options %	Most important aim %
Incapacitation	22.2	10.4
Individual deterrence	44.6	24.7
Retribution	44.7	22.6
Rehabilitation	34.8	21.2
General deterrence	22.4	6.1
Denunciation	41.5	14.2
Restitution	2.5	0.9
Total		100.0

Note: Seventy-three percent of the sample mentioned at least two aims and 39% mentioned three aims.

### Sentencing 'Mary' for smuggling heroin

One-fifth of the respondents mentioned individual deterrence or retribution as their first aim in sentencing 'Mary', and over 40% mentioned these aims as one of their three choices. Denunciation also featured strongly, with 41% mentioning it as one of their three aims. However, only 12% considered that denunciation should be the most important aim in sentencing 'Mary'.

**Table 6.5 Aims in sentencing 'Mary' for smuggling heroin**

Aim of sentence	Aim mentioned in one of three options %	Most important aim %
Incapacitation	28.5	14.1
Individual deterrence	42.2	20.0
Retribution	44.3	22.2
Rehabilitation	27.6	16.2
General deterrence	34.1	14.7
Denunciation	41.2	12.1
Restitution	1.5	0.7
Total		100.0

Note: Seventy-five percent mentioned at least two aims and 45% mentioned three aims.

Respondents who thought retribution was the most important aim in sentencing 'Mary' were more likely to:

- be young or middle aged.

Respondents who thought individual deterrence was the most important aim in sentencing 'Mary' were more likely to:

- be NZ European/Pakeha.

### Sentencing 'Paul' for aggravated burglary

Nearly half of the sample mentioned retribution (47%) and incapacitation (46%) as one of their three aims in sentencing 'Paul' for aggravated burglary (see Table 6.6). These aims also clearly stood out as the most important aims. Again, denunciation featured strongly as one of the three sentencing aims (mentioned by 42% of respondents) but was only considered as the most important aim by 15% of the sample. Rehabilitation was only mentioned by 19% of respondents in one of their three choices and by 10% as the most important aim in sentencing 'Paul'.

**Table 6.6 Aims in sentencing 'Paul' for aggravated burglary**

Aim of sentence	Aim mentioned in one of three options	Most important aim
	%	%
Incapacitation	45.6	27.2
Individual deterrence	34.4	14.6
Retribution	46.6	23.7
Rehabilitation	19.0	10.2
General deterrence	26.1	6.6
Denunciation	41.5	14.5
Restitution	9.7	3.3
Total		100.0

Note: Seventy-five percent mentioned at least two aims and 48% mentioned three aims.

Respondents who thought incapacitation was the most important aim in sentencing 'Paul' were more likely to:

- be younger or middle aged;
- be professionals;
- have reported a crime to the police.

Respondents who thought retribution was the most important aim in sentencing 'Paul' were more likely to:

- have a lower socio-economic level;
- have not reported a crime to the police.

## Sentencing 'Jane' for possession of cannabis

Rehabilitation, or 'assisting the offender so that he or she won't offend again', clearly stood out as the most endorsed sentencing aim for 'Jane' for possessing a small amount of marijuana, although individual deterrence ('discouraging the offender from committing further crimes') was also frequently mentioned. Half of the sample mentioned rehabilitation as one of their three aims in sentencing 'Jane' and 39% as the most important aim. Individual deterrence also featured strongly with 43% mentioning it as one of their three aims and 28% as the most important aim.

**Table 6.7 Aims in sentencing 'Jane' for possession of cannabis**

Aim of sentence	Aim mentioned in one of three options %	Most important aim %
Incapacitation	2.3	1.1
Individual deterrence	42.5	27.9
Retribution	17.3	8.8
Rehabilitation	51.4	38.8
General deterrence	17.0	5.9
Denunciation	30.7	13.8
Restitution	1.9	0.8
Not applicable		2.9
Total		100.0

Note: Forty-five percent mentioned at least two aims and 20% mentioned three aims.

Respondents who thought rehabilitation was the most important aim in sentencing 'Jane' were more likely to:

- be women;
- be aged 60 or over;
- be less educated;
- be at a lower socio-economic level;
- be a voluntary worker;
- have a personal income less than \$50,000.

## 6.4 Most frequently mentioned aims

Analysis was undertaken to determine the number of times a particular aim was mentioned as the most important aim across the six scenarios. We wanted to see if there was a pattern in respondents' choice of aims regardless of the crime. Thus, for example, was there a tendency to choose rehabilitation or retribution consistently, regardless of the crime that had been committed?

Table 6.8 shows that rehabilitation, individual deterrence and retribution were mentioned most frequently across the six scenarios. One in five respondents mentioned these aims for

two of the six scenarios and about one in 10 of the sample considered these aims to be the most important aims for three or more scenarios.

**Table 6.8** Number of times most important aim was mentioned across six scenarios

Aim of sentence	Number of times aim was mentioned across six scenarios							
	0	at least once	1	2	3	4	5	6
	%	%	%	%	%	%	%	%
Incapacitation	52.7	47.3	27.1	14.8	4.3	0.7	0.3	0.1
Individual deterrence	32.5	67.5	34.3	20.1	7.7	4.0	1.0	0.4
Retribution	36.3	63.7	32.0	20.1	7.1	3.3	1.0	0.2
Rehabilitation	31.9	68.1	32.6	21.6	8.1	3.9	1.2	0.6
General deterrence	67.0	33.0	25.3	6.1	1.0	0.3	0.3	0.2
Denunciation	51.2	48.8	28.6	13.3	4.5	1.4	0.9	0.3
Restitution	64.7	35.3	32.3	2.4	0.5	0.1	0.0	0.0

Incapacitation was mentioned once by about a quarter of the respondents and twice by 15%, but only 5% mentioned it as the most important aim for three or more scenarios. The pattern was very similar for denunciation.

Two-thirds of respondents did not consider general deterrence or restitution to be the most important aim for any of the scenarios. A third mentioned restitution for one scenario only, and for the majority this was in relation to sentencing 'John' for theft through fraudulent use. General deterrence was mentioned once by a quarter of the sample, but, unlike restitution, there was no one scenario where responses were concentrated. Only 2% and 1% of respondents respectively mentioned general deterrence or restitution three times or more.

We did further analysis to determine the characteristics of respondents who were most likely to mention a particular aim three times or more as their most important aim in sentencing. The results of this analysis are presented for rehabilitation, incapacitation and denunciation. There were no or few differences between respondents who mentioned retribution or individual deterrence most frequently, and the numbers of respondents who mentioned general deterrence or restitution three times or more were too small to analyse by demographic.

Respondents who mentioned rehabilitation most frequently were more likely to:

- be women;
- be older.

Respondents who mentioned incapacitation most frequently were more likely to:

- be Māori or Pacific Peoples;
- be less educated;
- have spent time in prison.

Respondents who mentioned denunciation most frequently were more likely to:

- be men;
- have a higher personal income.

## **6.5 Are particular sentences associated with achieving certain aims?**

Are particular sentences associated with some sentencing aims more than others? We cross-tabulated the sentences respondents selected for the offenders in each scenario (prison, community-based, monetary or 'other') with respondents' choices of most important sentencing aim. We found that respondents who suggested that the person in the scenario should receive a prison term were much more likely to say that incapacitation was the most important aim in sentencing that person. On the other hand, those who mentioned a community-based sentence were more likely to say that rehabilitation was the most important aim. They were also more likely to mention individual deterrence. In the case of 'John' (theft through fraudulent use) respondents who thought that he should receive a monetary penalty were much more likely to say that restitution was the most important aim.

## **6.6 Comparison with overseas research**

Findings from this survey suggest that it is hard to generalise about sentencing purposes favoured by the public. The respondents endorsed several aims simultaneously, with support for any particular aim being dependent on the crime and offender described in the scenario. Our findings also suggest that while the public believe they are sentencing according to one aim, they may be guided by another. A significant proportion of the sample suggested that the offender in each of the scenarios should get prison, consistent with an incapacitation model of sentencing, yet incapacitation was seldom mentioned as the most important aim.

Much of the overseas research exploring public opinion of sentencing aims has used a 'menu-style approach' in which respondents are asked to choose one or two purposes from a list. Brillon (1988) found that 31% of a sample of Canadians expect that the decisions taken by judges in handing down sentences will have a deterrent effect. A further 25% expect sentences to give them protection against crime and 19% mentioned retribution. A relatively small, but nonetheless notable, proportion considered the most important objective of the sentence to be rehabilitation (15%).

However, such an approach requires a simplistic response to what is a complex issue. Does the public apply the same sentencing model to first-time offenders as it does to repeat

offenders, for example? When the questions posed in surveys allow for greater flexibility, results show that members of the public have a more complex sentencing model than is traditionally ascribed to them (Roberts & Doob 1989).

In 1986, the Canadian Sentencing Commission asked respondents to state whether certain purposes were or were not relevant to sentencing. Respondents were first asked to consider offenders convicted of minor crimes such as shoplifting and then to consider offenders convicted of serious offences such as sexual assault or robbery. Indermaur (1990) used a similar methodology in a survey that asked Perth residents the purposes of sentencing an offender convicted of serious violent crimes and of sentencing a young offender convicted of property offences. Both studies found similar results. Incapacitation was the sentencing option most frequently chosen for offenders convicted of serious violent offences, whereas individual deterrence was most frequently chosen for offenders convicted of relatively minor offences. Findings from our survey support those of the Canadian Sentencing Commission and Indermaur, in that incapacitation was most frequently selected as the sentencing aim in the sentencing of the offender in the aggravated burglary scenario (27%).

In a survey of 1249 adults in England and Wales, Walker et al. (1988) asked respondents what they thought the main aims of the courts should be when sentencing someone for a 'crime like burglary or robbery'. Retribution ('to give the offender what he deserves') was the most popular choice of sentencing aim (mentioned by 44%), followed by individual deterrence (33%) and restitution (31%).

The National Opinion Survey on Crime and Justice, undertaken in 1995, asked the American public to consider the purposes of sentencing adult and juvenile offenders. A majority (53%) believed that the main purpose in sentencing adults should be retribution, with 21% mentioning rehabilitation. For juvenile offenders, 50% chose rehabilitation as the primary purpose of criminal sanctions, although 31% also considered retribution to be important (Gerber & Englehardt-Greer 1996).

Retribution was also frequently endorsed by members of the public in our survey, particularly for the more serious offences. Retribution was mentioned by 24% as the most important aim in sentencing 'Paul', who was convicted of aggravated burglary, by 22% in sentencing 'Mary' for smuggling heroin and by 23% in sentencing 'Joe' for drunk driving. A New Zealand study by Ransom (1981) also found that protecting society (incapacitation) and punishing the offender (retribution) were the primary aims of sentencing for two scenarios depicting violent offences: robbery and wounding with intent to cause bodily injury.

In this survey, rehabilitation ('assisting the offender so that he or she won't offend again') and individual deterrence ('discouraging the offender from committing further crimes') featured strongly as the most important aims in sentencing someone convicted of possession of a small amount of cannabis. However, rehabilitation was also mentioned most frequently as the most important aim in sentencing someone convicted of male assaults female. In this scenario, there was a clear relationship between victim and offender, and this relationship is likely to have had a significant impact on people's choice of sentencing aim.

## 6.7 Summary

- Respondents chose a variety of sentencing aims, both across the six scenarios and within each scenario.
- ‘Providing compensation to the victim where possible’ (restitution) was chosen as the most important aim only for the scenario involving theft through fraudulent use. This was the only scenario where the victim had suffered a clear monetary loss.
- ‘Assisting the offender so that he or she won’t offend again’ (rehabilitation) featured strongly as the most important aim for the scenario of a male assaulting his female partner (31%) and for the scenario of possession of a small amount of cannabis (39%).
- ‘Showing society’s disapproval of the crime’ (denunciation) was mentioned frequently by respondents as one of three sentencing aims but was seldom considered to be the most important aim for any of the six crimes.
- ‘Discouraging others from committing crimes’ (general deterrence) did not feature strongly as a sentencing aim in any of the scenarios, although it was more frequently mentioned for the scenario of smuggling heroin.
- ‘Preventing the offender from committing further crimes through imprisonment’ (incapacitation) was mentioned by a quarter of the respondents for the scenario involving aggravated burglary.
- ‘Providing punishment that reflects the seriousness of the offence’ (retribution) was consistently mentioned as an aim across the scenarios, with the exception of possession of cannabis.
- Similarly, ‘discouraging the offender from committing further crimes’ was endorsed strongly for most of the scenarios, but in particular for the scenarios of drunk driving and possession of cannabis.
- Respondents who thought that the person in the scenario should be sentenced to a term in prison were much more likely to say that incapacitation was the most important aim. Respondents who chose a community-based sentence were more likely to say that rehabilitation or individual deterrence were the most important aims in sentencing a person.



# 7 General discussion – concluding remarks

This report presents the findings from the first comprehensive national survey of a sample of adult New Zealanders' views about crime and the criminal justice system's response to crime. A random sample of 1,500 New Zealanders aged 18 years and over responded to a range of questions about crime and punishment.

The overall aim of the survey was to assess the public's attitudes towards and knowledge about crime and the criminal justice system. More specifically, we wanted to assess the public's knowledge about crime trends and some aspects of the criminal justice system, their perception of the performance of some professional groups working within the criminal justice system, their perceptions of the relative seriousness of some crimes, their preferred sentences for some crimes and their perceptions of the aims of sentencing. In this final chapter, we set out the salient findings of the survey and discuss them in relation to each of the objectives.

## 7.1 Assessment of public knowledge about crime trends and some aspects of the criminal justice system

Consistently with the findings of some overseas studies in the United Kingdom, United States, Canada and Australia (Mattinson and Mirlees-Black 2000; Roberts & Doob 1989; Roberts 1992; Indermaur 1987), findings from this study suggest that the New Zealand public is misinformed about some aspects of crime and sentencing. Survey respondents perceived there to be higher levels of crime than national figures indicate. During a time in which the New Zealand crime rate was slightly decreasing, the vast majority of respondents thought the crime rate was actually increasing. Survey respondents substantially overestimated both violent crime and property crime statistics. Two-thirds of respondents estimated that violent crime accounted for about six times more of total crime than police statistics indicate, and more than two-thirds estimated that the prevalence of household burglary was at least three times higher than national victimisation statistics indicate.

Survey respondents were also pessimistic about the possibility of rehabilitating offenders, with about half overestimating the 51% 2-year reconviction rate and a similar proportion overestimating the 20% conviction rate of people who offend on bail. One-third of survey respondents overestimated the costs of imprisonment.

In the area of sentencing, survey respondents' misunderstanding tended to be in the direction of underestimating statutory maximum sentence lengths and underestimating actual sentencing practice and the times served in prison by offenders sentenced to imprisonment. About half of the respondents underestimated the maximum penalty of

20 years imprisonment for rape, the average 8-year prison sentence imposed on rapists, and the average 5-year prison sentence served by rapists. Nearly one-quarter thought a person sentenced to life imprisonment would serve only 1–9 nine years in prison.

So what are the characteristics of the respondents who were most likely to be misinformed? The picture is quite mixed. In very general terms, while women tended to overestimate the crime statistics and the proportion of offending on bail, they were no more likely than men to underestimate sentence length, sentencing practice and time served in prison by inmates.

In relation to ethnicity, the findings were decidedly mixed. Māori and Pacific Peoples respondents tended to overestimate the crime statistics, but that may well be related to their experience as crime victims (Young et al. 1997; Morris et al. 2003). While Māori and Pacific Peoples respondents were more likely than NZ European/Pakeha respondents to underestimate the maximum penalty for rape, NZ European/Pakeha and Māori respondents were more likely than Pacific Peoples respondents to underestimate sentencing practice and the length of imprisonment served by rapists.

Older respondents (aged 60 years and over) were more likely to be pessimistic about crime trends, but they were no more likely than under-60-year-olds to overestimate crime statistics relating to violent crime and burglary. The latter finding is consistent with the result from the first national crime victimisation survey: that older victims were no more likely to live in fear of crime. Younger respondents tended to be less informed than older respondents about sentencing practice and length of imprisonment served by rapists.

While the less educated respondents or respondents of lower socio-economic status tended to be most misinformed about crime statistics, the more educated respondents and professionals were most likely to underestimate sentencing practice and length of imprisonment served by rapists.

Unfortunately, the survey did not ask the respondents to identify their primary source of information about crime and the criminal justice system. New Zealanders' information sources may be changing. However, it is likely that the survey respondents were no different from respondents in some overseas studies (Roberts & Doob 1989, Roberts 1992, Spratt & Doob 1997) in choosing the news media as their primary source of information about crime and the criminal justice system.

Some overseas researchers (Roberts & Doob 1989, Roberts 1992, Spratt & Doob 1997) have documented that their countries' news media convey a distorted picture of crime and criminal justice issues, with a bias towards the reporting of more sensational crimes and the over-simplification of sentencing issues. Roberts (1992) reasoned that this was why, for example, the public tended to believe there was more violence than was in fact the reality, and Spratt and Doob (1997) argued that such coverage perpetuated feelings of leniency in terms of sentencing. Roberts and Doob (1989) and Roberts (1992) have suggested that public dissatisfaction on sentencing matters, for example, might be put to rest if the public were provided with more accurate information. Certainly, a 'tell the truth' campaign in the Netherlands led the general public there to adopt a more positive attitude towards the criminal justice system (Kuttschreuter & Wiegman 1998). The

results of this survey can be used to establish baseline knowledge levels against which the impact of any future public education programmes about crime and justice issues can be measured.

## **7.2 Assessment of public perceptions of the performance of some professional groups working within the criminal justice system**

Typically, overseas polls (particularly in the United States, and the United Kingdom) have demonstrated that the public scores the performance of the police relatively highly and of the judiciary relatively poorly (Mattinson and Mirlees-Black 2000). In the 1998 British Crime Survey, 61% rated the police positively as doing an excellent or good job, whereas only 23% rated judges as doing an excellent or good job.

While respondents to this survey rated each of the groups of criminal justice professionals more positively than their British counterparts, we found that the trend was in the same direction. Three-quarters said that the police were doing an excellent or good job, compared with 42% who said this of judges.

In addition to asking respondents to rate criminal justice professionals such as police, judges and lawyers, we also asked them to rate groups providing services to victims. These groups were rated the highest of all professionals working in the criminal justice system, with 86% saying that groups providing services to victims were doing an excellent or very good job. The New Zealand National Survey of Crime Victims 2001 (Morris et al. 2003), however, showed that awareness of groups providing services to victims was not high. Victim Support was the most frequently identified provider of help for victims, with two-fifths mentioning this group, and the next most commonly identified was Women's Refuge with 13% mentioning this agency.

Māori and Pacific Peoples were more likely to rate the police negatively than those respondents who identified as NZ European/Pakeha. Research by the New Zealand Police (MRL Research group 1993 & 1995) found that satisfaction with police services was below average among both Māori and younger respondents. This is consistent with some overseas research. Huang and Vaughn (1996) found that African Americans in general perceive the police more negatively than white Americans.

## **7.3 Assessment of public perceptions of the relative seriousness of some crimes**

In terms of the relative seriousness of crimes, findings from the current study suggest that a majority of the adult New Zealand public are likely to rank burglary with a weapon and importing heroin ahead of some other crimes, such as male assaults female, drunk driving, theft through fraudulent use, and possession of cannabis. However, there is also likely to be a wide variation of opinion among the public. Possession of cannabis was the only crime that was supported by more than half of the respondents as being the least serious crime.

In two other New Zealand studies (Davis & Kemp 1994; Bratcher 1997) people ranked as most serious offences against the person (such as rape, murder, child molestation and armed robbery) and as least serious offences such as possession of cannabis. The results of the current study of the ranking of six crimes are consistent with these findings, in that possession of cannabis was ranked as the least serious.

There was a mismatch between respondents' perceptions of the seriousness of specific crimes and the severity of their recommended sentences. In the ranking of seriousness, both assault on a female and drunk driving were ranked ahead of fraud, but in the choices of appropriate sentences, a higher proportion of respondents thought a sentence of imprisonment for a year or more was appropriate for fraud than did so for assault on a female or for drunk driving.

#### **7.4 Assessment of public perceptions of the preferred sentence for some crimes**

Respondents were presented with six descriptions of crimes and asked to sentence the person in each case. In the first instance they were presented with a one-line description of the crime, and then secondly, they were presented with six short scenarios containing information on the age, gender, occupation and criminal history of each offender.

Previous research has shown that the more information respondents are given about the offender and offence, the less punitive they become (Doob & Roberts 1983; Doob & Klein 1989). The results of this present study are mixed. Respondents gave a less serious sentence when presented with more information in two of the scenarios. These scenarios were for the crimes of smuggling heroin and possession of cannabis, both involving women. Respondents were most likely to give a more severe sentence based on additional information in the case of the crime of driving with excess breath alcohol. This is perhaps not surprising, given that the additional information included that the person was twice the limit and involved a car chase. Respondents who consistently gave a less severe sentence based on more information were significantly more likely to be women, be aged 60 or over and not be university qualified.

These results need to be interpreted with caution. While the scenarios contained more information about the nature of the offence and the offender, they were still limited in their descriptions. It is likely that if the respondents had all the information that was available to a judge, their responses might have been different. Roberts (1992) suggests that if members of the public were exposed to the amount and type of information available to a sentencing judge, their satisfaction with sentences would increase.

#### **7.5 Assessment of public perceptions of the aims of sentencing**

Findings from the current study suggest that it is hard to generalise about the aims of sentencing favoured by the New Zealand public. Respondents chose a wide variety of sentencing aims, both across the six scenarios and within each scenario. Respondents

also endorsed several aims simultaneously, with support for any particular aim being dependent on the crime and the offender described in the scenario.

The findings also suggest that while the public may believe they are sentencing according to one aim, they may in fact be guided by another. For example, while a significant proportion suggested that the offender in each of the scenarios should be sentenced to prison, incapacitation was seldom mentioned as the most important aim in the sentencing of the offender. Consistently with the findings from the Canadian Sentencing Commission (1987) and Indermaur (1990), the results show that incapacitation was most frequently selected as a sentencing aim in the sentencing of the offender in the aggravated burglary scenario.

## **7.6 Conclusion**

This report of the findings from the first comprehensive national survey of adult New Zealanders' views about crime and the criminal justice system's response to crime represents a snapshot of the views of a relatively small sample taken at a specific point in time. As with other social attitudes, these views will change. We conclude with the observations of Flanagan & Longmire (1996, p. 15):

We believe that comprehensive periodic surveys of public opinion on crime and justice issues ... will lead to better informed criminal justice policy and practice. Just as important, we believe that regular assessments of public opinion on crime and justice issues are at least as important to enlightened justice initiatives as consumer confidence surveys are in informing us of the health of the national economy. As criminal justice agencies strive to improve the collection, processing and analysis of official data on the crime problem, we urge that attention to surveys of the public on their concerns and reactions to crime and criminal justice receive attention.



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# Appendix 1: Methodology

## 1 Background

The intention to conduct research on public attitudes to justice, especially criminal justice, was expressed in the Ministry's 1997/98 business plan. The general goal of this research was to assess public attitudes and knowledge about the criminal justice system and to explore what shapes these attitudes.

### 1.1 Research objectives

The primary objectives of this study were as follows:

- 1 Assess public knowledge about crime trends and some aspects of the criminal justice system.
- 2 Assess public perceptions of:
  - i. the relative seriousness of some crimes;
  - ii. the preferred sentence imposed for some crimes;
  - iii. the aims of sentencing;
  - iv. the severity of the sentence likely to have been imposed for some crimes;
  - v. the substitution of a fine for the sentence likely to have been imposed;
  - vi. the performance of some occupational groups working within the criminal justice system.
- 3 Assess whether the addition of a limited description of the circumstances surrounding the commission of some crimes led to a moderation of the choice of sentence imposed.

## 2 Sample methodology

### 2.1 ACNielsen's sample frame

ACNielsen, the organisation which managed the fieldwork and data collection for the survey, imposes random or quasi-random guidelines for:

- selecting area units within stratification grid cells (strata);
- selecting streets and dwellings within area units;
- selecting participants within dwellings.

It has developed its own sample frame for 'area units' based on the smallest geographical units defined by Statistics NZ (Meshblocks). Statistics NZ has split the country into approximately 36,000 Meshblocks, which contain, on average, around 100 residents

living in around 35 dwellings. This is too small a unit for survey research purposes, given that random selection procedures can mean that a particular Meshblock might be selected a number of times. The next smallest Statistics NZ geographical construct is called the 'Area Unit'. There are approximately 1,700 of these and they are, on average, an amalgamation of around 20 Meshblocks. This means they contain, on average, around 2,000 residents living in around 700 dwellings. This total of around 1,700 Area Units is insufficient to fulfil ACNielsen's practical requirement to be able to have a large number of areas in use at any one time. Accordingly, ACNielsen created a 'Nielsen Area Unit' (NAU) intermediate in size between the two Statistics NZ units. The Nielsen version combines, on average, around seven Meshblocks, with an average population of around 700 living in around 230 dwellings.

## 2.2 Sample design

The sample design used by ACNielsen in the Ministry's project is best described as a **fully national multi-stage stratified probability sample with clustering**.

Cluster sampling involves a process whereby a number of dwellings are selected to be sampled in a patterned way around a single 'start point'. The purpose of this is to reduce cost by gaining efficiency in interviewers' travel times and mileage. ACNielsen generally defines clusters in terms of the number of interviews to be obtained around each start point. This, technically, is a quota, because it requires interviewers to keep calling on and replacing dwellings until they have obtained their quota of five interviews, and this means an indeterminate (and possibly large) number of addresses are called upon. This can have the effect of reducing the overall response rate and, thereby, of increasing the possibility of a non-response bias.

## 2.3 Sample selection

The sample comprised 1,000 interviews amongst the general population aged 18 years and over (the main sample), and 250 interviews amongst each of the Māori and Pacific Persons 18+ population (the booster samples).

### *Main Sample*

For the purpose of sample selection, the country was divided into 14 locations or strata. These locations were defined in terms of region and area type and were designed to ensure a fully representative cross-section of the New Zealand population was included in the sample.

The next step was to obtain estimates of the number of households with at least one person aged 18+ and over (the sub-group of the population under study) from Statistics New Zealand. The sample size required for each of the 14 regions was then calculated in direct proportion to the distribution of households (see Table 1).

**Table 1 Sample frame for main sample**

Location	Number of Households	%	Sample Size	No. of Areas
Auckland	327,165	25.8%	270	54
Hamilton	44,616	3.5%	40	8
Wellington	118,881	9.4%	90	18
Christchurch	121,905	9.6%	90	18
Dunedin	40,254	3.2%	30	6
Provincial North	85,743	6.8%	70	14
Provincial Central	99,705	7.9%	80	16
Provincial South	37,320	2.9%	30	6
Towns North	78,861	6.2%	60	12
Towns Central	62,862	5.0%	50	10
Towns South	73,212	5.8%	50	10
Rural North	85,119	6.7%	70	14
Rural Central	32,529	2.6%	20	4
Rural South	60,480	4.8%	50	10
<b>TOTAL</b>	<b>1,268,652</b>	<b>100.0%</b>	<b>1000</b>	<b>200</b>

Source: Census 1996.

As part of the sample design, it was decided that the total of 1,000 interviews would be obtained from 200 clusters, each cluster containing five interviews, with one interview per household.

The number of clusters required was calculated by dividing the sample size for each location by five. This determined the number of ACNielsen Area Units (or maps) that needed to be selected for each location. It should be noted that, in some cases, the sample size has been adjusted so the number of area units required in each location is a whole number and so that the sum across all locations adds back to 200.

ACNielsen has an in-house computer system for randomly selecting area units in proportion to population size. For practical purposes, the sample for each location is drawn separately, by specifying the number of maps required from the range of area units that define the location.

Once the sample was selected, the maps were distributed to the field force, and interviewers selected households from which they attempted to obtain an interview, following a pre-determined route.

#### *Māori and Pacific Peoples booster samples*

The sampling procedures for the Māori and Pacific Peoples boosters were much the same in principle as for the main sample. However, due to the much smaller total population size of each of these sub-groups, the number of location definitions used for sample selection was reduced from 14 to 5 (see Tables 2 and 3) for each booster.

**Table 2 Sample frame for Māori booster**

Location	Number of Households	%	Sample Size	No. of Areas
Upper North Island – Urban	73,632	37.1	95	19
Upper North Island – Rural	44,124	22.2	55	11
Lower North Island – Urban	33,213	16.7	40	8
Lower North Island – Rural	17,748	8.9	25	5
South Island	29,640	14.9	35	7
<b>TOTAL</b>	<b>198,357</b>	<b>100.0</b>	<b>250</b>	<b>50</b>

Source: Census 1996.

**Table 3 Sample frame for Pacific Peoples booster**

Location	Number of Households	%	Sample Size	No. of Areas	Adjusted No. of Areas	Adjusted Sample Size
Upper North Island – Urban	33,012	73.3	185	37	38	190
Upper North Island – Rural	2,214	4.9	10	2	2	10
Lower North Island – Urban	7,905	17.6	45	9	10	50
Lower North Island – Rural	321	0.7	0	0	0	0
South Island	1,584	3.5	10	2	0	0
<b>TOTAL</b>	<b>45,036</b>	<b>100.0</b>	<b>250</b>	<b>50</b>	<b>50</b>	<b>250</b>

Source: Census 1996

The two booster samples were defined and selected quite independently of each other. Sample sizes for each of the locations were calculated in direct proportion to the number of households with at least one person aged 18 and over who is a Māori or a Pacific Person, in each location.

In order to reduce fieldwork costs, it was decided to eliminate from the sample any areas whose Māori or Pacific Peoples population was less than 5% of the area's total population.

In the case of the Pacific Peoples booster, the decision was made not to interview anyone in the South Island. The Pacific Peoples population is very small and sparse in this part of the country, and the cost of collecting the 10 interviews required (see Table 3) would have outweighed the benefit of representing such a small proportion of the population in the sample. To compensate for this deletion, an additional area was selected from each of the upper and lower North Island urban areas.

In terms of selection, it was decided to allow the maps for the two booster samples to overlap, but the booster group maps were not allowed to overlap with areas selected for the main sample.

### **3 Fieldwork Procedure**

#### **3.1 Questionnaire preparation**

The Ministry of Justice, (with input from ACNielsen), prepared the content of the Attitudes and Knowledge questionnaire. ACNielsen was responsible for the questionnaire formatting, and for the pre-testing and piloting of the questionnaire throughout the various stages of its design and development.

Copies of the final questionnaire, screeners, showcards and other field materials used have been included in Appendix 2.

A pre-test of the first draft of the questionnaire was carried out in June 1998. Changes to the questionnaire were made and re-tested in a pilot survey comprising 50 interviews conducted 4–14 February 1999.

Following the pilot survey, the questionnaire was once again fine-tuned, the main objective being to reduce the overall survey length to closer to 35 minutes from the average of 46 minutes which was obtained in the pilot.

The final questionnaire was put out to field for the main fieldwork period 6 March – 2 May 1999.

A total of 1,506 interviews were obtained over this period, split out as follows:

- a) 1,006 (Main survey) interviews with respondents 18+ years;
- b) 250 (Māori booster) interviews with Māori respondents aged 18+ years;
- c) 250 (Pacific booster) interviews with Pacific Peoples respondents aged 18+ years.

Questionnaires and screener sheets were colour-coded to ensure that the results could be traced back to the sample type (i.e. Main, Māori booster or Pacific Peoples booster).

#### **3.2 Interviewer selection, training and briefing**

All interviewing was conducted by fully trained and briefed interviewers. Interviewers were given a detailed verbal briefing by their immediate supervisors. This was accompanied by comprehensive documented explanations and instruction in the survey methodology.

The instructions described in detail the call routine to be adhered to and the interviewing procedure to be followed on the Attitudes and Knowledge survey.

### **3.3 Increasing the response rate – Letterbox drop**

Each interviewer's first trip into their map areas was solely to hand-deliver an explanatory letter to all dwellings likely to be approached in the main survey areas (i.e. the first 15–20 consecutive homes from the interviewer's start point in each map area). No attempts were made to contact or interview potential respondents at this stage. This trip was additional to the three trips into the area permitted for actual interviewing.

The aim of the letterbox drop was to reduce the number of 'household refusals' (which typically comprise 15%–20% of all contacts), and, in so doing, increase the overall response rate. While we cannot accurately measure its actual effect, we do believe that the letterbox drop will have played some part in the pleasing response rates achieved (refer to Section 6).

Letters were delivered in those areas involved in the main survey only. No letters were dropped in booster areas for the following reasons:

- a) potential time and resource wastage in leaving letters at large numbers of non-qualifying households.
- b) potential negative PR when respondents expect to be interviewed, only to find they do not qualify as they are not a Māori or Pacific Person.

The letterbox drop was restricted to metropolitan and provincial urban areas only, a decision largely based on the facts that the cost of doing a letterbox drop in rural areas would be high and that the response rate in such areas is invariably higher than in urban areas.

In all, letters were dropped to approximately 70% of the interviewing clusters in the main sample areas.

The Ministry of Justice was responsible for developing and printing the letter, a copy of which has been included in this report (refer to Appendix 2). In each case, this letter was posted in an envelope with the Ministry logo on it. Interviewers wrote the home address on each envelope before dropping it in the letterbox – a tactic used to entice the household to open and read the letter rather than just discard it.

The letterbox drop was carried out 3–4 days prior to the interviewer commencing interviews in that area, to maximise its impact.

During the conduct of fieldwork itself, ACNielsen imposes a number of quality control procedures that have very important implications for ensuring the representativeness of the sample. These are described below.

### **3.4 Walk pattern**

Interviewers were allocated a starting point in each map area (i.e. a numbered house on a named street). The walk pattern involved turning right as they walked out into the street



from the house just called at (or starting point), thus walking in a clockwise direction. Interviewers called on consecutive dwellings until their cluster of five interviews for the map area was completed.

### **3.5 Call routine**

A total of five interviews per map area was obtained in both the main and booster areas.

In order to maximise the chances of obtaining interviews at initially-selected dwellings and to minimise replacement of dwellings, a maximum of three trips into any urban area and two trips into rural areas were permitted.

Up to six call-backs were made to a household before it was replaced, and at any time there could only be as many 'live' households as there were number of interviews left to complete in the map area.

### **3.6 Household replacement**

Some households had to be replaced, either because no contact was made even after the call-back routine was completed because the person who answered the door declined participation or because the selected respondent themselves declined.

All permanent private dwellings approached were included in the response-rate calculation (refer to Section 6), regardless of whether or not the house approached resulted in a completed interview. The outcomes of each household approached (refusals, completed interviews etc.) were detailed on call sheets filled in by interviewers on the spot.

### **3.7 Respondent selection**

A screener sheet was closely followed in each case to ensure that the respondent was eligible for survey. A separate screener sheet was used for the main survey and for Māori and Pacific Peoples boosters.

Interviewers were instructed to first show an official introductory letter to the door-opener. This letter covered issues of confidentiality and informed consent. It was developed by the Ministry of Justice and the required number of copies were printed by ACNielsen. The Ministry also provided translations of the letter into both Māori and Sāmoan, which were made available to the interviewers. Copies of this letter (all versions) have been included for reference in Appendix 2.

Because of the strong possibility of intra-household correlation on many behaviours and attitudes, a decision was made to interview only one person per household. The essential requirement is that the method used to select the one person should randomise the process of selection and remove any interviewer discretion from it. The 'next birthday' technique was selected.

To avoid self-selection bias, the selection procedure involved asking the door opener for the first names and month of birth of all people eligible for interview, whether for the main survey (all 18+ years), Māori booster (identified themselves as Māori and aged 18+ years) or Pacific Peoples booster (identified themselves as a Pacific person and aged 18+ years). Interviewers listed the names and birth months of all eligible occupants on the inside cover of the questionnaire. The interviewer then carefully selected from this list the person with the 'next birthday' as the required respondent.

In a flatting situation or where the door-opener didn't know the other occupants' birthdays, the occupant whose name started with the letter closest to 'a' in the alphabet was selected as the respondent.

The interviewer then asked to speak to the selected respondent, checked again that they qualified, and asked them to participate in the survey. The official introductory letter was then shown to the selected respondent (if different from the door-opener). No one other than the selected respondent was approached for interview.

## **4 Post-fieldwork audit and processing**

### **4.1 Post-fieldwork checking and auditing**

A number of post-fieldwork checks and audits were in place to ensure that survey results were accurate and consistent.

Regional supervisors were responsible for checking each interviewer's work including:

- a check of call sheets to ensure interviewers followed the correct calling and selection procedures for respondents;
- a 10% audit of each interviewer's work by telephoning the respondent to check that the interview took place and the checking of a selection of questions to ensure that responses have been recorded correctly.

The final level of checking and auditing took place after the completed questionnaires had been received at ACNielsen's Auckland office. Any questionnaires with incomplete or inconsistent data were returned to the regional supervisor or interviewer to re-contact the respondent.

### **4.2 Questionnaire editing and coding**

Computer-based checks and audits eliminated the need for any substantial editing, but to the extent that there was item non-response in the questionnaires, an appropriate edit code was assigned to the item.

Code 888888 (in the data file), for the uncoded question 4c 'amount of fine', refers to an 'unspecified' response, and 999999 pertains to a 'don't know' response.

In addition to editing, coding of any ‘other (specify)’ responses was the other main undertaking at this stage of the process. All questions already had comprehensive code frames attached. All existing code frames were developed by ACNielsen and the Ministry of Justice, from listings of open-ended responses acquired in the pilot survey, in particular, the code frames for Q 14b ‘when most recently a victim of crime’ and Q14c ‘crime types involved’.

Quality control on the editing and coding process was enhanced by using a small team of coders.

### **4.3 Data entry quality control**

Each questionnaire verified was re-entered by a different operator from the one who did the initial data entry. The other major quality control procedure for data entry was to use a very small and dedicated team of operators for the complete process.

### **4.4 Data cleaning**

Data cleaning involved checking a set of sample data cross-tabulations against the frequency counts derived from the data entry process, to ensure that base numbers were consistent and correct, and that questionnaire skips were correctly followed. At this stage, the meaning and sense of the data were also checked to ensure they contained no unexpected findings or fluctuations. Where there were inconsistencies or unexpected findings, the questionable questionnaires were re-examined for a ‘sense’ check.

## **5 Weighting methodology**

The weighting process for this survey consisted of two main steps. First, respondents were weighted to compensate for their different selection probabilities. Then rrim weighting was applied to align the survey results with known population figures for age, sex and ethnicity.

### **5.1 Selection probabilities**

Part of the sample design for this survey was the over-sampling of Māori and Pacific Peoples respondents. This was done to provide sufficiently large samples for reliable analyses of these groups.

Because only one person was selected for interview from each selected household, the respondents’ probability of selection was also inversely proportional to the number of people eligible to be selected in that household.

To compensate for these factors, each person was weighted by the number of people eligible to be selected in that household. This was either the number of people aged 18 or over (for households approached as part of the main sample) or the number of Māori

or Pacific Peoples aged 18 or more (for households interviewed as part of the Māori or Pacific Peoples booster samples). The over-sampling of Māori and Pacific Peoples was also compensated for by the ethnicity rim-weighting control described in 5.2. This gives similar results to the household weighting method described by J. Elisabeth Wells in *The Australian and New Zealand Journal of Statistics*, vol. 40, no. 3, September 1998. While this method is known to be inefficient when the over-sampled group makes up a small proportion of each household, Wells showed it was efficient in situations like this where the oversampled group is clustered in certain households.

## 5.2 Rim weighting

Rim weighting is a well established technique that helps to correct for non-response, while slightly increasing efficiency. It aligns the survey results with known population figures on each of a number of population classifications or rims.

The rim process works as follows: the sample is aligned with population figures for the first rim, by adjusting the initial weight described above (the eligible household size). This is a simple process known as post-stratification. This is done for each rim in turn, using the weights from the previous stage as input to the next. Because aligning later rims will have pulled the earlier rims slightly out of alignment, this whole process is repeated to bring the rims into even closer alignment and repeated again many times until all the rims are aligned within close tolerances.

Two rims were used:

- 1 ethnicity (as mentioned above);
- 2 sex interlaced with age groups.

Prioritised ethnicity was used, following the Statistics New Zealand definition.

Details of the classifications used are shown in the tables facing, with the corresponding population figures.

**Table 4 Interlaced sex and age population figures**

<b>Sex and Age</b>	<b>Population</b>	<b>%</b>
Males 18–19 Years	52,716	2.0
Females 18–19 Years	51,729	2.0
Males 20–29 Years	267,285	10.2
Females 20–29 Years	277,776	10.6
Males 30–39 Years	281,745	10.7
Females 30–39 Years	296,952	11.3
Males 40–49 Years	245,688	9.3
Females 40–49 Years	250,539	9.5
Males 50–59 Years	172,137	6.6
Females 50–59 Years	173,187	6.6
Males 60–69 Years	132,606	5.0
Females 60–69 Years	135,633	5.2
Males 70+ Years	116,928	4.4
Females 70+ Years	172,767	6.6
<b>Total</b>	<b>2,627,688</b>	<b>100.0</b>

Source: Statistics New Zealand.

**Table 5 Ethnicity population figures**

<b>Ethnic Group</b>	<b>Population</b>	<b>%</b>	<b>Adjusted Population</b>	<b>%</b>
NZ European/Pakeha	1,997,187	76.0	2,088,820	79.5
Māori	294,756	11.2	308,280	11.7
Pacific Peoples	101,985	3.9	106,664	4.1
Other	118,491	4.5	123,927	4.7
Not specified	115,272	4.4		
<b>Total</b>	<b>2,627,691</b>	<b>100.0</b>	<b>2,627,691</b>	<b>100.0</b>

Notes: a) Ethnicity based on prioritised membership.

b) Not specified ethnic group has been re-distributed on a pro-rata basis among known groups.

Source: Statistics New Zealand.

## 6 Response rate analysis

### Main Survey

<b>(A) Total households approached</b>		<b>1500</b>
Holiday homes / empty homes	75	
<b>(B) Total occupied households approached</b>		<b>1425</b>
No one home / unapproachable household	64	
<b>(C) Total households where contact made</b>		<b>1361</b>
No one aged 18+ years in household	1	
<b>(D) Total eligible households</b>		<b>1360</b>
Household refusals	138	
Respondent not interviewable (language etc.)	37	
Respondent refusal	130	
Not available during survey period	46	
Interview not completed	2	
Appointment arranged but not kept	1	
<b>(E) Total completed interviews</b>		<b>1006</b>

<b>Response rate</b>	<b>(E/B)</b>	<b>71%</b>
<b>Conversion rate</b>	<b>(E/D)</b>	<b>74%</b>

**Māori Booster**

<b>(A) Households approached</b>		<b>1543</b>
Holiday homes / empty homes	50	
<b>(B) Total occupied households approached</b>		<b>1493</b>
No one home / unapproachable household	70	
<b>(C) Total households where contact made</b>		<b>1423</b>
No Māori person aged 18+ years in household	2	
No Māori people in household	1072	
<b>(D) Total eligible households</b>		<b>349</b>
Household refusals	35	
Respondents not interviewable (language etc.)	4	
Respondent refusal	37	
Not available during survey period	18	
Interview not completed	2	
Appointment arranged but not kept	3	
<b>(E) Total completed interviews</b>		<b>250</b>

<b>Conversion rate</b>	<b>(E/D)</b>	<b>72%</b>
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Note: It is not valid to create a response rate using the same definition as is used for the main sample, because all households contacted where there are no Māori residents are ineligible by definition.

**Pacific Peoples Booster**

<b>(A) Households approached</b>		<b>1011</b>
Holiday homes / empty homes	11	
<b>(B) Total occupied households approached</b>		<b>1000</b>
No one home / unapproachable household	41	
<b>(C) Total households where contact made</b>		<b>959</b>
No Pacific person in household	582	
<b>(D) Total eligible households</b>		<b>377</b>
Household refusals	29	
Respondents not interviewable (language etc)	7	
Respondent refusal	45	
Not available during survey period	45	
Appointment arranged but not kept	1	
<b>(E) Total completed interviews</b>		<b>250</b>

<b>Conversion rate</b>	<b>(E/D)</b>	<b>66%</b>
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Note: It is not valid to create a response rate using the same definition as is used for the main sample, because all households contacted where there are no Pacific Peoples residents are ineligible by definition.



## 7 Sample characteristics

Full sample n=1506

### Sex and Age

	Unweighted No.	Weighted No.	Weighted %
Males	651	727	48
Females	855	779	52
18–19 years	57	60	4
20–29 years	282	312	21
30–39 years	362	331	22
40–49 years	321	285	19
50–59 years	196	198	13
60–69 years	150	154	10
70+ years	137	166	11
Refused	1	-	-
TOTAL	1506	1506	100

### Ethnic Origin

	Unweighted No.	Weighted No.	Weighted %
NZ European/Pakeha	769	1059	70
English	150	177	12
Dutch	20	23	2
Australian	19	23	2
Scottish	88	90	6
Irish	51	46	3
German	4	4	-
Other European	47	54	4
NZ Māori	393	178	12
Sāmoan	153	33	2
Cook Island Māori	72	16	1
Tongan	46	10	1
Niuean	21	5	-
Tokelaun	10	2	-
Fijian	16	3	-
Other Pacific Island	1	-	-
Chinese	28	41	3
Indian	12	12	1
Other	20	27	2
Base	1506	1506	100

Note: Multiple ethnicities were given in some cases. In such cases, the method of classification used by Statistics NZ was used, i.e. persons who specified more than one ethnic group were placed in the category that is highest on the prioritised list. The order used is: NZ Māori, Pacific Peoples, Asian, Other, European only.

## **8 New Zealand Socio-Economic Index Categories (NZSEI) defined**

### **8.1 Background**

The NZSEI is a ‘continuous scale of socio-economic status which provides a robust, standardised and internationally comparable measure of occupational class’.

Although this method of classification was originally tested in the health sector, this product has been developed by Statistics New Zealand with a view to being widely applicable to both social research and official statistics.

Statistics New Zealand has modelled the NZSEI on the International Socio-Economic Index (ISEI) developed by Ganzeboom et al. (1992; 1996), to which results have been shown to have a reasonably close fit.

The overall premise of the model is that:

“there exists a fundamental relationship between cultural capital or resources (education) and access to material rewards (income), and that this relationship is mediated through the occupational structure”.

Put quite simply, the index assumes that a person’s occupation provides a reasonable basis on which to assign them a position on the socio-economic hierarchy.

In the past, the Elley-Irving scale has been the most widely used method of measuring socio-economic status in the New Zealand research community. However, changes in occupational structures, combined with demographic and social changes, have rendered this method outdated. In response, the NZSEI has been developed in line with current occupational structures in New Zealand, using data from the 1991 Census and the New Zealand Standard Classification of Occupations 1990.<sup>21</sup> Furthermore, it takes advantage of more advanced techniques in statistical modelling.

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<sup>21</sup> The NZSCO groups together occupations with similar skills requirements.

## 8.2 Deriving socio-economic level

The New Zealand Standard Classification of Occupations (1995) was used to code each respondent's described occupation.

The second spreadsheet contains a summary of the four digit codes assigned above. It comprises a list of all occupations, grouped according to the first three digits in the four digit codes assigned. The descriptions that accompany these codes are therefore broader classifications of occupational groupings.

A two digit NISEI code is allocated to each of these broader three digit occupational groupings. This code is then directly translated into one of seven socio-economic groups, according to where the NISEI code falls within the following ranges.

It should be noted that the scaling used in the NISEI has no conceptual basis. Statistics New Zealand adopted the 10–90 scale that was used in the original ISEI model. The six principal ranges used have been split in such a way as to ensure each class consists of a reasonable proportion of the population.

Class 1 is the highest socio-economic group and class 6 is the lowest.

NZSEI Range		Socio-economic Class
75–90	=	1
60–74	=	2
50–59	=	3
40–49	=	4
30–39	=	5
10–29	=	6
Other	=	7

Source: Statistics New Zealand, 1997. The New Zealand Socio-economic Index of Occupational Status (NZSEI), Research report #2.



## Appendix 2: Field Materials

This section comprises a copy of the following materials used in the field:

- **Letterbox drop letter**
- **Official introductory letter**
  - English version
  - Māori version
  - Sāmoan version
- **Screener sheets**
  - Main survey
  - Māori booster
  - Pacific Peoples booster
- **Main questionnaire**
- **Showcards**
- **Concept cards**

## Ministry of Justice logo

Dear Residents

### Survey on Attitudes and Knowledge about the Criminal Justice System

In a few days time an interviewer from the research company ACNielsen will be in your area. The interviewer may ask someone from your home to do an interview for this survey, which is being carried out throughout New Zealand from March to May, for the Ministry of Justice.

We want to find out what New Zealanders think about

- crime in New Zealand
- the seriousness of crimes
- the sentences that are given for crimes, and
- how good a job professionals in the Criminal Justice Sector are doing.

**The survey is completely confidential and no individual will be able to be identified in the research.**

Please help us with this interesting and important survey. If an ACNielsen interviewer knocks on your door, the interviewer will show identification and ask to select one person from your house who is 18 years or older, for an interview. It will take approximately 35 minutes to complete.

Thank you for reading this letter. **Please show it to everyone in your household.** And if you are selected, we hope you enjoy giving your views on these issues.

Yours sincerely

Colin Keating  
Secretary for Justice

## Ministry of Justice logo

1 February 1999

### Survey on Attitudes and Knowledge about the Criminal Justice System

The Ministry of Justice has commissioned ACNielsen to conduct a survey to find out what people think about crime in New Zealand, the seriousness of crimes, the sentences that are given for crimes, and how good a job professionals in the Criminal Justice Sector are doing.

We are interviewing 1500 people throughout New Zealand. You are one of the people who has been chosen at random.

We would be grateful if you would take part in the research as your views are important to us. Please note that

- your participation is voluntary,
- what you say will be completely confidential, and
- all survey information will be securely stored.

A summary of the findings will be available later in the year. Please let the interviewer know if you would like a copy of these sent to you.

Please take this chance to tell us your views on crime and sentencing.

Thank you for your help.

Yours sincerely

Colin Keating  
Secretary for Justice

## Ministry of Justice logo

### He tiro whānui kia kitea ai ngā Waiaro me to Mōhio ki te Pūnaha Ture Taihara

Kua utua e Te Manatū Ture a ACNielsen ki te whakahaere i tētahi tiro whānui kia kitea ai he pēhea ngā whakaaro o ngā tāngata mō te taihara i roto Aotearoa, mō te kaha kikino o ngā taihara, mō ngā whiu kei te whakataua mō ngā taihara, ā, he pēhea te pai o ngā tāngata ngaio o te Wāhanga Pūnaha Ture Taihara ki ā rātou mahi.

Kotahi mano, e rima rau ngā tāngata puta noa i Aotearoa kei to patapaitia e mātou. Ko koe tētahi o taua hunga kua whiria matapōkeretia.

Ka tino koa rawa atu mātou mehemea ka uru mai koe ki roto i te rangahau i te mea, he tino whai tikanga ō whakaaro ki a mātou. Kia āta mahara mai ki ēnei kōrero

- kei a koe ake te tikanga ki te whakauru mai, ki te noho atu rānei ki waho
- ahakoa he aha ō kōrero, ka noho tapu katoa aua kōrero, ā,
- ka waihotia katoatia ngā whakamōhiohio o te tiro whānui ki tētahi wāhi whita.

A muri ake nei o te tau e wātea atu ai he rāpopototanga o ngā whakataunga. Me āta mea atu ki te kaipatapatai i te wā e patapaitia koe, mēnā ka hiahia koe kiā tukuna atu he tauria o ngā whakataunga nei ki a koe.

He wā tēnei mōu ki te whakaputa mai i ō whakaaro ki a mātou mō te taihara mō te whiu nā reira, āta whāia mai te wā kua hoatu nei ki a koe.

Kei to mihi kau atu ki tō āwhina, nā reira kia ora.

Nāku iti noa

nā Colin Keating  
Hēkeretari o Te Manatū Ture



## Ministry of Justice logo

### Su'esu'ega i Uiga ma Iloa aga'i i Auala o Sofigātulāfono ma Faamasinoga

Ua faauuina e le Matāgaluega o Faamasinoga ia le Susuga a ACNielsen e avea ma faatonu o le su'esu'ega e sa'ili'ili ai poo ā tonu manatu o tagata e faatatau i soligātulāfono i Niu Sila, le mātuiā o soligātulāfono, faasalaga ua faia mo nei soligātulāfono, ma, e faapefea le lelei o le faiga o nei galuega e le 'au fai tōfiga i totonu o le Matātā o Faamasinoga o Soligātulāfono.

O loo faasolo faatalanoaina tagata e 1500 i Niu Sila atoa. Ua soona tofia mai 'oe i le lautele o tagata-a-nuu.

Ua matou talisapaia lou 'auai mai i lenei su'esu'ega, ona e tāua tele ia I matou ni ou taofi. Malie, ia e mautinoa:

- o lou 'auai mai ua tuu faitalia,
- o ou manatu e faaalua mai, o le a nātia faalilolilo, ma
- o faamatalaga uma o le su'esu'ega, o le a tau faamausali.

O aiaiga maua o le su'esu'ega, o le a matala avanoa i se taimi mulimuli ane o le tausaga. Malie e te logoina le tagata sa oulua talanoa, pe afai e te faafinagaloina se tala o nei su'esu'ega, e lafo atu ia te 'oe.

Ia e malie e te faaaogāina lenei avanoa, e ta'u mai ai ou manatu aga'i i soligātulafono ma faasalaga.

Faafetai mo lau fesoasoani.

Soifua,

Colin Keating  
Failautusi o Faamasinoga

## Main Survey Screener Sheet

### Attitudes and Knowledge about the Criminal Justice System Job No. 2601011

#### Introduction

*Good (morning/afternoon/evening) my name is ... .... from ACNielsen the market research company. We are conducting a survey on behalf of the Ministry of Justice. The survey is to find out what people think about crime in New Zealand, the seriousness of crimes, the sentences that are given for crimes, and how good a job some criminal justice professionals are doing. Your household may have received a letter a few days ago about this survey.*

#### **INTERVIEWER PLEASE HAND. DOOR-OPENER OFFICIAL INTRODUCTORY LETTER FROM MINISTRY OF JUSTICE. ALLOW TIME TO READ**

*It is very important that we interview a representative selection of New Zealanders for this survey, so I have to ask you a few questions to help me select who in your household is the right person for me to talk to.*

*Can you please tell me the first name and month of birth of **all people aged 18 years and over** who live here at the present time.*

#### **RECORD NAMES AND BIRTH MONTHS ON INSIDE COVER OF QUESTIONNAIRE TO SELECT CORRECT RESPONDENT**

---

#### **ONCE CORRECT RESPONDENT SELECTED .....**

*.... (**Name**) is the person I need to interview. Is s/he available now?*

#### **ARRANGE CALLBACK OR REINTRODUCE IF NECESSARY.**

#### **Correct respondent**

*We are an independent market research company and all of our work is completely confidential. Your answers will be combined with those of other people we talk to and there will be nothing in the results that could identify you.*

#### **IF NOT ALREADY SEEN, HAND RESPONDENT OFFICIAL INTRODUCTORY LETTER AND ALLOW TIME TO READ.**

The survey will take approximately 35 minutes to complete. Can I talk to you now or may I call back at a later time?

#### **IMPORTANT: IF 'YES CONTINUE NOW' OR APPOINTMENT MADE – PLEASE DOUBLE CHECK THAT RESPONDENT IS AGED 18+ YEARS.**

**PEOPLE WHO CAN HELP**  
**(Co-ordinator please fill in for each area)**

**Victim Support** (24 hr emergency phone lines)

**Family Court**

**The Police** (24 hr emergency phonelines) 111

**Dept of Social Welfare Office**

**Children, Young Persons' and their Families Service** (24 hr emergency phone lines)

**Women's Refuge** (24 hr emergency phone lines)

**Stopping Violence Services** (Men for Non Violence)

**Citizens Advice Bureau**

**Rape Crisis** (24 hr emergency phone lines)

**Awhina Wahine**

**Age Concern**

**Church Groups**

**Māori Women's Welfare League**

**Your family doctor**

**Your family lawyer**

**Homicide Survivors Group** Akl 09 480-4811, or 09 445-6431,  
Chch 03 342-6377

**Māori Booster Screener**  
**Attitudes and Knowledge about the Criminal Justice System**

**Introduction**

*Good (morning/ afternoon/ evening) my name is ... .... from ACNielsen the market research company. We are conducting a survey on behalf of the Ministry of Justice. The survey is to find out what people think about crime in New Zealand, the seriousness of crimes, the sentences that are given for crimes, and how good a job some criminal justice professionals are doing.*

*To complete my quota of interviews I need to speak to a Māori person. Is there anyone in this household who is Māori? **If respondent unsure: Check whether they consider themselves to be Māori***

Yes - Continue

No - Terminate

**INTERVIEWER PLEASE HAND DOOR-OPENER OFFICIAL INTRODUCTORY LETTER FROM MINISTRY OF JUSTICE. ALLOW TIME TO READ**

*It is very important that we interview a representative selection of New Zealanders for this survey, so I have to ask you a few questions to help me select who in your household is the right person for me to talk to.*

*Can you please tell me the first name and month of birth of **all Māori people aged 18 years and over** who live here at the present time.*

**RECORD NAMES AND BIRTH MONTHS ON INSIDE COVER OF QUESTIONNAIRE TO SELECT CORRECT RESPONDENT**

---

**ONCE CORRECT RESPONDENT SELECTED .....**

*... (**Name**) is the person I need to interview. Is she available now?*

**ARRANGE CALLBACK OR REINTRODUCE IF NECESSARY.**

**Correct respondent**

*We are an independent market research company and all of our work is completely confidential. Your answers will be combined with those of other people we talk to and there will be nothing in the results that could identify you.*

**IF NOT ALREADY SEEN, HAND RESPONDENT OFFICIAL INTRODUCTORY LETTER AND ALLOW TIME TO READ.**

*The survey will take approximately 35 minutes to complete. Can I talk to you now or may I call back at a later time?*

**IMPORTANT: IF 'YES CONTINUE NOW' OR APPOINTMENT MADE – PLEASE DOUBLE CHECK THAT RESPONDENT IS MĀORI AND AGED 18+ YEARS.**

---

**PACIFIC ISLAND BOOSTER SCREENER**  
**Attitudes and Knowledge about the Criminal Justice System**  
**Job No. 2601011**

**Introduction**

*Good (morning/afternoon/evening) my name is ... .... from ACNielsen the market research company. We are conducting a survey on behalf of the Ministry of Justice. The survey is to find out what people think about crime in New Zealand, the seriousness of crimes, the sentences that are given for crimes, and how good a job some criminal justice professionals are doing.*

*To complete my quota of interviews I need to speak to a Pacific person. Is there anyone in this household who is for example Samoan, Cook Island Māori, Tongan, Niue, Fijian or Tokelaun? **If respondent unsure: Check whether they consider themselves to be any of these.***

**Yes – Continue**  
**No – Terminate**

**INTERVIEWER PLEASE HAND DOOR-OPENER OFFICIAL INTRODUCTORY LETTER FROM MINISTRY OF JUSTICE. ALLOW TIME TO READ**

*It is very important that we interview a representative selection of New Zealanders for this survey, so I have to ask you a few questions to help me select who in your household is the right person for me to talk to.*

*Can you please tell me the first name and month of birth of **all Pacific people aged 18 years and over** who live here at the present time.*

**RECORD NAMES AND BIRTH MONTHS ON INSIDE COVER OF QUESTIONNAIRE TO SELECT CORRECT RESPONDENT**

---

**ONCE CORRECT RESPONDENT SELECTED**

.....

*.... (Name) is the person I need to interview. Is slbe available now?*

**ARRANGE CALLBACK OR REINTRODUCE IF NECESSARY.**

**Correct respondent**

*We are an independent market research company and all of our work is completely confidential. Your answers will be combined with those of other people we talk to and there will be nothing in the results that could identify you.*

IF NOT ALREADY SEEN, HAND RESPONDENT OFFICIAL INTRODUCTORY LETTER AND ALLOW TIME TO READ.

The survey will take approximately 35 minutes to complete. Can I talk to you now or may I call back at a later time?

**IMPORTANT: IF ‘YES CONTINUE NOW’ OR APPOINTMENT MADE – PLEASE DOUBLE CHECK THAT RESPONDENT IS A PACIFIC PERSON AND AGED 18+ YEARS.**

# ATTITUDES AND KNOWLEDGE ABOUT THE CRIMINAL JUSTICE SYSTEM

JOB NO. 2601011

MAIN SURVEY

*Day and Month*

--	--

--	--

9	9
---	---

*Record Address in Full*

--

*Area Name*

--

*Area Unit No.*

--	--	--	--

*Household No.*

--	--	--

*Calls to obtain*

--

*Interviewer No.*

--	--	--	--



RECORD START TIME

**SECTION 1**

**SHUFFLE CARDS AND HAND TO RESPONDENT**

**Q1** *These cards each contain a short description of a crime. They are not in any particular order.  
I would like you to arrange the cards in order, from the most serious crime to the least serious crime.  
**IF NECESSARY.** There is no right or wrong answer. It is just your opinion we are interested in.*

Most serious  
-  
-  
-  
-  
Least serious

**RECORD  
2 DIGIT  
CARD  
NUMBER  
BELOW**


**SHOWCARD 2**

**Q2** *This card contains a list of different sentences. I'd like you to take a little time to familiarise yourself with it because you will use it quite a bit.  
  
Thinking again about the crimes which you have just put in order. I would like you to decide what you think would be the most appropriate sentence to be served by a person convicted of this crime. Please read out the number next to the sentence you have chosen.  
  
You can choose the same sentence for more than one crime.*

**READ LIST STARTING AT \***

**RECORD  
ONE  
SENTENCE  
OPTION  
FOR EACH  
BELOW**

1	A man assaults his female partner.	
2	Burglary with a weapon.	
3	Drunk driving.	
4	Importing heroin with a street value of \$100,000.	
5	Fraud of \$50,000.	
6	Possession of 10 grams of marijuana, that is the equivalent of one or two cigarettes worth. <b>IF NECESSARY:</b> <i>Marijuana and cannabis are the same thing</i>	

**Q3** *I am now going to read you six short statements. Each statement involves a person committing a crime. After I have read each one I am going to ask you a few questions about it.*

**START AT THE \***

**READ FIRST SCENARIO. ASK QUESTIONS 3a – 3c AND RECORD CODES IN TABLE OPPOSITE. REPEAT FOR ALL SCENARIOS**

**CODE 99 FOR 'DON'T KNOW'**

**Q3a)** *From **Showcard 2**, which of these do you think is the most appropriate sentence?*  
**CODE UP TO THREE IN COL 3A BUT DO NOT ENCOURAGE MORE THAN ONE**

**SHOWCARD 3B**

**Q3b)** *Now, in relation to the sentence you gave them, what do you think that sentence is trying to achieve? You may choose up to three aims from **Showcard 3B**, but if you think only one aim is necessary, then select only one. Please read out the number next to each aim you choose.*

**CODE UP TO THREE AIMS IN COL 3B**

**Q3c)** *And of these aims, which **one** do you think is the most important?*  
**CODE ONE ONLY IN COL 3C**



**WRITE CODES IN BOXES BELOW. CODE '99' FOR 'DON'T KNOW'**

	<b>COL 3A</b> Sentence Option. Record more than one only if mentioned	<b>COL 3B</b> Aims (up to 3)	<b>COL 3C</b> Most Important Aim
<b>1</b> John, aged 45, used a client's money which should have been held in trust, as a \$50,000 deposit to buy an apartment for himself. At the time of the offence, John was a partner in a city legal firm. He has no previous convictions.	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	
<b>2</b> Peter, aged 32, threw a vase at his partner after a night out drinking with friends. His partner required several stitches to her head and she was off work for three days. Peter, a bank clerk, has prior convictions for this type of assault.	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	
<b>3</b> Joe, aged 18 and a labourer, was charged with driving with an excess breath alcohol level over twice the legal limit, after a police car chase. Joe has prior traffic convictions.	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	
<b>4</b> Mary, a 28-year-old single parent, was caught by customs officers trying to smuggle heroin into New Zealand for resale. The heroin was estimated to have a street value of \$100,000. She has no previous criminal convictions.	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	
<b>5</b> Paul, aged 22 and unemployed, broke into an elderly couple's house. When the elderly man got up to investigate the noise, Paul threatened him with a gun, and then fled. He has previous convictions for breaking and entering.	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	
<b>6</b> Jane, a 19-year-old student, was arrested for smoking marijuana after police were called to a noisy party. Jane was found to have 10 grams of marijuana in her possession. She has no previous convictions. Remember that 10 grams of marijuana is the equivalent of one or two cigarettes. <b>IF NECESSARY:</b> <i>Marijuana and cannabis are the same thing</i>	1 _____ (2 _____ ) (3 _____ )	1 _____ 2 _____ 3 _____	

- Q4** *I am now going to read the same statements to you again. This time I will tell you the sentence that the person was **actually given** and will ask you for your opinion about it.*

**START AT THE \***

**READ OUT FIRST STATEMENT AND ITS SENTENCE.  
ASK QUESTIONS Q4a – Q4c AND RECORD CODES IN  
TABLE OPPOSITE. REPEAT FOR ALL SCENARIOS**

**CODE '99' FOR DON'T KNOW**

**SHOWCARD 4A**

- Q4a)** *Do you think this sentence was far too heavy, a little too heavy, about right, a little too light or far too light?*

**CODE ONE ONLY IN COL 4A**

**SHOWCARD 4B**

- Q4b)** *What about if **(NAME)** was given a fine, that is, ordered to pay money to the court, rather than **(SENTENCE)**. Looking at this showcard, do you think a fine would be more suitable or less suitable than the sentence he/she was given?*

**CODE ONE ONLY IN COL 4B**

**IF CODED 1 OR 2 AT Q4b ASK:**

- Q4c)** *What **amount** of fine should **(NAME)** receive instead of **(SENTENCE GIVEN)**?*

**WRITE IN AMOUNT IN COL 4C**

**WRITE CODES IN BOXES BELOW. CODE '99' FOR 'DON'T KNOW'**

	<b>COL 4A</b> Rating code	<b>COL 4B</b> Suitability of fine	<b>COL 4C</b> Amount of fine
<p><b>1</b> John, aged 45, used a client's money which should have been held in trust, as a \$50,000 deposit to buy an apartment for himself. At the time of the offence, John was a partner in a city legal firm. He has no previous convictions.</p> <p><b>John was sentenced to 150 hours of community service.</b></p>			
<p><b>2</b> Peter, aged 32, threw a vase at his partner after a night out drinking with friends. His partner required several stitches to her head and she was off work for three days. Peter, a bank clerk, has prior convictions for this type of assault.</p> <p><b>Peter was sentenced to 6 months periodic detention</b></p>			
<p><b>3</b> Joe, aged 18 and a labourer, was charged with driving with an excess breath alcohol level over twice the legal limit, after a police car chase. Joe has prior traffic convictions.</p> <p><b>Joe was sentenced to 6 months periodic detention.</b></p>			
<p><b>4</b> Mary, a 28-year-old single parent, was caught by customs officers trying to smuggle heroin into New Zealand for resale. The heroin was estimated to have a street value of \$100,000. She has no previous criminal convictions.</p> <p><b>Mary was sentenced to 5 years imprisonment.</b></p>			
<p><b>5</b> Paul, aged 22 and unemployed, broke into an elderly couple's house. When the elderly man got up to investigate the noise, Paul threatened him with a gun, and then fled. He has previous convictions for breaking and entering.</p> <p><b>Paul was sentenced to 2 years imprisonment.</b></p>			
<p><b>6</b> Jane, a 19-year-old student, was arrested for smoking marijuana after police were called to a noisy party. Jane was found to have 10 grams of marijuana in her possession. She has no previous convictions.</p> <p><b>Jane was convicted and discharged.</b></p> <p><b>IF NECESSARY:</b> <i>Marijuana and cannabis are the same thing.</i></p>			

**SECTION 2**

**SHOWCARD 5**

**Q5**

*Now I'd like to talk about groups of people who do different jobs in the criminal justice system. We would like to know how good a job you think each of these groups of people are doing, using one of the options on this card.*

**READ LIST STARTING AT THE \***

*Firstly ( ...GROUP...). In general, do you think (GROUP) are doing an excellent job, a good job, a fair job, a poor job or a very poor job?*

How about (GROUP) .....?

**REPEAT FOR ALL GROUPS.**

**CODE ONE  
ONLY FOR  
EACH  
GROUP**

	<b>Excell-ent</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>	<b>Very Poor</b>	<b>Don't Know</b>
a) The police	1	2	3	4	5	9
b) Criminal lawyers	1	2	3	4	5	9
c) Judges	1	2	3	4	5	9
d) Juries	1	2	3	4	5	9
e) Probation officers	1	2	3	4	5	9
f) The prison service	1	2	3	4	5	9
g) Groups who provide services for victims, such as Women's Refuge, Rape Crisis, Victim Support	1	2	3	4	5	9

**SECTION 3**

*If you don't know an answer to the next few questions, please give me your best guess. We are equally interested in what you **think** the answer might be.*

**Q6**

**SHOWCARD 6**

*Using this card, please tell me whether you think that the amount of crime reported to the police for the country as a whole has changed over the past two years. Do you think there is...*

**READ OUT**

- A lot more crime..... 1
- A little more crime..... 2
- About the same..... 3
- A little less crime, or..... 4
- A lot less crime than 2 years ago ..... 5
- Don't know ..... 9

**CODE ONE ONLY**

**Q7**

*Of every 100 crimes reported to the police, roughly what number do you think involve violence or the threat of violence?*

**IF NECESSARY:** *If you don't know, please just guess*

**WRITE IN 3 DIGIT NUMBER BELOW**

--	--	--

**CODE '999' IF 'DON'T KNOW'**

**Q8**

*Of every 100 New Zealand households, roughly what number, on average, do you think will be burgled over one year?*

**IF NECESSARY:** *If you don't know, please just guess*

**WRITE IN 3 DIGIT NUMBER BELOW**

--	--	--

**CODE '999' IF 'DON'T KNOW'**

**Q9**

**SHOWCARD 9**

*Using this card what do you think is the **average** cost of keeping a person in prison for one year?*

**IF NECESSARY:** *If you don't know, please just guess.*

- \$15,000 ..... 1
- \$35,000 ..... 2
- \$55,000 ..... 3
- \$75,000 ..... 4
- Don't know ..... 9

**CODE ONE ONLY**

*Again, if you don't know an answer to the next few questions, please give me your best guess. We are equally interested in what you **think** the answer might be.*

*What do you think is the **maximum** number of years in prison that a judge can sentence a rapist to?*

**Q10a)** **IF NECESSARY:** *If you don't know, please just guess*

**WRITE IN**

Years \_\_\_\_\_

**Q10b)** *If a rapist is sentenced to prison, how many years do you think he will be **sentenced to on average?***

**IF NECESSARY:** *If you don't know, please just guess.*

Years \_\_\_\_\_

**Q10c)** *If a rapist is sentenced to prison, how many years do you think he will **actually spend** in prison **on average?***

**IF NECESSARY:** *If you don't know, please just guess.*

Years \_\_\_\_\_

**Q11** *If someone is sentenced to serve a life sentence of imprisonment, how long do you think he or she will **actually spend** in prison **on average?***

**IF NECESSARY:** *If you don't know, please just guess.*

Years \_\_\_\_\_

**Q12** *For every 100 criminals who are convicted of any crime, roughly what number do you think are **reconvicted** of any crime within 2 years?*

**IF NECESSARY:** *If you don't know, please just guess.*

**WRITE IN 3  
DIGIT  
NUMBER  
BELOW**

--	--	--

**CODE '999' IF  
'DON'T  
KNOW'**

**Q13** *For every 100 people who are charged with an offence and remanded on bail until the case is heard, roughly what number do you think **get caught for offending while on bail?***

**WRITE IN 3  
DIGIT  
NUMBER  
BELOW**

--	--	--

**CODE '999' IF  
'DON'T  
KNOW'**

**SECTION 4**

*And, as the last section of the interview, I have a few questions about yourself. As I said at the beginning of the interview your answers will be combined with those of other people we talk to and there will be nothing in the results that could identify you or your answers.*

*First, a few questions about your experience of crime and the criminal justice system. If you do not want to answer a particular question, please just let me know.*

**Q14a)** *Have you ever been a victim of crime?*

- |               |   |                   |
|---------------|---|-------------------|
| Yes.....      | 1 | } → GO TO<br>Q15a |
| No .....      | 2 |                   |
| Refused ..... | 8 |                   |

**Q14b)** *Can you tell me how long ago you were **most recently** a victim of a crime? **IF NECESSARY:** just an estimate is OK.*

**CODE ONE ONLY BELOW**

- |                    |                                       |   |
|--------------------|---------------------------------------|---|
| <b>DO NOT READ</b> | Within the last 6 months .....        | 1 |
|                    | 6 months – less than 1 year ago ..... | 2 |
|                    | 1 year – less than 2 years ago .....  | 3 |
|                    | 2 years – less than 5 years ago ..... | 4 |
|                    | 5 years ago or more.....              | 5 |
|                    | Don't know .....                      | 9 |

**Q14c)** *Could you please tell me what the crime was? **PROBE TO CLARIFY***

**CODE ALL THAT APPLY**

- |                    |   |    |
|--------------------|---|----|
| <b>DO NOT READ</b> |   |    |
|                    | <b>Threats</b> (e.g. verbal & physical) .....                           | 01 |
|                    | <b>Sexual offending</b> (e.g. rape, incest, indecent assault etc.) .... | 02 |
|                    | <b>Domestic violence</b> (e.g. violence against child or partner) .     | 03 |
|                    | <b>Other assault</b> (non domestic, non-sexual) .....                   | 04 |
|                    | <b>Drunk driving</b> .....  | 05 |
|                    | <b>Burglary</b> (e.g. breaking & entering) .....                        | 06 |
|                    | <b>Fraud</b> (e.g. credit card or cheque fraud) .....                   | 07 |
|                    | <b>Theft</b> (e.g. car or bike theft, shoplifting etc.) .....           | 08 |
|                    | <b>Wilful damage</b> (e.g. graffiti, vandalism etc.) .....              | 09 |
|                    | <b>Other (please specify)</b> _____                                     |    |
|                    | _____   |    |
|                    | _____   | 97 |

<b>Q15a)</b>	<i>Most people have some contact with the police or the court system at some time in their lives. The next few questions are about contacts that <b>you personally</b> may have had with the police or the court system.</i>		
	<i>Firstly, have you ever served on a jury?</i>		
	Yes.....	1	
	No.....	2	
	Refused.....	8	
<b>Q15b)</b>	<i>Have you ever reported a crime to the police?</i>		
	Yes.....	1	
	No.....	2	
	Refused.....	8	
<b>Q15c)</b>	<i>Have you ever been convicted of an offence?</i>		
	Yes.....	1	
	No.....	2	} GO TO
	Refused.....	8	} → Q16
<b>Q15d)</b>	<i>Have you ever served time in prison?</i>		
	Yes.....	1	
	No.....	2	
	Refused.....	8	
<b>Q16</b>	Record sex		
	Male.....	1	
	Female.....	2	
<b>Q17</b>	<b>SHOWCARD 17</b> <i>Which of the categories on this card corresponds to your age group?</i>		<b>CODE ONE ONLY</b>
	18 – 19 years .....	1	
	20 – 29 years .....	2	
	30 – 39 years .....	3	
	40 – 49 years .....	4	
	50 – 59 years .....	5	
	60 – 69 years .....	6	
	70 years or over .....	7	
	Refused.....	8	



<b>Q18a)</b>	<p><b>SHOWCARD 18</b></p> <p>From this card, please indicate as many ethnic groups as you need, to show which ethnic group or groups you belong to</p>	<p><b>CODE ALL MENTIONS</b></p>
	<p>NZ Māori ..... 01</p> <p>NZ European/Pakeha..... 02</p> <p>Other European</p> <p>– English..... 03</p> <p>– Dutch..... 04</p> <p>– Australian ..... 05</p> <p>– Scottish..... 06</p> <p>– Irish..... 07</p> <p>– Other ..... 08 Specify Below</p> <p>Sāmoan ..... 09</p> <p>Cook Island Māori ..... 10</p> <p>Tongan..... 11</p> <p>Niuean..... 12</p> <p>Chinese ..... 13</p> <p>Indian ..... 14</p> <p>Other (such as Fijian, Korean) ..... 15 Specify Below</p>	
<b>Q18b)</b>	<p><b>IF OTHER (I.E. CODE 08 OR 15)</b></p> <p>Which other ethnic group or groups do you belong to?</p>	
<b>Q19</b>	<p><b>SHOWCARD 19</b></p> <p>From this card, what is your highest educational or job qualification?</p> <p>Primary or secondary school, but no qualifications ..... 1</p> <p>School certificate ..... 2</p> <p>UE/Matriculation/6<sup>th</sup> form certificate/Bursary ..... 3</p> <p>Technical or trade qualifications ..... 4</p> <p>University graduate..... 5</p> <p>Refused..... 8</p>	<p><b>CODE ONE ONLY</b></p>
<b>Q20</b>	<p>Are you currently ...</p> <p><b>READ OUT</b></p> <p>Employed full time (30 or more hours/week)..... 1</p> <p>Employed part time (less than 30 hours/week)..... 2</p> <p>Unemployed ..... 3</p> <p>A voluntary worker or not in paid labour force..... 4</p> <p><b>DO NOT READ</b></p> <p>Refused..... 8</p>	<p><b>CODE ONE ONLY</b></p> <p>} → <b>GO TO Q22</b></p>

<b>Q21</b>	What is your occupation? Please give me full details, such as builder's labourer, primary teacher, office manager, accounts clerk, deer farmer. <b><i>OBTAIN FULL DESCRIPTION</i></b>		
<hr/>			
<b>Q22</b>	Is your own personal gross income from all sources before tax... <b>READ OUT</b>	<b>YES</b>	<b>NO</b>
	More than \$10,000 per year ..... <b>(IF MORE THAN \$10,000)</b>	*	1
	Is it more than \$20,000 a year..... <b>(IF MORE THAN \$20,000)</b>	*	2
	Is it more than \$30,000 a year..... <b>(IF MORE THAN \$30,000)</b>	*	3
	Is it more than \$40,000 a year..... <b>(IF MORE THAN \$40,000)</b>	*	4
	Is it more than \$50,000 a year..... <b>(IF MORE THAN \$50,000)</b>	*	5
	Is it more than \$60,000 a year..... <b>(IF MORE THAN \$60,000)</b>	*	6
	Is it more than \$80,000 a year.....	8	7
<hr/>			
<b>Q23</b>	About how often do you attend religious services? Please do not include weddings and funerals. <b>READ OUT</b>	<b>CODE ONE ONLY</b>	
	More than once a week.....	1	
	About once a week.....	2	
	About once a month.....	3	
	A few times a year .....	4	
	Less than once a year .....	5	
	Never.....	6	
	<b>DO NOT READ</b>		
	Refused .....	8	

Can I please have your name and phone number in case my supervisor needs to verify that this interview has taken place?

**RESPONDENT'S FULL NAME:** \_\_\_\_\_

**RESPONDENT'S NUMBER:**

**PHONE**

--	--

--	--	--	--	--	--	--	--	--	--

**Q24)** Would you like to receive information about the results of this survey when they become publicly available? This will also include the answers to some of the questions we have asked you.

Yes.....

No .....

Don't know.....

1

2

9

GO TO

→ CLOSE

**Q25)** We will be sending out the information to those who would like it so could I please have your postal address?

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Thank you very much for taking the time to answer these questions. In case you missed it, my name is ..... from ACNielsen and we are doing this research on behalf of the Ministry of Justice.

**RECORD FINISH TIME**

**INTERVIEW DURATION**    (mins)

***INTERVIEWER TO COMPLETE NEXT PAGE***

I hereby certify that this interview carried out and recorded by me today is true and accurate and in accordance with the Market Research Society Code of Practice, survey methodology and specified instructions.

Signed: \_\_\_\_\_

Interviewer name: \_\_\_\_\_

Interviewer number: \_\_\_\_\_

Date: \_\_\_\_\_

---

**Co-Ordinator check:**

- Complete questionnaire check ..... 1
- Telephone audit completed ..... 2
- Route audit completed..... 3
- Door to door completed ..... 4

Co-Ordinator signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

**Re-contact details**

Interviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Co-Ordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Office: \_\_\_\_\_ Date: \_\_\_\_\_

---

**Office use only**

Edited by: \_\_\_\_\_ Verified by: \_\_\_\_\_

Punched by: \_\_\_\_\_

**ATTITUDES AND KNOWLEDGE  
ABOUT THE CRIMINAL JUSTICE  
SYSTEM**

**Job no. 2601011**

**SHOWCARDS**



## SHOWCARD 2

### SENTENCES

Choose the most appropriate option

#### IMPRISONMENT

- 1 Life imprisonment
- 2 Imprisonment of more than 10 years
- 3 Imprisonment between 5 & 10 years
- 4 Imprisonment between 1 & 5 years
- 5 Imprisonment of less than 1 year

#### COMMUNITY BASED

- 6 Periodic detention  
*offenders are in the custody of a Community Corrections warden, and for 8 hours a week, normally on a Saturday, they work on various community projects.*
- 7 Community Service  
*the offender provides unpaid service to a community organisation.*
- 8 Community programme  
*the offender undertakes a programme with a community organisation, for example, counselling and/or job training.*
- 9 Supervision (probation)  
*the offender regularly reports to a probation officer and may also have to attend programmes or courses such as drug or alcohol treatment, life skills, anger management.*

#### MONETARY

- 10 Reparation  
*an offender is ordered to pay money to the victim as compensation for any loss or damage.*
- 11 Fine  
*an offender is ordered to pay money to the Court.*

#### OTHER

- 12 Disqualified from driving
- 13 Suspended prison sentence  
*an offender is given a short prison sentence which they do not have to serve if they don't re-offend within the suspension period.*
- 14 Warning (and no other penalty given)
- 15 No penalty at all given

## **SHOWCARD 3B**

### **AIM OF SENTENCE**

Preventing the offender from committing further crimes through imprisonment.....	1
Discouraging the offender from committing further crimes.....	2
Providing punishment that reflects the seriousness of the offence .....	3
Assisting the offender so that he or she won't offend again .....	4
Discouraging others from committing crimes .....	5
Showing society's disapproval of the crime.....	6
Providing compensation to the victim where possible.....	7

## SHOWCARD 4A

Far too heavy.....	1
A little too heavy.....	2
About right .....	3
A little too light .....	4
Far too light .....	5



## SHOWCARD 4B

Much more suitable.....	1
Slightly more suitable .....	2
Slightly less suitable .....	3
Much less suitable.....	4

## SHOWCARD 5

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

## SHOWCARD 6

*A lot more crime than 2 years ago..... 1*

*A little more crime than 2 years ago ..... 2*

*About the same amount of crime as 2 years ago..... 3*

*A little less crime than 2 years ago ..... 4*

*A lot less crime than 2 years ago..... 5*

## SHOWCARD 9

\$15,000.....	1
\$35,000.....	2
\$55,000.....	3
\$75,000.....	4

## SHOWCARD 17

18 - 19 years .....	1
20 – 29 years .....	2
30 – 39 years .....	3
40 - 49 years .....	4
50 - 59 years .....	5
60 - 69 years .....	6
70 years or over .....	7

## SHOWCARD 18

NZ Maori .....	01
NZ European/Pakeha .....	02
Other European (please specify)	
- English .....	03
- Dutch .....	04
- Australian.....	05
- Scottish .....	06
- Irish .....	07
- Other (please specify).....	08
Samoan .....	09
Cook Island Maori.....	10
Tongan.....	11
Niuean .....	12
Chinese .....	13
Indian.....	14
Other (such as Fijian, Korean etc.) (please specify) .....	15

## SHOWCARD 19

### Primary or secondary school, but no qualifications 1

School certificate .....	2
UE/Matriculation/6 <sup>th</sup> form certificate/Bursary .....	3
Technical or trade qualifications.....	4
University graduate .....	5

<p>75</p> <p><i>A man assaults his female partner</i></p>	<p>85</p> <p><i>Burglary with a weapon</i></p>
<p>35</p> <p><i>Drunk driving</i></p>	<p>55</p> <p><i>Importing heroin with a street value of \$100,000</i></p>
<p>65</p> <p><i>Fraud of \$50,000</i></p>	<p>45</p> <p><i>Possession of 10 grams of marijuana (equivalent to one or two cigarettes worth)</i></p>