

Sentencing Matters

Alternatives to Imprisonment: Community Views in Victoria

Contents

| | | | |
|--|---|------------------------|----|
| Preface | 1 | Results | 9 |
| Introduction | 2 | Summary and discussion | 17 |
| Context | 2 | Conclusion | 19 |
| Research into public perceptions of sentencing | 3 | Appendix A | 19 |
| Previous research | 3 | Appendix B | 20 |
| The Australian Research Council–Sentencing Advisory Council study: methodology | 5 | References | 22 |

Preface

This report presents evidence of community views in Victoria about the use of alternatives to imprisonment. It is the first in a series of reports that the Council will publish on community views about crime, courts and sentencing.

The findings of this paper are particularly relevant and timely. At the time of writing, Victoria's prison population stands at 4,488 prisoners, with only 4,228 permanent beds in the state's prisons. Prisoners are being housed in police cells, unable to be assigned a prison bed.

Both the former government and the new government have committed to a substantial increase in the number of prison beds, at least partially in recognition of the likely increase in prisoner numbers as a result of the abolition of suspended sentences. But until new prisons are built or new beds provided, the issue of prison overcrowding remains a salient one. In such times it is useful to consider the viability of increasing the use of appropriate alternatives to imprisonment, particularly in terms of public attitudes to such an approach.

This report shows that, contrary to common myths and misconceptions about a punitive public, people are open to a policy of increasing the use of alternatives to prison such as

supervision, treatment and community work. Victorians are especially accepting of appropriate alternatives for mentally ill, young or drug-addicted offenders, preferring a policy of treatment, rehabilitation, counselling and education programs to prison.

The findings of this report are not unexpected. After extensive consultation, in 2008 the Council recommended a series of reforms to intermediate sentencing orders that would provide the courts with precisely such options for vulnerable offenders. In particular, the Council recognised the need for targeted treatment and monitoring for offenders who are dependent on drugs or alcohol, and for better community options for young offenders that focus on dealing with developmental needs such as educational and employment training. Underlying these recommendations was an understanding, based on the research literature, that community views were not necessarily as punitive as typically portrayed.

We now have direct evidence of the views of Victorians about the use of such alternatives to imprisonment. The results of the analyses in this report bear out the Council's earlier recommendations and attest to the willingness of our community to accept that appropriate alternatives to imprisonment represent legitimate outcomes of the sentencing process.

Introduction

Public and political debate about the use of imprisonment is vigorous. Over the past three decades Victoria's prison population has steadily increased from 1,573 prisoners in 1977 to 2,467 prisoners in 1995 to 4,537 in 2010 (Corrections Victoria, 2010). Taking into account the growth of the general population, the imprisonment rate has increased by 50.9% over the last twenty years, from 69.9 prisoners per 100,000 adults in 1990 to 105.5 in 2010. In the last decade alone the imprisonment rate has grown by 22.1%. Over this same period the community corrections rate has increased by 19.5% (Australian Bureau of Statistics, 2010a; 2010b).

The increase in imprisonment rate may reflect changes in patterns of offending, in police practices or in the characteristics of people coming before the courts. However, it may also indicate that both parliament and the courts have been responding to perceived community concerns and debates about tougher sentencing. Such debates are not uncommon, with an increasing imprisonment rate being seen as a response that aims to reduce crime, deter would-be criminals and punish offenders both appropriately and in line with 'community expectations'. Yet there is very little published scientific evidence in Victoria that identifies 'community expectations' – that reveals community attitudes to imprisonment and its alternatives.

This report attempts to redress this dearth of published evidence on community views by examining the results of a survey of public attitudes to imprisonment and the use of alternatives to imprisonment. The evidence shows that community views are more complex and nuanced than is often characterised: Victorians are willing to accept alternatives to imprisonment as useful sentencing options.

Context

The financial cost of keeping a large number of people in Victorian prisons is high. In 2009–10 the Victorian Government spent \$240.66 per prisoner per day on real net operating expenditure, equating to a cost per prisoner of almost \$88,000 per year.¹ In contrast, the real net operating expenditure per offender being supervised on a community corrections order was \$18.50, resulting in a cost per offender of just under \$7,000 per year (Productivity Commission, 2011, unpublished tables 8A.9 and 8A.11).

There are costs of imprisonment above and beyond the financial costs. Imprisonment often has substantial negative psychological consequences for offenders, particularly young offenders, for whom it can have important consequences lasting the rest of their lives. In addition, imprisonment has significant implications for a person's ability to maintain family and social connections, secure stable housing and hold steady employment. In breaking the ties that could help prevent further offending, imprisonment has significant implications for successful integration back into the community.

The associated consequences and costs of imprisonment may help explain why a large proportion of former prisoners do not change their criminal behaviour. Indeed, almost half of all people in Victorian prisons on 30 June 2010 (49.0%) had a known prior imprisonment episode (Australian Bureau of Statistics, 2010b, p. 34). Of all prisoners released from Victorian prisons in 2007–08, 41.5% had received a new prison or community corrections sentence within two years. This compares with 19.9% of offenders discharged from community corrections orders during 2007–08 who had received a new sentence within two years (Productivity Commission, 2011, unpublished tables C.2 and C.4).

The increasing imprisonment rate in Victoria (and indeed, across Australia) over the last two decades may be a result, at least in part, of both reform of sentencing policy and law and the courts responding to community expectations about crime. But without published scientific evidence describing the views of the community, it is difficult to ascertain with confidence the attitudes and opinions of the Victorian community.

This issue is not solely an academic one with little day-to-day relevance. Indeed, the courts themselves are currently grappling with the question of the role of community expectations in sentencing. The Victorian Court of Appeal has affirmed the important role of community expectations in sentencing, noting that 'the courts do not exist independently of the society which they serve ... the courts vindicate the properly informed values of the community'.²

It is hoped that this report will assist both the courts and parliament in understanding the views of the Victorian community about imprisonment and its alternatives.

¹ Financial data presented here are the costs of services in Victoria. The financial data that were presented to respondents as part of the survey were the costs of services across Australia as a whole.

² *WCB v The Queen* [2010] VSCA 230, 34.

Research into public perceptions of sentencing

One of the statutory functions of the Sentencing Advisory Council is to gauge public opinion about sentencing matters. To this end, in 2008 the Council joined a national survey of public perceptions of sentencing, funded by the Australian Research Council. The research, led by First Chief Investigator Professor Geraldine Mackenzie,³ was designed as the first-ever Australia-wide representative survey of public perceptions about crime, the courts and sentencing. The longitudinal research design comprised four separate phases, including three surveys and one series of focus groups, in order to examine people's changing perceptions over time.⁴

The Council contributed additional funding to the national survey, allowing an extra sample to be obtained in each of the three surveys. This additional sample was drawn exclusively from Victoria to allow the Council to examine the causes and correlates of public perceptions at a greater level of detail.

The last of the three surveys – and the final phase of the research as a whole – was completed in mid 2010. Since that time the Council has been preparing to present a series of short reports on the findings of the Victorian component of the research, each analysing a single aspect of the survey data.

This report is the first in this series. It presents analyses of data that were collected in the first and second surveys, during 2008 and 2009. Subsequent reports will cover other topics from across the research design, such as community views of violent versus non-violent offences, covering data collected from 2008 to mid 2010.

Previous research

Research has consistently shown that the public is less punitive than commonly portrayed (Gelb, 2006; 2008). Indeed, studies both in Australia and internationally have found that people are willing to accept the use of alternatives to imprisonment, particularly for vulnerable groups of offenders.

In Australia, Indermaur's (1990) study, which compares the community's perceptions of crime seriousness and sentencing with those of judges, asked respondents whether prison overcrowding should be overcome by building more prisons or by sentencing more offenders to alternatives such as probation, restitution, community service orders and fines. Almost half of the respondents (45%) favoured increasing the use of alternatives, while one-third (34%) favoured more prisons and 18% preferred both (Indermaur, 1990, p. 40).

In later work, Indermaur examined the predictors of punitiveness to identify the factors that underlie punitive attitudes to punishment. In their analysis of 4,270 responses to the 2003 Australian Survey of Social Attitudes, Roberts and Indermaur (2007) found that the strongest predictors of punitiveness were criminal justice attitudes – inaccurate knowledge and beliefs about crime and the criminal justice system accounted for 14.5% of the variance in punitiveness. Although not as strong a predictor, reliance on commercial television as one's main source of news and information also predicted punitiveness. Demographic variables accounted for 12.8% of the variance – higher levels of punitiveness were found among men, older respondents, working-class respondents and those with fewer years of education. Increased punitiveness was also associated with a self-reported leaning to political conservatism and with attending religious services at least once a month (Roberts and Indermaur, 2007, p. 61).

The Australian Institute of Criminology's 1987 study of crime seriousness (Walker, Collins and Wilson, 1987) asked respondents to rank the seriousness of a number of crimes and then to impose a sentence on each. Responses were broadly consistent with typical sentences imposed by the courts, with imprisonment reserved for violent offenders and alternatives to prison (such as fines, probation and community service orders) used for property offenders (Walker, Collins and Wilson, 1987, p. 3). Prison was favoured more strongly among the less educated, males, lower income groups and residents of rural areas. The authors concluded that significant numbers of Australians were indeed willing to accept alternatives to imprisonment.

Similar results have been found in other countries as well. The Canadian Sentencing Commission's 1986 survey asked respondents to choose between spending money on building more prisons and on developing alternatives to incarceration. Around one-quarter (23%) favoured the prison approach, while 70% preferred increasing the use of alternatives to

3 The other Chief Investigators for this research are: Dr David Indermaur, Professor Rod Broadhurst, Professor Kate Warner, Dr Lynne Roberts and Nigel Stobbs.

4 Further detail on the methodology and design of the research will be published by the Chief Investigators in peer-reviewed journals.

imprisonment (Roberts and Doob, 1989, p. 504). In a later study of residents of Ontario, Doob (2000) asked people to choose between building more prisons and sentencing more people to alternatives to prison, as a way to address prison overcrowding. In Doob's study 65.5% preferred the use of alternatives for adult offenders, while 78.5% preferred alternatives for young offenders (Doob, 2000, p. 331).

Similar results were found by a Strathclyde University study in the United Kingdom. Respondents were asked specifically how to deal with prison overcrowding. The least popular option, with the support of only a quarter of respondents, was to build more prisons. This likely reflected the finding that only 8% of respondents believed that the best way to reduce crime was to sentence more offenders to prison. More than half of the people surveyed preferred drug treatment centres and education of young offenders instead of imprisonment (Allen, 2002).

The Justice I Committee of the Scottish Parliament (2002) surveyed 700 people and undertook a series of focus groups to examine public attitudes toward sentencing and alternatives to imprisonment. Despite a widespread perception among respondents that prison is 'too soft' on offenders, many people expressed doubts about the effectiveness of prison in preventing reoffending, especially for vulnerable groups such as drug-addicted offenders. The high cost of prison was another factor cited by many respondents who favoured greater use of community-based penalties. The authors concluded that there was substantial support for the use of community sentencing options.

The greater acceptance of alternatives to imprisonment has also been found for other vulnerable offenders, in addition to drug-addicted offenders. A survey of 1,000 people conducted on behalf of the Irish Penal Reform Trust examined a range of issues related to the prison system. Almost all of the respondents (91%) agreed that mentally ill offenders should be treated in a mental health facility instead of being sent to prison. Similar results were found for offenders with a drug addiction, with 81% preferring these offenders to be treated in a drug recovery program rather than being sent to prison. Only 30% of people agreed that increasing the number of people in prison would reduce crime (Irish Penal Reform Trust, 2007, p. 7).

Young offenders are also seen as a particularly vulnerable group. In a national survey of more than 1,000 people in the United States, 89% of respondents believed that rehabilitation and treatment for juvenile offenders could prevent further offending. Three-quarters of respondents chose increasing education and job skills training for young offenders already in the justice system as the most effective way to reduce youth crime (Krisberg and Marchionna, 2007, pp. 3–6).

Research undertaken on behalf of the Sentencing Advisory Panel in the United Kingdom adopted a different approach. In its 2009 survey of 1,023 people, the Panel asked respondents to sentence an offender in one of two crime vignettes: a relatively serious theft where the offender was appearing before the court for the sixth time, or a serious assault where the offender had previously been convicted of a similar offence. Approximately three-quarters of respondents (73% for theft, 79% for assault) initially sentenced the theft offender or the assault offender to prison. These respondents were then asked if an alternative to imprisonment would be acceptable, involving compensation to the victim, probation supervision and 300 hours of unpaid community work. Of the 73% who first chose imprisonment for the theft offender, almost half (47%) accepted the community-based alternative. Of the 79% who initially chose imprisonment for the assault offender, 39% found the alternative acceptable. The authors noted that even these relatively serious offences found a significant level of acceptance of alternative sentences (Hough et al., 2009, p. 56).

Finally, respondents to a 2009 survey conducted on behalf of the National Council on Crime and Delinquency in the United States cited a variety of reasons that were felt to justify sending fewer people to prison, including cost, overcrowding, the crime-reduction effect of alternatives to prison and the fairness of the punishment relative to the crime. The majority of respondents believed that using alternatives to prison decreased costs to government (55%) but did not decrease public safety (77%). More than three-quarters of respondents (77%) felt that the most appropriate sentence for non-violent and non-serious offenders was some sort of alternative, such as supervised probation, restitution, community service and/or rehabilitative services (Hartney and Marchionna, 2009, p. 1).

In summary, studies consistently find that, when provided with viable alternatives to imprisonment, people are likely to prefer alternatives to building more prisons.

The Australian Research Council–Sentencing Advisory Council study: methodology

Data collection

The data collection involved a survey⁵ of 300 Victorians using Computer Assisted Telephone Interviewing (CATI) technology in October 2009, representing the second survey in the longitudinal research design. The respondents were randomly selected from a pool of 1,200 people⁶ who had completed the first survey on perceptions of sentencing and the criminal justice system. This initial pool was drawn from the electronic White Pages, and numbers were dialled using random digit dialling. Respondents were English-speaking adults aged 18 or older who were not part of difficult-to-contact populations, such as homeless people.

Table 1 shows the characteristics of the 300 people in the sample for the second survey.

Despite being a random sample of the Victorian population, the survey sample is not directly representative of the Victorian population from which it was drawn. Two differences of note are found in the sample's age and education status.

The survey sample is considerably older than the adult Victorian population: the median age of the Victorian population at the 2006 census was 37 years (Australian Bureau of Statistics, 2007), while the median age of the survey sample was 56 years. This older age profile may influence the findings of the survey analysis, as research has shown a positive bivariate correlation between punitiveness and older age, with older people being more punitive (see, for example, Walker, Collins and Wilson, 1987). However, when age is included in multivariate analyses with other theoretically relevant variables, this relationship disappears and age is no longer a significant predictor of punitiveness (see, for example, Roberts and Indermaur, 2007).

In addition, the survey sample is more highly educated than the Victorian population as a whole: 32.1% of the Victorian population at the 2006 census had completed some form of tertiary education, compared with 52.7% of the survey sample having completed at least some years of tertiary education. Again, this may influence the findings of the survey, as research has shown that higher levels of education are associated with lower levels of punitive attitudes (see, for example, Walker, Collins and Wilson, 1987).

5 The mean duration of the interview was 19 minutes and 17 seconds, while the median was 19 minutes and 37 seconds. The survey instrument was designed to constrain the duration to less than 20 minutes, in acknowledgement of the respondent burden that a longer survey entails.

6 The response rate for the second survey was 97.7% – calculated as the number of completed interviews divided by the number of eligible contacts plus the number of non-contacts after 10 attempts, or 300/(305+2). The participation rate was 98.4% – calculated as the number of completed interviews divided by the number of completed interviews plus the number of refusals, or 300/(300+5).

The other characteristics of the survey sample cannot be directly compared to broader Victorian population data due to differences in question wording and response grouping (for example, the census asked people for their actual income, while the survey asked people to classify themselves as upper, middle or lower income).

Table 1: Sample characteristics

| Characteristic | Sample |
|--|--------|
| Gender | |
| % female | 46.3 |
| % male | 53.7 |
| Age (years) | |
| Mean | 61 |
| Median | 56 |
| Range | 18–89 |
| Education | |
| % tertiary educated | 52.7 |
| Income | |
| % lower | 19.5 |
| % middle | 69.5 |
| % upper | 11.1 |
| Residential location | |
| % metro | 57.4 |
| % rural | 25.5 |
| % regional | 16.1 |
| % remote | 1.0 |
| Politics | |
| % left | 34.9 |
| % middle | 30.8 |
| % right | 34.2 |
| Personal experience with the courts | |
| % yes | 35.9 |
| % no | 64.1 |

Measures

The survey of 300 people consisted of three major sections relating to: (1) purposes of sentencing, (2) criminal justice policy relating to the use of alternatives to imprisonment and (3) criminal justice policy relating to the use of mandatory sentences of imprisonment.

This paper presents the results from the second section of the survey, examining alternatives to imprisonment.

Policy area: alternatives to imprisonment

Participants were asked about policy relating to the use of alternatives to imprisonment within the context of the issue of prison overcrowding and increasing numbers of people being sent to prison by the courts.

While prison overcrowding really only becomes an issue in the absence of the construction of additional prisons, this issue was chosen as a way to represent the trend across Australia of increasing imprisonment rates, and also as a way to reduce the level of abstraction inherent in more general questions about imprisonment.

Participants were first given three key facts about imprisonment and were then presented with a set of arguments for building more prisons and a set of arguments for making more use of alternatives to prison. The order of presentation of these sets of arguments was randomised to avoid potential question-order bias. Both sets of arguments were presented as possible solutions to the policy dilemma of increasing numbers of people being imprisoned leading to overcrowded prisons. The arguments were designed to test the weight that people give to a number of purposes of sentencing.

Respondents were read the following passage:

A big issue in Australia today, as more people are being sent to prison, is prison overcrowding. Two solutions proposed to address this problem are 1) build more prisons OR 2) increase the use of alternatives to imprisonment such as supervision, counselling, treatment or community work. For this section please think of yourself as someone who has the power to influence policy and has to justify their position and their decision. We will be presenting you with some different views on this issue but firstly we would like to present you with 3 important facts:

- First, there is no evidence to suggest that higher imprisonment leads to lower crime.
- Second, the total crime rate has fallen across Australia over the last 10 years.
- Third, it costs over \$75 thousand dollars per year to keep each adult offender in prison and it costs less than \$5 thousand dollars per year to supervise each offender in the community.

The question of whether higher imprisonment leads to lower crime has been a vexed one. Research on the deterrent effect of imprisonment and its incapacitation effect has been mixed: some researchers claim that imprisonment can reduce crime (primarily via incapacitation), some conclude that it has no effect at all on crime and others still have shown that the experience of imprisonment actually increases the chance that a person will commit further crimes. Recent work in Australia has shown no difference in reconviction rates between juveniles given custodial penalties and those with a non-custodial penalty (Weatherburn, Vignaendra and McGrath, 2009, p. 10), while earlier research on adult offenders found that community-based orders involving some degree of supervision were better able than incarceration to reduce reoffending for the most serious offenders (Tait, 2001, pp. 28–29).

Thus the criminological community, on the whole, has been sceptical of the ability of prisons to reduce crime via incapacitation or deterrence. Indeed, a panel of leading criminologists and civic leaders comprising the National Criminal Justice Commission in the United States summarised the existing body of research literature as revealing 'little or no correlation between rates of crime and the number of people in prison' (Donziger, 1996, p. 42: cited in Liedka, Piehl and Useem, 2006, p. 246). It is on this body of evidence that the first key fact was founded.

Evidence of the falling crime rate was taken from data published by the Australian Bureau of Statistics: recorded crime decreased across a number of categories (such as homicide, robbery, burglary and theft) in the ten years from 1999 (Australian Bureau of Statistics, 2009).

Financial costs of imprisonment were sourced from the Productivity Commission's annual *Report on Government Services*, which includes data on expenditure for prisoners and offenders under community corrections supervision.⁷

⁷ The real recurrent cost per prisoner per day in 2007–08 was \$207 across Australia, or more than \$75,000 per year. The real recurrent cost per community corrections offender per day in 2007–08 was \$13 across Australia, or less than \$4,745 per year (Productivity Commission, 2009, pp. 8.24–8.25).

Three key arguments were listed in favour of building more prisons:

1. More prisons are needed to keep more offenders off the streets. (This argument was designed to test the extent to which people believed that incapacitation was an important purpose of sentencing.)
2. Alternatives to prison allow the offender to get off too lightly. (This argument was designed to test the extent to which people believed that sentences other than imprisonment were too lenient, and that punishment was an important purpose of sentencing.)
3. We need to use imprisonment to show society's disapproval of criminal behaviour. (This argument was designed to test the extent to which people believed that denunciation was an important purpose of sentencing.)

For each of these arguments, people were asked, 'How important do you think this argument is to finding a solution to prison overcrowding?' and could respond on a three-point scale where 1 = 'Very important', 2 = 'Somewhat important' and 3 = 'Not at all important'.

People were then asked to respond to three key arguments in favour of using alternatives to imprisonment (such as supervision, counselling, treatment or community work):

1. We need to find alternatives to prison to reduce the high cost to the community of keeping people in prison. (This argument was designed to test the extent to which people were receptive to the idea that the costs associated with imprisonment are a relevant policy consideration.)
2. Prisons should be used mainly for dangerous and violent offenders. (This argument was designed to test the extent to which people believed that there is sometimes little choice but to imprison, and that imprisonment is still appropriate for certain types of offender.)
3. Taxpayer money should be used on programs that reduce crime in the first place rather than on prison. (This argument was designed to test the extent to which people believed that a preventive, 'front-end' approach was more appropriate than a reactive, 'back-end' response to crime.)

Once again, people were asked about the importance of each of these arguments.

Ultimately, people had to make a final decision on which approach they would prefer if they had the opportunity to influence policy: either building more prisons or increasing the use of alternatives to imprisonment such as supervision, counselling, treatment or community work. The order of presentation of these choices was randomised in order to avoid potential question-order bias.

The measures included in this section were designed to make more concrete ideas that might otherwise be overly abstract. That is, by forcing a choice between building more prisons or increasing the use of alternatives to imprisonment, the questions were intended to elicit people's preferences on criminal justice policy: for harsher policy responses or for alternatives that provide other, less punitive options.

Acceptance of alternatives to imprisonment for specific offenders

In addition to responding to the policy dilemma, survey participants were also asked a series of questions designed to measure their willingness to accept the use of alternatives to imprisonment for specific types of offender. All items were measured on a five-point Likert scale, ranging from 1 = 'Strongly disagree' to 5 = 'Strongly agree'. The individual item responses were added to compute a scale score for each respondent, with higher scores indicating a greater willingness to accept the use of alternatives to imprisonment.

The items for this measure were as follows:

- Fewer prison sentences should be given to non-violent offenders.
- Instead of going to prison, young offenders should have to take part in programs that teach job skills, moral value and self-esteem.
- Instead of going to prison, mentally ill offenders should receive treatment in mental health facilities.
- Instead of going to prison, non-violent offenders should be given community corrections orders.
- Instead of going to prison, drug-addicted offenders should be put on an intensive program of rehabilitation and counselling.

Socio-demographic characteristics

All socio-demographic variables were measured in the first survey. The data files from each of the surveys in the longitudinal research design were carefully merged in order to allow background measures to be collected only once, at the start of the research.

The following socio-demographic characteristics were measured for each participant in the survey:

- Gender
- Age (in years)
- Education completed (in years)
- Income (self-assessed as lower, middle or upper)
- Residential location (self-assessed as metropolitan, rural, regional or remote)
- Politics (self-assessed 0–10 scale of left/right)
- Experience with the criminal justice system (yes or no).

Attitudinal variables

The attitudinal variables were also measured in the first phase of the research, via the initial survey. This survey was designed to cover a range of theoretically relevant variables, based on the existing literature in the field. With the exception of the key dependent variables for this study (punitiveness, confidence and acceptance of alternatives to imprisonment), the attitudinal variables were measured only at this initial stage.

The dependent variables were measured in each of the subsequent phases of the study, allowing a comparison of people's responses over time.

Several scales were created to measure a variety of constructs that are theoretically relevant to the study of public opinion about sentencing. Table 2 describes the characteristics of the scales used in the analysis (see Appendix A for a description of each of the constructs underlying these scales).

Table 2: Scale characteristics

| Scale name | No. items | Scale mean (SD) | Cronbach's alpha |
|--|-----------|-----------------|-------------------|
| Appropriate sentences | 5 | 19.98 (3.06) | 0.80 |
| Evaluation of the media | 5 | 11.24 (3.62) | 0.83 |
| Perception of crime | 3 | 11.55 (2.29) | 0.72 |
| Worry about crime | 3 | 4.85 (1.97) | 0.64 ^a |
| Judges should reflect public opinion | 3 | 10.42 (3.04) | 0.85 |
| Egalitarian courts | 3 | 9.45 (2.40) | 0.67 |
| Punitiveness | 7 | 23.58 (5.88) | 0.86 |
| Confidence | 7 | 19.86 (5.89) | 0.86 |
| Acceptance of alternatives to imprisonment | 5 | 18.05 (3.39) | 0.66 |

^a Although the social science literature typically uses a Cronbach alpha level of 0.70 as the cut-off for 'acceptable' scale reliability, this value alone does not provide an entirely accurate assessment of a scale. Cortina (1993) reminds readers that Cronbach's alpha is a function of the number of items in a scale: a scale with only a small number of items (such as the 'worry about crime' scale and indeed even the 'acceptance of alternatives to imprisonment' scale) will have a better average inter-item correlation than a larger scale with the same alpha value. Thus although some might regard the two scales with alpha values below 0.70 to be of 'questionable' reliability (George and Mallery, 2003), they are nonetheless considered to be of sufficient value to be included as scale measures in this analysis.

Results

Policy area: alternatives to imprisonment

There was clear support among the 300 survey respondents for using alternatives to prison as a way of addressing the increasing number of people in prison and the subsequent prison overcrowding:

- 51.3% of respondents believed that the argument 'we need to find alternatives to prison to reduce the high cost to the community of keeping people in prison' is 'very important' for addressing the policy issue.
- 68.8% of respondents believed that the argument 'taxpayer money should be used on programs that reduce crime in the first place rather than on prison' is 'very important' for addressing the policy issue.
- 75.6% of respondents believed that the argument 'prisons should be used mainly for dangerous and violent offenders' is 'very important' for addressing the policy issue.

While there was also support for building more prisons, such support was less clear, as the proportion of respondents believing that arguments in favour of more prisons are 'very important' was lower:

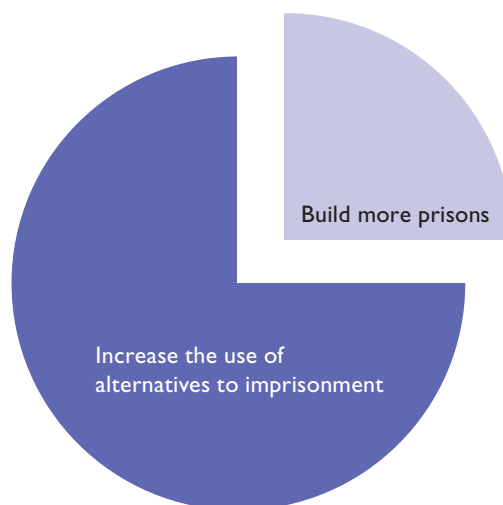
- 34.0% of respondents believed that the argument 'more prisons are needed to keep more offenders off the streets' is 'very important' for addressing the policy issue.
- 39.7% of respondents believed that the argument 'we need to use imprisonment to show society's disapproval of criminal behaviour' is 'very important' for addressing the policy issue.
- 40.6% of respondents believed that the argument 'alternatives to prison allow the offender to get off too lightly' is 'very important' for addressing the policy issue.

This overall support for increasing the use of alternatives to prison was clearly seen in the final policy question, where respondents were faced with a forced choice between the two approaches (see Figure 1):

- 25.7% of respondents chose 'build more prisons' as their final policy choice.
- 74.3% of respondents chose 'increase the use of alternatives to imprisonment' as their final policy choice.

In summary, the vast majority of respondents to this survey clearly supported increasing the use of alternatives to imprisonment as a way to address prison overcrowding caused by the increasing number of offenders being sent to prison.

Figure 1: Proportion of survey respondents choosing each policy approach



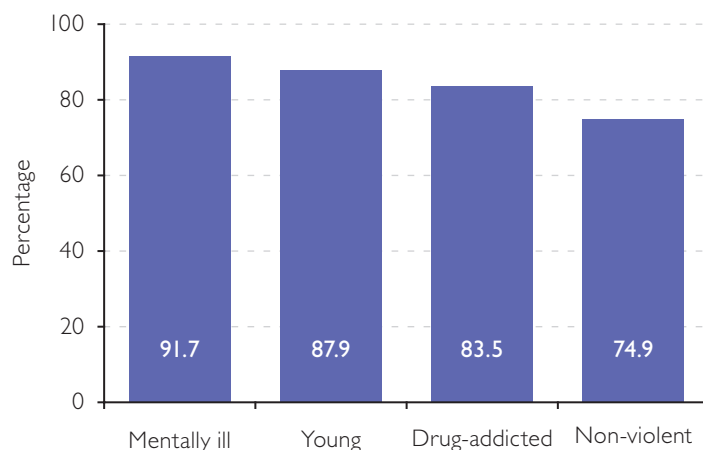
Acceptance of alternatives to imprisonment for specific offenders

Following the policy dilemma, respondents were asked to consider the use of specific types of alternatives to imprisonment for certain sub-groups of offender:

Acceptance of alternatives to imprisonment was especially strong for certain types of offender. Figure 2 shows that the vast majority of survey respondents agreed that alternatives to prison were acceptable for a range of offenders.

The level of acceptance of alternatives to prison was greatest for mentally ill offenders, with close to unanimous agreement (91.7%) that mentally ill offenders should receive treatment in mental health facilities rather than going to prison. Only a small proportion of people (4.0%) were not accepting of alternatives for this sub-group of offenders. This finding is consistent with the general philosophy underlying the approach taken in Victoria toward mentally ill offenders in the criminal justice system. Indeed, Victorian and Commonwealth legislation allow for judges to impose a restricted involuntary treatment order,⁸ a hospital order⁹ or a psychiatric probation order¹⁰ instead of a usual sentence, or to impose a hospital security order¹¹ as the final sentencing order. These orders may be imposed in cases where the offender appears to be mentally ill, in substitution for a sentence of imprisonment, allowing the offender to receive treatment in a secure mental health facility.

Figure 2: Proportion of survey respondents either 'strongly agreeing' or 'agreeing' with stated alternatives for each type of offender



8 *Sentencing Act 1991 (Vic)* s 93.

9 *Crimes Act 1914 (Cth)* ss 20BS–20BU.

10 *Crimes Act 1914 (Cth)* ss 20BV–20BX.

11 *Sentencing Act 1991 (Vic)* s 93A.

The use of alternatives to imprisonment was also acceptable for young offenders, with almost 9 out of 10 people (87.9%) agreeing or strongly agreeing that young offenders should have to take part in programs that teach job skills, moral value and self-esteem as an alternative to a prison sentence. This is consistent with a large body of research that has shown that public opinion about young offenders is quite different from attitudes to adult offenders: people place far more emphasis on the need for rehabilitative or restorative approaches for young offenders than they do for adults, preferring community penalties and skills training instead of imprisonment (see, for example, Krisberg and Marchionna, 2007; Hough and Roberts, 2004; Schwartz, Guo and Kerbs, 1992). It is also consistent with the approach taken by the criminal justice system, with Victorian law allowing children aged between 10 and 18 to be sentenced under the *Children, Youth and Families Act 2005 (Vic)* rather than under the *Sentencing Act 1991 (Vic)*. In either instance, the primary sentencing consideration for young offenders is held to be rehabilitation, rather than general deterrence, even for very serious crimes (Judicial College of Victoria, 2010, 7.6.3.2).

Drug addiction is prominent for many of the people who appear in Victoria's courts. For example, of all charges of armed robbery heard before Victoria's higher courts in 2006–07 and 2007–08, 84.3% were motivated by drugs or alcohol use (Woodhouse, 2010, p. 14). While drug addiction is usually not considered a mitigating factor at sentence, it may be relevant to the offender's prospects of rehabilitation and may thus influence the sentence imposed (Judicial College of Victoria, 2010, 10.10.1.5). A court may order an offender to serve a combined custody and treatment order¹² or a drug treatment order,¹³ or a court may impose drug treatment as a condition of a community-based order.¹⁴ This approach to addicted offenders is consistent with the findings of this survey, with more than 8 out of 10 people (83.5%) agreeing or strongly agreeing that drug addicted offenders should be put on an intensive program of rehabilitation and counselling rather than being sent to prison.

Three-quarters of Victorians (74.9%) agreed or strongly agreed that non-violent offenders should be given community corrections orders rather than an imprisonment sentence. In response to the more abstract question on non-violent offenders, 7 out of 10 people (70.3%) agreed or strongly agreed that fewer prison sentences should be given to non-violent offenders.

To summarise, the 300 respondents to this survey were clearly accepting of alternatives to imprisonment for specific offenders.

12 *Sentencing Act 1991 (Vic)* ss 18Q–18W.

13 This order may only be imposed by the Victorian Drug Court, located in Dandenong: *Sentencing Act 1991 (Vic)* ss 18X–18ZS.

14 *Sentencing Act 1991 (Vic)* ss 38(1)(d)–(e).

Bivariate relationships

This section examines the relationships between various socio-demographic and attitudinal variables and acceptance of alternatives to imprisonment in order to understand the types of people who support alternatives.

The first step in the analysis, presented below, involved identifying the strength of the bivariate relationship between each of the independent variables and each dependent variable. The second step, discussed in the following section, involved multivariate analyses to identify significant predictors of attitudes to imprisonment, taking into account all other variables.

Bivariate analyses: alternatives to imprisonment scale

For the alternatives to imprisonment scale, bivariate correlations were first calculated for each of the continuous variables¹⁵ (presented in Table 3). For the categorical variables (gender, education (tertiary), income (lower), region (metro), media use (commercial/tabloid) and experience with the courts), independent-samples t-tests¹⁶ were conducted to compare the mean scores on the alternatives to imprisonment scale in each variable's groups.

Table 3 contains the values of the bivariate correlations between each of the socio-demographic and attitudinal variables¹⁷ and the scale of acceptance of alternatives to imprisonment.¹⁸ The table shows that all of the attitudinal variables were significantly correlated with the alternatives to imprisonment scale, as was the respondent's self-classification on the political spectrum.

Table 3: Relationship between continuous socio-demographic and attitudinal variables and the alternatives to imprisonment scale

| Measure | Correlation with alternatives scale |
|--------------------------------------|-------------------------------------|
| Age | 0.010 |
| Politics | -0.146* |
| Evaluation of the media | 0.122* |
| Judges should reflect public opinion | -0.124* |
| Egalitarian courts | 0.117* |
| Punitiveness | -0.283** |
| Confidence | 0.250** |
| Appropriate sentences | -0.308** |
| Perception of crime | -0.199** |
| Worry about crime | -0.285** |

* = Relationship is statistically significant at the p<0.05 level.

** = Relationship is statistically significant at the p<0.01 level.

¹⁵ Correlations are used for identifying the strength of relationships between two continuous variables (scales).

¹⁶ T-tests are used for identifying the strength of relationships between a continuous variable and a categorical variable with two groups.

¹⁷ See Appendix A for a description and coding guide for each attitudinal variable.

¹⁸ The alternatives to imprisonment scale was coded such that a higher value indicated greater acceptance of alternatives to imprisonment.

The scale that was most highly correlated with the alternatives to imprisonment scale was 'appropriate sentences': low levels of perception of current sentences as too lenient were significantly related to high levels of acceptance of alternatives to imprisonment ($r = -0.308$). High scores on the alternatives scale were also strongly significantly related to low levels of worry about crime ($r = -0.285$), low levels of punitiveness ($r = -0.283$), higher confidence in sentencing ($r = 0.250$) and low levels of perception that crime had increased ($r = -0.199$).

Most of the categorical variables examined in the t-tests with the alternatives to prison scale were not significant. That is, for most of the variables (including gender, education (tertiary), region (metro) and experience with the courts¹⁹), there was no significant difference in the mean scores on the alternatives scale between the two groups in the variable. The only variables for which significant differences were found were media use and income.²⁰

There was a significant difference in the mean scores on the alternatives scale between those who use non-commercial/broadsheet media ($M = 16.64$, $SD = 2.27$) and those who use commercial/tabloid media ($M = 15.90$, $SD = 2.62$); $t(294) = 2.60$, $p = 0.01$. This suggests that using non-commercial/broadsheet media is related to being more accepting of alternatives to imprisonment.

There was also a significant difference in the mean scores on the alternatives scale for the lower income group ($M = 16.85$, $SD = 2.23$) and all others ($M = 16.14$, $SD = 2.51$); $t(294) = 1.97$, $p = 0.05$.²¹ This suggests that being in a lower income group is related to being more accepting of alternatives to imprisonment.

Bivariate analyses: policy question

For the policy question, chi-square analyses²² were undertaken with each of the categorical variables. The continuous variables were transformed into categorical variables (low, medium and high) based on percentiles,²³ and were then also analysed via chi-square procedures (see Appendix B for the full chi-square results).

None of the demographic variables was related to the policy choice question. Thus there was no difference in choice of policy based on age, gender, education, income, region of residence or political leaning. There was also no difference based on how one evaluated the fairness of the media or whether one had personal experience with the courts.²⁴

However, most of the attitudinal variables were significantly related to the policy choice question, including: media use, appropriate sentences, perception of crime, worry about crime, judges should reflect public opinion, egalitarian courts, punitiveness and confidence. These are each discussed in turn below.

19 Separate t-tests were conducted to determine if victims of crime had different levels of acceptance of alternatives to imprisonment for certain offenders. No significant differences were found between victims ($n=22$) and non-victims.

20 For both media use and income, Levene's test for equality of variances was not significant, such that equal variances were assumed for the t-test results.

21 While this p value is on the cusp of significance, it is classified here as significant in order to be able to include the variable in subsequent regression analyses, thereby determining if the relationship remains when other variables are taken into account.

22 Chi-square analyses are used for identifying the strength of relationships between two categorical variables.

23 Socio-demographic variables were divided into categories on the basis of expectations derived from the theoretical and research literature. Attitudinal variables were divided into categories on the basis of their quartile distributions (low = bottom 25% of responses; medium = middle 50% of responses; high = top 25% of responses).

24 Separate chi-square tests were conducted to determine if victims of crime responded differently to the policy question. No significant differences were found between victims ($n=22$) and non-victims.

Media use

Respondents who reported that their main source of news and information²⁵ is a tabloid newspaper, commercial radio or commercial television were more likely to favour building more prisons. Only 68.6% of commercial/tabloid media users favoured increasing the use of alternatives to prison, compared with 80.3% of non-commercial/broadsheet media users.

Judges should reflect public opinion

Respondents who believed that judges should reflect public opinion when sentencing were more likely to favour building more prisons. Of those who believed this most strongly, 65.9% favoured alternatives to prison, compared with 86.2% of people who scored lower on this scale.

Egalitarian courts

Respondents who believed that court processes and treatment of people are fair²⁶ were more likely to favour the policy of increasing the use of alternatives to imprisonment. Respondents who firmly believed in the egalitarian nature of the courts were more likely to support alternatives to imprisonment (82.0%), while those who did not see the courts in this positive light were less likely to support alternatives (65.1%).

Punitiveness

Respondents who had high levels of punitiveness were more likely to favour building more prisons. Of those respondents who scored high on the punitiveness scale, only 50.0% favoured increasing the use of alternatives to imprisonment, compared with fully 96.3% of those who scored low on the punitiveness scale.

Confidence in sentencing

Respondents who had high levels of confidence in sentencing were more likely to favour increasing the use of alternatives to imprisonment. For those with high levels of confidence, 91.3% accepted the policy option of increasing the use of alternatives to imprisonment, compared with only 55.9% of those who reported low levels of confidence.

Appropriate sentences

Respondents who believed that current sentences are too lenient were more likely to favour building more prisons. Respondents who had particularly high perceptions of the leniency of current sentencing practices were least likely to choose the policy of increasing the use of alternatives to prison (52.9%), compared with those who did not see sentences as overly lenient (91.7%).

Perception of crime

Respondents who perceived that crime levels in Victoria have increased were more likely to favour building more prisons. People who were least likely to believe that crime had increased were also most likely to favour the use of alternatives (83.9%), while those who felt most strongly that crime had increased were less likely to favour alternatives (61.2%).

Worry about crime

Respondents who worried²⁷ more about becoming a victim of crime were more likely to favour building more prisons. Only 62.5% of respondents who worried a lot about crime favoured using more alternatives to imprisonment, compared with 89.7% of those who worried less about crime.

²⁵ Respondents nominated either the type of media or specific media. For example, SBS and ABC were classified as non-commercial television, while Channels 7, 9, 10 or local television were classified as commercial.

²⁶ 'Egalitarianism' is not strictly identical to 'fairness'. The questions in this scale asked respondents whether courts treat people with respect, listen to people and are sensitive to people's concerns. The word 'egalitarian' attempts to capture the overall construct represented by these questions.

²⁷ The questions in this scale asked people how 'worried' they have been about becoming a victim of violent crime and how safe they have felt at home or in their neighbourhood at night. The word 'worry' is somewhat more emotive than the word 'concern', which is sometimes used to measure essentially the same construct.

Multivariate relationships: predictors of acceptance of alternatives to imprisonment

This section identifies significant predictors of attitudes to imprisonment, taking into account the effects of all the other variables being examined.

Separate regression analyses were conducted for each of the dependent variables in order to identify the socio-demographic and attitudinal variables that predict people's acceptance of alternatives to imprisonment.

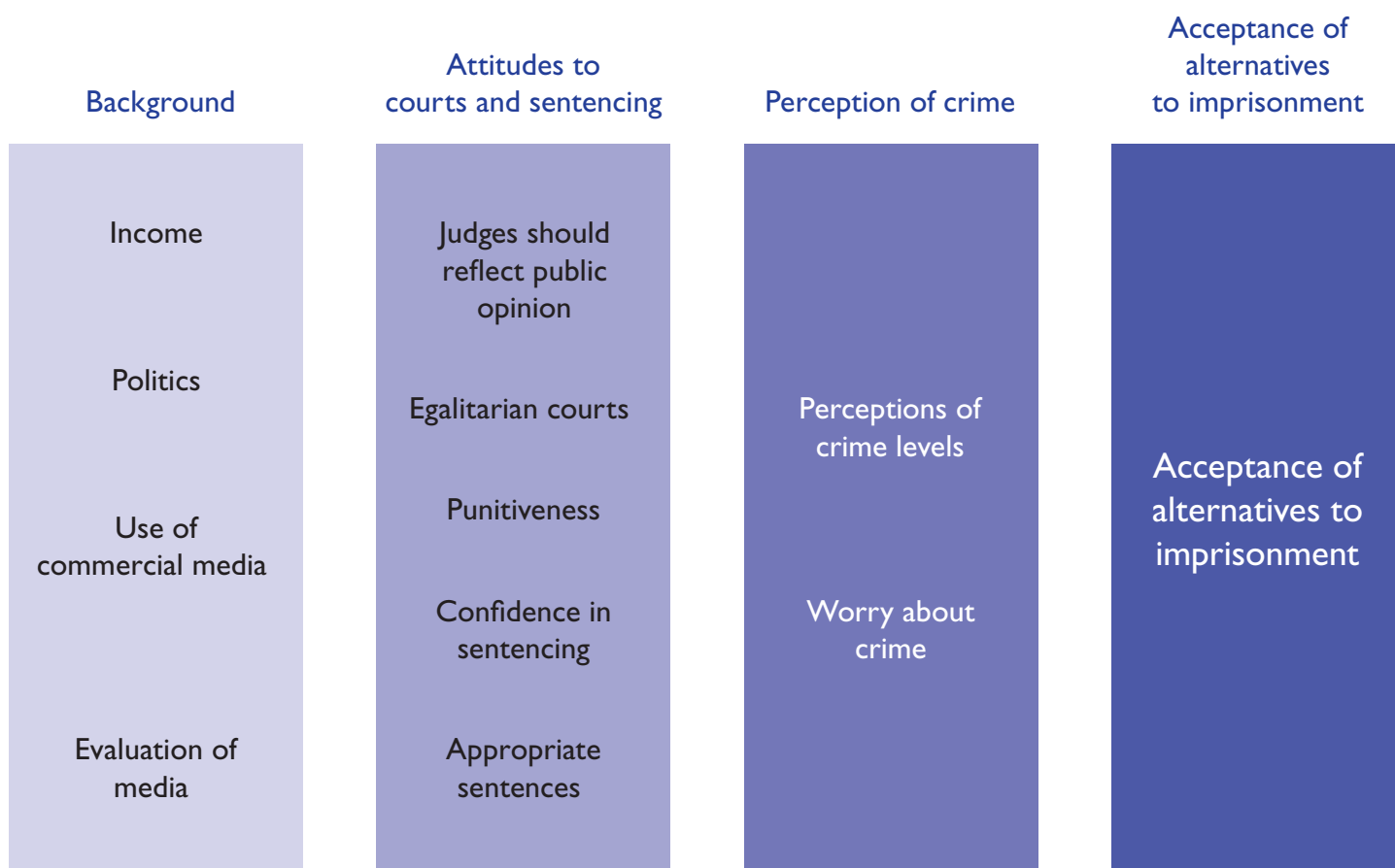
The predictors in each model were chosen on the basis of the bivariate relationships: only those variables that had a statistically significant relationship with the dependent variable were included in the model.

The predictors were entered in a hierarchical model, in the following three blocks:

1. Background variables – demographic variables (income and politics) and media use variables (use of commercial/tabloid media and evaluation of media).
2. Attitude to courts variables – opinion on courts (egalitarian courts) and on sentencing (judges should reflect public opinion, punitiveness, confidence in sentencing and appropriate sentences).
3. Perception of crime variables – knowledge of, and attitudes towards, crime (perception of crime levels and worry about crime).

These blocks were developed based on the research literature that shows that perception of crime is consistently a strong predictor of crime and justice attitudes, while demographic factors are related to crime and justice attitudes inconsistently. Figure 3 illustrates this theoretical model.

Figure 3: Theoretical model underlying the hierarchical regression analyses



Multivariate analyses: alternatives to imprisonment scale

The first analysis involved a linear regression against the scale of acceptance of alternatives to imprisonment, in order to examine the influence of different predictors on respondents' levels of acceptance.

Table 4 shows the results of the hierarchical linear regression analysis undertaken to predict responses to the scale measuring acceptance of alternatives to imprisonment. The regression included all the variables that had significant bivariate relationships with the dependent variable.²⁸

In the first step of the regression, the two demographic predictors and the two media variables were entered into the equation. This model predicted only 5% of the variance in the scale (adjusted R Square = 0.045). Adding the predictors measuring opinion on courts and sentencing increased the explanatory power of the model, to 12% (adjusted R Square = 0.116).

Finally, adding the third block of predictors on knowledge of crime added another small amount to the predictive power of the model, resulting in a final adjusted R Square of 0.164, meaning that the model as a whole predicted 16.4% of the variance in responses to this scale ($R^2 = 0.164$, $F(11) = 5.550$, $p = 0.000$).

However, there were only three predictors that attained statistical significance in this model, when holding constant the effects of the other predictors. The strongest predictor was worry about crime: people who worried more about crime were significantly less likely to accept alternatives to imprisonment for certain offenders (Beta = -0.237, $t = -3.950$, $p = 0.000$), as were people who reported greater perceived leniency in current sentencing practices (Beta = -0.181, $t = -2.156$, $p = 0.032$). In contrast, respondents who classified themselves as belonging to a lower income group were more likely to be accepting of alternatives for certain offenders (Beta = 0.133, $t = 2.274$, $p = 0.024$).

Table 4: Linear regression of acceptance of alternatives to imprisonment

| Predictor | Unstandardised coefficients | | Standardised coefficients | | |
|--------------------------------------|-----------------------------|----------------|---------------------------|--------|--------------|
| | B | Standard error | Beta | t | Significance |
| Income (lower) | 0.831 | 0.365 | 0.133 | 2.274 | 0.024* |
| Politics | -0.248 | 0.177 | -0.083 | -1.402 | 0.162 |
| Media use (commercial/tabloid) | -0.253 | 0.311 | -0.050 | -0.815 | 0.416 |
| Evaluation of the media | 0.060 | 0.043 | 0.086 | 1.380 | 0.169 |
| Judges should reflect public opinion | 0.045 | 0.057 | 0.055 | 0.796 | 0.427 |
| Egalitarian courts | -0.049 | 0.075 | -0.047 | -0.655 | 0.513 |
| Punitiveness | -0.032 | 0.044 | -0.073 | -0.727 | 0.468 |
| Confidence | 0.036 | 0.042 | 0.082 | 0.855 | 0.394 |
| Appropriate sentences | -0.149 | 0.069 | -0.181 | -2.156 | 0.032* |
| Perception of crime | -0.003 | 0.079 | -0.003 | -0.039 | 0.969 |
| Worry about crime | -0.307 | 0.078 | -0.237 | -3.950 | 0.000** |

* = Relationship is statistically significant at the $p < 0.05$ level.

** = Relationship is statistically significant at the $p < 0.01$ level.

²⁸ The categorical variables were entered into the regression equation as dummy variables, coded 0 or 1. Thus income (lower) was coded as 0 = upper/middle and 1 = lower, while media use (commercial/tabloid) was coded as 0 = non-commercial/broadsheet media and 1 = commercial/tabloid media.

Multivariate analyses: policy question

Using a logistic regression against respondents' policy choice, the multivariate analysis aimed to quantify the likelihood that a person would choose the policy of increasing the use of alternatives to imprisonment for each predictor, holding the other predictors constant.

Table 5 shows the variables in the logistic regression equation predicting the policy choice of increasing the use of alternatives to imprisonment. The model successfully accounted for 36% of the variance in the policy choice (Nagelkerke R Square = 0.355) and fit the data well (with a non-significant Hosmer-Lemeshow²⁹ test: $\chi^2(8, 233) = 5.204, p = 0.736$). Overall, the model correctly predicted 79.4% of the observations, although it was far more successful for predicting membership in the alternatives to imprisonment group (92.4% correctly predicted) than the build

more prisons group (43.5% correctly predicted). It is possible that the lack of success in predicting membership of the prison group was due to the smaller number of people who nominated this policy in the first instance (69 people compared with 199 preferring to increase the use of alternatives to imprisonment).

Of the eight predictors, only two were statistically significant: worry about crime and punitiveness. Policy preference was thus predicted by whether respondents worried a lot about crime and whether they generally were punitive.

Respondents who worried most about crime were 24% less likely to choose a policy approach involving alternatives to prison (odds ratio = 0.761, $p = 0.002$). Respondents who were more punitive were 13% less likely to prefer the policy of increasing the use of alternatives (odds ratio = 0.865, $p = 0.005$).

Table 5: Logistic regression against the policy choice of increasing the use of alternatives to imprisonment

| Predictor | Regression coefficient | Significance | Odds ratio | 95% confidence interval | |
|--------------------------------------|------------------------|--------------|------------|-------------------------|-------|
| | | | | Lower | Upper |
| Media use (commercial/tabloid) | 0.019 | 0.959 | 1.019 | 0.494 | 2.103 |
| Judges should reflect public opinion | -0.032 | 0.644 | 0.968 | 0.844 | 1.111 |
| Egalitarian courts | -0.084 | 0.356 | 0.920 | 0.770 | 1.099 |
| Punitiveness | -0.146 | 0.005** | 0.865 | 0.781 | 0.957 |
| Confidence | 0.081 | 0.088 | 1.084 | 0.988 | 1.189 |
| Appropriate sentences | -0.102 | 0.197 | 0.903 | 0.773 | 1.054 |
| Perception of crime | 0.023 | 0.808 | 1.023 | 0.849 | 1.233 |
| Worry about crime | -0.273 | 0.002** | 0.761 | 0.639 | 0.906 |

* = Relationship is statistically significant at the $p < 0.05$ level.

** = Relationship is statistically significant at the $p < 0.01$ level.

²⁹ The Hosmer and Lemeshow test assesses the relationship between expected values and observed values for each group of the dependent variable (for each of the two policy choices). A non-significant value indicates that the model is a good fit to the data.

Summary and discussion

The 300 randomly selected Victorians who participated in this survey were given the opportunity to consider the policy issue of prison overcrowding resulting from more people being sent to prison. By being presented with key facts about the issue, and arguments for both increasing the use of alternatives to prison and building more prisons, participants were able to respond to the survey questions with some degree of informed, considered judgment. That is, survey participants were not asked for their top-of-the-head responses but were instead provided with some relevant information to help them consider the issue more deeply.

As well as providing relevant information on this issue, the survey also asked participants to take on a decision-making role when choosing their preferred position. By asking participants to think of themselves as someone able to influence policy, who had to make decisions and justify those decisions, the survey allowed people to take the questions seriously and potentially to provide a more considered, thoughtful response than might otherwise have been the case without this role-taking.

The key findings to emerge from this study are as follows:

1. When faced with a forced choice question, there is strong support (74.3%) for the policy option of increasing the use of alternatives to imprisonment as a response to prison overcrowding.
2. There is very strong support for using alternatives to imprisonment for certain groups of offender, especially for mentally ill (91.7%), young (87.9%) or drug-addicted (83.5%) offenders.
3. Support for using alternatives to imprisonment for specific types of offender was related to respondents positioning themselves to the left of the political spectrum, classifying themselves as being in a lower income group, using non-commercial/broadsheet media as their main source of news and information, being less likely to believe that judges should reflect public opinion when sentencing, believing in the fairness of court processes, being less punitive, having more confidence in sentencing, believing that current sentences are appropriate, being less likely to believe that crime in Victoria has increased a lot and worrying less about becoming a victim of crime.
4. Support for the policy option of increasing the use of alternatives to imprisonment was related to the same group of variables as for the scale, with two exceptions: politics and income were not related to policy preference.
5. Acceptance of the use of alternatives to imprisonment for certain types of offender was predicted by three variables: lower levels of worry about crime, lesser perception of the leniency of current sentencing practices and self-classification as lower income.
6. Choosing the policy of increasing the use of alternatives to imprisonment as a response to prison overcrowding was predicted by two variables: lower levels of worry about crime and lower levels of punitiveness. Thus choosing the policy of building more prisons was predicted by respondents' having higher levels of worry about crime and higher levels of punitiveness.

These findings are generally consistent with previous Australian and international research on attitudes to imprisonment. The proportion of people favouring alternatives in the policy choice question (74%) is very similar to that found by Roberts and Doob (1989), with 70% of people in favour of increasing the use of alternatives. While the current study's result is much higher than the 45% found by Indermaur (1990), it is likely that the availability of a third option in that study (both more prisons and more alternatives) decreased the number of people choosing one option or the other.

Even for punitiveness – the variable with the greatest difference between those who chose prison and those who chose alternatives in the policy choice – this study still finds 50% support among the high punitiveness group for increasing the use of alternatives to imprisonment. Thus even for the most punitive of the survey respondents, half still accept increasing the use of alternatives to imprisonment when facing the policy dilemma of responding to overcrowding in prisons.

The results for acceptance of alternatives for specific types of offender are also consistent with previous research. Indeed, the results are almost identical to those found by the Irish Penal Reform Trust for mentally ill and drug-addicted offenders, while they are somewhat higher than Krisberg and Marchionna's (2007) results for young offenders (88% accepting alternatives for young offenders in the current study compared with three-quarters in the 2007 study).

In contrast to previous research on general punitiveness, this study found that the only demographic factor to be associated with acceptance of alternatives to imprisonment was income, with support at its strongest among lower income respondents. This is unexpected, as previous research has found more punitive attitudes generally among lower social class respondents. The contrasting result found in this study may be an artefact of measurement: the survey asked people to self-identify as upper, middle or lower income, rather than asking people for an exact income figure or to place themselves in a particular 'social class'. But there may be other possibilities. One alternative explanation has to do with the relationship between education and income. Research in this area (such as Roberts and Indermaur, 2007) has found that punitiveness is higher among the less educated. It is possible that there is no longer a close relationship between

education and income, as perhaps there used to be. That is, having a lower income does not necessarily mean people have less education. That people in lower income groups may also be highly educated may help explain this unexpected finding. The unexpected finding may also be due to the skewed age distribution of the sample. Older people may be on lower incomes such as pensions or superannuation but may have been in higher income groups while working. For those with less punitive views, the effect of the change in income level may have played a part in these anomalous results.

That the demographic variables as a whole failed to predict attitudes to imprisonment is also unexpected. Previous research has found that general punitiveness was highest among men, older respondents, working class respondents, those with less education and those who live in rural areas. There are two plausible explanations for the lack of relationship between the dependent variables and the demographic ones overall. The first is that the specific questions on alternatives to imprisonment may well be tapping a different construct from the one underlying general punitiveness questions. If this were the case, then one might expect a different set of variables to become prominent. The other possibility is that, given that participants in this survey were provided with the opportunity to respond in a more informed, considered and deliberate way than is typically found in a top-of-the-head survey, the judgment measured in this survey might once again result in a different set of variables becoming important. That is, when asked to provide informed judgment rather than immediate opinion, demographic differences between respondents may become far less pronounced.

The 'worry about crime' predictor was significant in both regression analyses, while punitiveness and perceptions of leniency in current sentencing practices were each a significant predictor in one of the regressions. There is a vast body of literature that has shown the (often circular) inter-connections among knowledge of crime, media use, confidence in sentencing and punitiveness. With all the attitudinal variables being significantly related to the dependent variables, the results of this study support previous research in finding that such measures of criminal justice attitudes play a critical role in predicting general punitiveness. Indeed, Roberts and Indermaur (2007) conclude that there is a strong constellation of beliefs about crime and justice that underpin punitive attitudes. Extrapolating from the general (levels of punitiveness) to the more specific (acceptance of alternatives to imprisonment), the results of this study confirm such previous work in showing that a constellation of beliefs about crime and the criminal justice system are related to the acceptance of alternatives to imprisonment.

In particular, a respondent's worry about crime was the most significant of the attitudinal variables in this research, playing a statistically significant role in both of the predictive models. It is possible that the older age profile of the sample had some influence on the strength of this variable, as research has shown that older people tend to be more worried about crime (see, for example, Spratt and Doob, 1997, p. 281).

While variables measuring media use were not significant in either of the regressions, commercial/tabloid media use was significantly related to low levels of acceptance of alternatives to imprisonment for specific offenders. Thus it is likely that media use did in fact exert some indirect effect in predicting people's acceptance of alternatives to imprisonment, via levels of worry about crime. Previous research has shown the integral role played by the media in influencing public opinion on crime and justice, as the media construct the public 'reality' of crime (see, for example, Roberts et al., 2003; Indermaur, 2000).

The importance of respondents' worry about crime, but not their objective perception of crime, in their acceptance of alternatives to imprisonment reflects a key component of crime and justice policy: regardless of the facts about crime and whether crime is increasing or decreasing, crime and justice policy, by its very nature, taps a more emotional facet of people's opinions. As Freiberg (2001) notes, this is the difference between effective and affective justice: in the context of community penalties, rational appeals about the cost of imprisonment and the growing number of prisoners will have only limited impact as public attitudes are driven largely by emotive concerns. It is precisely this affective aspect that has been brought to the fore in the current study, with respondents' worries having a significant impact on their attitudes.

Conclusion

This sample of the Victorian public clearly favours the idea of increasing the use of alternatives to prison such as supervision, treatment and community work. Respondents to this survey were accepting of alternatives to imprisonment as a general policy to reduce prison overcrowding and were especially accepting of specific alternatives for certain offenders. People who had positive attitudes towards the courts and sentencing, and were less worried about crime, were more likely to accept alternatives to imprisonment. People who were critical of the courts and who were worried about levels of crime were less likely to support alternatives.

These findings provide evidence of community views in Victoria about alternatives to imprisonment and suggest that, contrary to common myths, the Victorian community may not be as punitive as is commonly portrayed.

Acknowledgements

The author would like to thank members of the national survey team for valuable comments on an earlier draft of this paper.

Appendix A

Table A1: Description and coding for each attitudinal variable

| Measure | Description | High score coding |
|--------------------------------------|---|--|
| Appropriate sentences | Measures perceptions of leniency of current sentencing practices | Greater perceived leniency in sentencing |
| Evaluation of the media | Measures degree of acceptance of information presented by media (or levels of media scepticism) | Greater uncritical acceptance of the media (or lower scepticism) |
| Perception of crime | Measures extent to which crime is thought to be increasing (knowledge of actual crime trends) | Greater perceived increases in crime levels |
| Worry about crime | Measures worry about becoming a victim of crime | High levels of worry about crime |
| Judges should reflect public opinion | Measures desire for judges to reflect community opinion when sentencing | Greater belief that judges should reflect public opinion |
| Egalitarian courts | Measures confidence in court processes and treatment of people | High confidence in court processes |
| Punitiveness | Measures a desire for harsher punishment of offenders | High punitiveness |
| Confidence | Measures confidence in the sentencing of criminal cases | High confidence |

Appendix B

Table B1: Relationship between socio-demographic and attitudinal variables and favouring the policy choice of increasing the use of alternatives to imprisonment

| Measure ^a | Classification within measure | Total N | % favouring policy of increasing the use of alternatives to prison ^b | Chi-square p-value ^c |
|---------------------------------------|-------------------------------|---------|---|---------------------------------|
| Age | Younger | 62 | 75.8 | 0.981 |
| | Middle | 120 | 75.0 | |
| | Older | 78 | 74.4 | |
| Gender (female) | Male | 141 | 77.3 | 0.271 |
| | Female | 126 | 71.4 | |
| Education (tertiary) | Non-tertiary | 124 | 69.4 | 0.071 |
| | Tertiary | 143 | 79.0 | |
| Income (lower) | Middle/Upper | 217 | 72.8 | 0.179 |
| | Lower | 50 | 82.0 | |
| Region (metro) | Non-metro | 115 | 76.5 | 0.516 |
| | Metro | 152 | 73.0 | |
| Politics | Left | 95 | 81.1 | 0.193 |
| | Middle | 78 | 71.8 | |
| | Right | 91 | 70.3 | |
| Experience with the courts | Yes experience | 95 | 76.8 | 0.520 |
| | No experience | 172 | 73.3 | |
| Media use (commercial/tabloid) | Non-commercial/broadsheet | 137 | 80.3 | 0.027* |
| | Commercial/tabloid | 130 | 68.5 | |
| Appropriate sentences | Low | 84 | 91.7 | 0.000** |
| | Medium | 100 | 72.0 | |
| | High | 70 | 52.9 | |
| Evaluation of the media | Low | 75 | 74.7 | 0.989 |
| | Medium | 112 | 75.0 | |
| | High | 77 | 74.0 | |

| Measure ^a | Classification within measure | Total N | % favouring policy of increasing the use of alternatives to prison ^b | Chi-square p-value ^c |
|---|-------------------------------|---------|---|---------------------------------|
| Perception of crime | Low | 93 | 83.9 | 0.003** |
| | Medium | 88 | 75.0 | |
| | High | 80 | 61.2 | |
| Worry about crime | Low | 87 | 89.7 | 0.000** |
| | Medium | 95 | 72.6 | |
| | High | 80 | 62.5 | |
| Judges should reflect public opinion | Low | 87 | 86.2 | 0.004** |
| | Medium | 51 | 74.5 | |
| | High | 126 | 65.9 | |
| Egalitarian courts | Low | 86 | 65.1 | 0.032* |
| | Medium | 67 | 74.6 | |
| | High | 100 | 82.0 | |
| Punitiveness | Low | 82 | 96.3 | 0.000** |
| | Medium | 122 | 72.1 | |
| | High | 62 | 50.0 | |
| Confidence | Low | 68 | 55.9 | 0.000** |
| | Medium | 106 | 71.7 | |
| | High | 92 | 91.3 | |

* = Relationship is statistically significant at the p<0.05 level.

** = Relationship is statistically significant at the p<0.01 level.

^a Socio-demographic variables were divided into categories on the basis of expectations derived from the theoretical and research literature. Attitudinal variables were divided into categories on the basis of their quartile distributions (low = bottom 25% of responses; medium = middle 50% of responses; high = top 25% of responses).

^b This figure represents the proportion of people within each category (the row percentage) who favoured the policy of increasing the use of alternatives to prison.

^c Relationships were considered significant if they reached the 0.05 level of significance.

References

- Allen, R. (2002). 'What Does the Public Think about Sentencing?' *Criminal Justice Matters*, 49: 6–41.
- Australian Bureau of Statistics (2007). *Community Profile 2006*. Cat. No.2001.0. Canberra: Australian Bureau of Statistics.
- Australian Bureau of Statistics (2009). *Recorded Crime – Victims 2008*. Cat. No.4510.0. Canberra: Australian Bureau of Statistics.
- Australian Bureau of Statistics (2010a). *Corrective Services, Australia*. Cat. No.4512.0. Canberra: Australian Bureau of Statistics.
- Australian Bureau of Statistics (2010b). *Prisoners in Australia*. Cat. No.4517.0. Canberra: Australian Bureau of Statistics.
- Corrections Victoria (2010). *Statistical Profile of the Victorian Prison System 2005–06 to 2009–10*. Melbourne: Corrections Victoria.
- Cortina, J. M. (1993). 'What Is Coefficient Alpha? An Examination of Theory and Applications.' *Journal of Applied Psychology*, 78(1): 98–104.
- Donziger, S. A. (1996). *The Real War on Crime: The Report of the National Criminal Justice Commission*. New York: Harper Collins.
- Doob, A. (2000). 'Transforming the Punishment Environment: Understanding Public Views of What Should Be Accomplished at Sentencing.' *Canadian Journal of Criminology*, 42(3): 323–340.
- Freiberg, A. (2001). 'Affective versus Effective Justice: Instrumentalism and Emotionalism in Criminal Justice.' *Punishment and Society*, 3(2): 265–278.
- Gelb, K. (2006). *Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing*. Melbourne: Sentencing Advisory Council.
- Gelb, K. (2008). *More Myths and Misconceptions*. Melbourne: Sentencing Advisory Council.
- George, D. and P. Mallery (2003). *SPSS for Windows Step by Step: A Simple Guide and Reference*. 11.0 Update (4th ed). Boston: Allyn & Bacon.
- Hartney, C. and S. Marchionna (2009). *Attitudes of US Voters toward Nonserious Offenders and Alternatives to Incarceration*. Focus: Views from the National Council on Crime and Delinquency, June 2009. Oakland, CA: National Council on Crime and Delinquency.
- Hough, M. and J. V. Roberts (2004). *Youth Crime and Youth Justice: Public Opinion in England and Wales*. London: Institute for Criminal Policy Research.
- Hough, M., J. V. Roberts, J. Jacobson, N. Moon and N. Steel (2009). *Public Attitudes to the Principles of Sentencing*. Sentencing Advisory Panel Research Report no. 6. London: Sentencing Advisory Panel.
- Indermaur, D. (1990). *Crime Seriousness and Sentencing: A Comparison of Court Practice and the Perceptions of a Sample of the Public and Judges*. Canberra: Criminology Research Council.
- Indermaur, D. (2000). 'Voodoo Politics in the Era of the TV Game Show: Public Opinion, the Media and Political Decision Making.' Presentation to the Centre for Criminology at the University of Hong Kong and the Hong Kong Criminological Society.
- Irish Penal Reform Trust (2007). *Public Attitudes to Prison*. TNS/MRBI.
- Jones, C. and D. Weatherburn (2010). 'Public Confidence in the NSW Criminal Justice System: A Survey of the NSW Public.' *Australian and New Zealand Journal of Criminology*, 43(3): 506–525.
- Judicial College of Victoria (2010). *Victorian Sentencing Manual*. <<http://www.justice.vic.gov.au/emanuals/VSM/default.htm>>. Accessed 25 January 2011.
- Justice I Committee [Scotland] (2002). *Public Attitudes towards Sentencing and Alternatives to Imprisonment*. Scotland: Justice I Committee.
- Krisberg, B. and S. Marchionna (2007). *Attitudes of US Voters toward Youth Crime and the Justice System*. Focus: Views from the National Council on Crime and Delinquency, February 2007. Oakland, CA: National Council on Crime and Delinquency.
- Liedka, R. V., A. Morrison Piehl and B. Useem (2006). 'The Crime-Control Effect of Incarceration: Does Scale Matter?' *Criminology and Public Policy*, 5(2): 245–276.
- Productivity Commission (Steering Committee for the Review of Government Service Provision) (2009). *Report on Government Services 2009*. Melbourne: Productivity Commission.
- Productivity Commission (Steering Committee for the Review of Government Service Provision) (2011). *Report on Government Services 2011*. Melbourne: Productivity Commission.
- Roberts, J. and A. Doob (1989). 'Sentencing and Public Opinion: Taking False Shadows for True Substances.' *Osgoode Hall Law Journal*, 27(3): 491–515.
- Roberts, J. V., L. J. Stalans, D. Indermaur and M. Hough (2003). *Penal Populism and Public Opinion: Lessons from Five Countries*. Oxford: Oxford University Press.
- Roberts, L. and D. Indermaur (2007). 'Predicting Punitive Attitudes in Australia.' *Psychiatry, Psychology and Law*, 14(1): 56–66.
- Schwartz, I., S. Guo and J. Kerbs (1992). 'Public Attitudes toward Juvenile Crime and Juvenile Justice: Implications for Public Policy.' *Journal of Public Law and Policy*, 13: 241–261.

Sprott, J. and A. Doob (1997). 'Fear, Victimization, and Attitudes to Sentencing, the Courts, and the Police.' *Canadian Journal of Criminology*, 39(3): 275–291.

Tait, D. (2001). *The Effectiveness of Criminal Sanctions: A Natural Experiment*. Report 33/96–7 to the Criminology Research Council. Canberra: University of Canberra.

Walker, J., M. Collins and P. Wilson (1987). 'How the Public Sees Sentencing: An Australian Survey.' *Trends and Issues in Criminal Justice* no. 4. Canberra: Australian Institute of Criminology.

Weatherburn, D., S. Vignaendra and A. McGrath (2009). *The Specific Deterrent Effect of Custodial Penalties on Juvenile Reoffending*. Australian Institute of Criminology Technical and Background Paper 33. Canberra: Australian Institute of Criminology.

Woodhouse, B. (2010). *Sentencing for Armed Robbery: A Statistical Profile*. Melbourne: Sentencing Advisory Council.

Other publications of the Sentencing Advisory Council

Measuring Public Opinion about Sentencing

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

Myths and Misconceptions: Public Opinion versus Public Judgment about Sentencing

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

More Myths and Misconceptions

More Myths and Misconceptions revisits some of the key messages derived from the original *Myths and Misconceptions* paper and updates these findings with the most recent research available.

Gender Differences in Sentencing Outcomes

Gender Differences in Sentencing Outcomes considers differences in sentencing outcomes for men and women. The report examines research literature and presents data from Victoria on police recorded offending and police statistics.

Mandatory Sentencing

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

Suspended Sentences Review

The Council's review of suspended sentences has produced an information paper, discussion paper, interim report and two final reports. A monitoring report released in 2010 looks at the use of suspended sentences in Victoria between November 2006 and June 2009.

All Sentencing Advisory Council publications are available at

www.sentencingcouncil.vic.gov.au

Authored for the Sentencing Advisory Council by Dr Karen Gelb.

Published by the Sentencing Advisory Council
Melbourne Victoria Australia.

© Copyright State of Victoria, Sentencing Advisory Council, March 2011.
This publication is protected by the laws of copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968* (Cth).

ISBN: 978-1-921100-66-6 (Print)
978-1-921100-67-3 (Online)

Also published at www.sentencingcouncil.vic.gov.au

Authorised by the Sentencing Advisory Council, 4/436 Lonsdale Street,
Melbourne.

Printed by Bigprint, 50 Lonsdale Street, Melbourne.

Printed on recycled paper
ISO 14001 environmental management system in place.